

MINUTES

A meeting of the Alabama Real Estate Commission was held August 24, 2011, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges, Vice Chairman Jewel Buford; Commissioners Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer.

Other staff in attendance were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Accounting and Personnel Manager Molli Jones, Information Technology Manager Nancy Barfield, Assistant Information Technology Manager Brett Scott, Programmer Analyst Matt Davis, Education Specialist Julie Norris and Legal Assistant Ernestine Reeves.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 9:00 a.m. by Chairman Sheila Hodges.

Chairman Hodges reflected Alabama's hosting of the recently held ARELLO District Conference and commended the staff for their role in making it a success. She noted complimentary emails from the Texas Real Estate Commission and from Bill Wald, the new CEO of ARELLO. The entire Commission recognized and thanked Commissioner Riggins-Allen for singing both Saturday and Sunday at the conference. It was enjoyed by all as evidenced by comments from attendees. Executive Director Philip Lasater commended Commissioners, the conference task force and staff who all contributed special talents, skills and willingness to enthusiastically participate to produce one of the best ever ARELLO conferences.

Chairman Hodges recognized and welcomed Carole Harrison, newly appointed Commissioner from the 3rd Congressional District, who attended to observe the meeting.

Commissioner Buford made a motion to approve the July minutes as presented. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater addressed the July Financial statement. He noted that revenues continue under projections as do expenditures. He shared that State Treasurer Young Boozer and his Investment Officer have been meeting with all boards and commissions that have money to invest. Mr. Lasater, Ms. Jones, Chief Accountant, and the Commission's general counsel Charles Sowell met with them sharing information that would best invest our funds.

Mr. Lasater and Commissioner Cawthon are on the Long Range Planning committee for ACRE (Alabama Center for Real Estate) meeting tomorrow and is exploring the possibility of requesting Commissioners to budget a grant to ACRE for education and research activities.

Chairman Hodges inquired about the new travel guidelines. Mr. Lasater explained the changes in out of state travel requirements particularly as it relates to mode of transportation, meals and rental

cars. Commissioner Morris shared that she has talked with Representative Barry Mask regarding the limitations on reimbursement for in-state travel when Alabama is the host state for a conference.

Mr. Lasater noted that Dean Barry Mason is retiring from the University of Alabama, College of Business Administration. He will be recognized for his long standing support of ACRE at the UA Fare in Tuscaloosa scheduled for September 1, 2011. Commissioner Watts made a motion to present a resolution to Dean Mason. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Mr. Lasater introduced and welcomed new staff member Ernestine Reeves who is replacing Reginald Foster as the assistant to Legal and Enforcement. She transferred to the Commission from the Criminal Justice Information Center and has worked for the state for eleven years.

Commissioner Morris made a motion to adopt the proposed 2012 calendar for tentative meeting dates. Commissioner Watts seconded the motion and it passed unanimously 9-0. In accordance with the Open Meetings Act, the new dates will be immediately noticed.

Commissioner Watts made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in executive session. Commissioner Cawthon seconded the motion and it passed unanimously 9-0 with the following Commissioners voting in favor of the motion: Chairman Sheila Hodges, Vice Chairman Jewel Buford, Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts and Nancy Wright.

Alabama Real Estate Commission vs. Team Linda Simmons Real Estate, Inc.; U S A MMRP Referral Company LLC; Judith H. Poss and Linda Simmons, Formal Complaint No. 3238

