

MINUTES

A meeting of the Alabama Real Estate Commission was held February 21, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Danny Sharp; Commissioners Emmette Barran, Cindy Denney, Joyce Harris, Carole Harrison, Vaughn Poe, and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Mandy Lynn; Investigators David Erfman, K.C. Baldwin, Rickey Fennie and Marshall Simons. The Hearing Officer was Jim Hampton. Commissioner Reid Cummings was absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Accounting and Personnel Director Molli Jones; Information Technology Systems Specialist Steven Brown; Licensing Administrator Anthony Griffin and Executive Assistant Barbi Lee.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:00 a.m. and a quorum was declared.

Vice Chairman Sharp made a motion to approve the minutes from the January 17, 2019 Commission meeting. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Executive Director Pat Anderson presented the January 2019 financial report. Revenues are above previous years' receipts and expenditures are as anticipated at this time. The amount paid to other state agencies for services is \$68,000. Ms. Anderson stated there was no additional news on the Department of Finance's elevator contract.

Ms. Anderson explained that Temporary Licensees did not increase. There were 361 individuals who took the exam in January 2019, the lowest number in four years, compared to 397 in 2018.

Ms. Anderson discussed the letter from the Consumer Federation of America concerning confusion by home buyers and sellers regarding who represents them in real estate transactions. While the Commission continues to consider the matter, Chairman Watts noted there was no responsibility to respond directly, and after discussion the decision was made to not reply to the Federation's letter.

Executive Director Anderson reminded Commissioners that the final Sunset Training by the Examiners of Public Accounts is Friday, March 1. The hotel room block deadline is March 6 for the March Commission Meeting in Cullman and the North Alabama REALTOR® Leadership

Program Trustees and participants are thrilled that the Commission will be back this year. The ARELLO® Mid-Year Conference will be held April 10-13, and the hotel deadline is March 15.

Ms. Anderson introduced new special investigator Marshall Simons to the Commissioners. He is retired from the Drug Enforcement Agency with the Department of Justice.

General Counsel Mandy Lynn provided an appeals update. One appellee has filed a motion to dismiss the case and that hearing will be the week of February 25. Ms. Lynn stated one payment in the amount of \$750 has been processed from the Recovery Fund.

COMMISSIONER DISCUSSION

Chairman Watts asked Executive Director Anderson to discuss the Proposed Rule Change for 790-X-1-.18 Reciprocal License Requirements. Ms. Anderson explained that change is required to meet the requirements of Act 2018-540 known as the Military Family Jobs Opportunity Act. The change will allow licensing boards including the Commission to expedite applications for licensure of military spouses. A Public Hearing will be held at the March 21, 2019 Commission meeting in Cullman and written comments will be accepted until April 5. Final adoption of the rule will be voted on at the April 25, 2019 Commission meeting.

Commissioner Poe made a motion to approve the rule change as presented. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

Commissioners were advised that Task Force information is being updated and will be sent out to all members.

Commissioner Barran made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Commissioner Poe seconded the motion and it passed unanimously 8-0.

HEARINGS AND APPEARINGS

Anthony Brien Cornett, Application for Determination of Licensing Eligibility, Investigative File I-15,478

Upon discussion of the evidence and testimony presented by Mr. Cornett regarding his application for determination of licensing eligibility, Commissioner Harrison made a motion to approve his application. Vice Chairman Sharp seconded the motion and it passed unanimously 8-0.

Bobby D. Tate, Request for Extension of Deadline to Submit Real Estate Salesperson Temporary License Application, Investigative File I-15,492

Upon discussion of the evidence and testimony presented by Mr. Tate regarding his request for an extension to submit his real estate salesperson temporary license application, Commissioner Smith made a motion to approve his request. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Danne Van Cleve, Application for Determination of Licensing Eligibility, Investigative File I-15,460

Upon discussion of the evidence and testimony presented by Mr. Van Cleve regarding his application for determination of licensing eligibility, Commissioner Barran made a motion to approve his application subject to full payment of restitution including all fines and fees. Commissioner Harris seconded the motion and it passed 6-2 with Commissioner Denney and Commissioner Poe voting against the motion.

Terrence Forman, Application for Real Estate Salesperson Temporary License, Investigative File I-15,494

Upon discussion of the evidence and testimony presented by Mr. Forman regarding his application for a real estate salesperson temporary license, Commissioner Harris made a motion to approve his application. Commissioner Smith seconded the motion and it passed 7-1 with Commissioner Denney voting against the motion.

Dianne Mattiace, Application for Real Estate Salesperson Reciprocal License, Investigative File I-15,334

Upon discussion of the evidence and testimony presented by Ms. Mattiace regarding her application for a real estate salesperson reciprocal license, Vice Chairman Sharp made a motion to deny her application. Commissioner Poe seconded the motion and it passed unanimously 8-0.

Erica Harris, Application for Real Estate Salesperson Temporary License, Investigative File I-15,482

Upon discussion of the evidence and testimony presented by Ms. Harris regarding her application for a real estate salesperson temporary license, Commissioner Barran made a motion to approve her application. Commissioner Denney seconded the motion and it passed unanimously 8-0.

Chivonne Hurst, Application for Real Estate Salesperson Temporary License, Investigative File I-15,493

Upon discussion of the evidence and testimony presented by Ms. Hurst regarding her application for a real estate salesperson temporary license, Commissioner Barran made a

motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Lakesha Farris, Request for Extension of Deadline to Pass the Salesperson License Examination, Investigative File I-15,474

Upon discussion of the evidence and testimony presented by Ms. Farris regarding her request for an extension of the deadline to pass the salesperson license examination, Commissioner Harrison made a motion to deny her request. Commissioner Denney seconded the motion and it passed unanimously 8-0.

Lelia Clark Snelson, Application for Real Estate Salesperson Temporary License, Investigative File I-15,457

Upon discussion of the evidence and testimony presented by Ms. Snelson regarding her application for a real estate salesperson temporary license, Vice Chairman Sharp made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Robert Oliver Hyde, Jr., Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3472

Robert Oliver Hyde, Jr., Inactive Broker, Germantown, Tennessee, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check payment for real estate license renewal which was returned unpaid by the bank upon which it was drawn.

Commissioner Harrison made a motion to find Mr. Hyde guilty and fine him \$250. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Stephen Colley, Request for Dismissal of Formal Complaint No. 3467

Upon discussion by General Counsel Mandy Lynn of Mr. Colley's request for dismissal of Formal Complaint 3467, Commissioner Barran made a motion to approve the dismissal of Formal Complaint 3467. Vice Chairman Sharp seconded the motion and it passed unanimously 8-0.

Jennifer Brooke Hammock, Request to Surrender License in Lieu of Bad Check Fine, Formal Complaint No. 3475

Upon review of the request from Ms. Hammock to surrender her license in lieu of paying an assessed fine in the amount of \$250, Commissioner Poe made a motion to accept the

surrender of license. Commissioner Barran seconded the motion and it passed unanimously 8-0.

It is noted that Ms. Hammock will have to pay the \$250 fine if she applies for a license again in the future.

Tommy J. Pruett, Hardship Request for Home Operation with Two Additional Licensees, Investigative File I-15,491

Upon review of the request from Mr. Pruett to allow two additional licensees at his home operation, Commissioner Denney made a motion to deny his request for additional licensees at his home office. Commissioner Poe seconded the motion and it passed unanimously 8-0.

Raymond Jackson Woods, Hardship Request for 60-Day Extension for Lapsed License, Investigative File I-15,496

Upon review of the hardship request from Mr. Woods for a 60-day extension for lapsed license, Commissioner Denney made a motion to deny his request. Commissioner Harrison seconded the motion and it passed 7-1 with Commissioner Harris voting against the motion.

LeTracey D. Tuck, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3469

LeTracey D. Tuck, Inactive Salesperson, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check payment for real estate license renewal which was returned unpaid by the bank upon which it was drawn.

Commissioner Harrison made a motion to find Ms. Tuck guilty and fine her \$250. Vice Chairman Sharp seconded the motion and it passed unanimously 8-0.

Andrew Tubbs, Request for Extension of Deadline to Pass the Salesperson License Examination, Investigative File I-15,498

Upon review of Mr. Tubbs' request for additional time to pass the salesperson license examination, Commissioner Smith made a motion to approve a 60-day extension effective the date the Notice is received. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

Jacquan Swoopes, Request for Extension of Deadline to Pass the Salesperson License Examination, Investigative File I-15,499

Upon review of Mr. Swoopes' request for an extension of the deadline to pass the salesperson license examination, Vice Chairman Sharp made a motion to approve a 60-day extension effective the date the Notice is received. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Confirm April Meeting Date and Location for the Record: April 25, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Harrison made a motion to approve the April meeting for April 25, 2019 at 9:00 a.m. in Montgomery, Alabama. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Next Commission Meeting: Thursday, March 21, 2019, 9:00 a.m. in Cullman, Alabama

Chairman Watts called for an Executive Session at 11:55 a.m. for 15-20 minutes to allow Commissioners to receive advice from General Counsel Mandy Lynn. Vice Chairman Sharp made a motion to go into Executive Session for 15-20 minutes to receive advice from counsel. Commissioner Smith seconded the motion and it passed unanimously 8-0. Commissioners reconvened in Open Meeting at 12:15 p.m. with all Commissioners present.

There being no further business, the meeting adjourned at 12:16 p.m.

Done this 21st day of February 2019.

Bill Watts, Chairman

Recording Secretary, Barbi Lee