Upon discussion of the evidence and testimony presented in the matter of Team Linda Simmons Real Estate Inc. Enterprise, Alabama; U S A MMRP Referral Company LLC, Enterprise, Alabama; Judith H. Poss, Former Qualifying Broker, Team Linda Simmons Real Estate, Inc., Enterprise, Alabama; Judith H. Poss, Qualifying Broker, U S A MMRP Referral Company LLC, Enterprise, Alabama, and Linda Simmons, Salesperson/Owner, Team Linda Simmons Real Estate, Inc., Enterprise, Alabama, and Owner, U S A MMRP Referral Company, LLC, Enterprise, Alabama, and the alleged violations of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(21) as amended, by misrepresenting or failing to disclose to any lender, guaranteeing agency, or any other interested party, the true terms of a real estate transaction in the sale of 105 Joshua Drive, Enterprise, Alabama.; Count 2: Section 34-27-36(a)(21) as amended, by misrepresenting or failing to disclose to any lender, guaranteeing agency, or any other interested party, the true terms of a real estate transaction in the sale of 121 Commons Drive, Enterprise, Alabama; Count 3: Section 34-27-36(a)(21) as amended, by misrepresenting or failing to disclose to any lender, guaranteeing agency, or any other interested party, the true terms of a real estate transaction in the sale of 262 Jones Road, Newton, Alabama; Count 4: Section 34-27-36(a)(21) as amended, by misrepresenting or failing to disclose to any lender, guaranteeing agency, or any other interested party, the true terms of a real estate transaction in the sale of 367 County Road 556, Enterprise, Alabama; Count 5: Section 34-27-36(a)(21) as amended, by misrepresenting or failing to disclose to any lender, guaranteeing agency, or any other interested party, the true terms of a real estate transaction in the sale of 202 Wellston Drive, Enterprise, Alabama; and Count 6: Section 34-27-36(a)(21) as amended, by their misrepresentation or failure to disclose to any lender, guaranteeing

agency, or any other interested party, the true terms of a real estate transaction in the sale of 404 Chase Valley Drive, Enterprise, Alabama; Commissioners made the following decisions.

On Count #1, Commissioner Cawthon made a motion to find Ms. Poss, Ms. Simmons and the company guilty and fine each \$2,500. The motion died for lack of a second. Commissioner Cawthon made a motion to find Ms. Poss, Ms. Simmons and the company guilty and fine each \$1,000. Commissioner Sharp seconded the motion and it passed 8-1 with Commissioner Riggins-Allen voting no. Commissioner Morris made a motion to dismiss the lender from the count. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

On Count #2, Commissioner Buford made a motion to dismiss the count. The motion died for lack of a second. Commissioner Morris made a motion to find Ms. Poss, Ms. Simmons and the company guilty and fine each \$400. Commissioner Riggins-Allen seconded the motion and it passed 8-1 with Commissioner Buford voting no.

On Count #3, Commissioner Morris made a motion to dismiss the count. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

On Count #4, Commissioner Wright made a motion to dismiss the count. Commissioner Buford seconded the motion and it passed unanimously 9-0.

On Count #5, Commissioner Buford made a motion to dismiss the count. Commissioner Watts seconded the motion and it failed 3-6 with Commissioners Morris, Wright, Watts, Sharp, Riggins-Allen and Hodges voting no. Commissioner Wright made a motion to find Ms. Poss, Ms. Simmons and the company guilty and fine them \$1,000 each. Commissioner Riggins-Allen seconded the motion and it passed 8-1 with Commissioner Buford voting no.

On Count #6, Commissioner Morris made a motion to dismiss the count. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

Sharon Kay Kelley, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3243

Upon review of the evidence and testimony presented in the matter of Sharon Kay Kelley, Temporary Salesperson, RealtySouth Inverness Branch, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Buford made a motion to find Ms. Kelley guilty and fine her \$250. Commissioner Morris seconded the motion and it passed 8-1 with Commissioner Watts voting no.

Michael Bowe, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3244

Upon review of the evidence and testimony presented in the matter of Michael Bowe, Salesperson, Total Realty Services, Inc., d/b/a Exit Total Realty, Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) by presenting to the

Alabama Real Estate Commission, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Wright made a motion to find Mr. Bowe guilty and fine him \$250. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Marvis Carter, Hardship Request for Home Office Approval, Investigative File I-13,687

Upon review of the request by Ms. Carter for Commission approval to operate her real estate company from her home, Commissioner Morris made a motion to deny her request. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Confirm Next Meeting Date and Location for the Record: September 23, 2011, 9:00 a.m.,
Montgomery**

Commissioner Watts made a motion to approve the next Commission meeting date and location for September 23, 2011, at 9:00 a.m. in Montgomery, Alabama. Commissioner Morris seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 5:10 p.m.

Done this 24th day of August, 2011.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary