

MINUTES

A meeting of the Alabama Real Estate Commission was held January 19, 2012, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Steve Cawthon; Commissioners Jewel Buford, Reid Cummings, Carole Harrison, Clif Miller, Dorothy Riggins-Allen, Danny Sharp 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, Interim Information Technology Manager Brett Scott and Accounting and Personnel Manager Molli Jones.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 1:00 p.m. by Chairman Bill Watts.

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

Mr. Lasater referenced the November and December financial statements. He noted the most significant thing they reflect is the continued decrease in numbers taking the exam. This then affects temporary and original license issuance. Expenditures are under projection.

Mr. Lasater introduced new custodian David Ryals. Commissioners and staff welcomed him. Mr. Lasater reminded Commissioners to go online to the Ethics Commission website by April 30 and complete the Statement of Economic Interest.

Mr. Lasater called attention to the 2012 calendar and the June 1 meeting date. He asked that Commissioners consider a late May date for that meeting as he had failed to factor that Commissioner Cummings would not be available for a meeting on June 1. After discussion, Commissioner Sharp made a motion to move the June 1 meeting date to May 24. Commissioner Buford seconded the motion and it passed unanimously 9-0.

The Chairman asked for reports from the two task forces that met on January 18, 2012. Commissioner Cawthon reported on the Task Force for Continuing Education by recapping that the Alabama Association of REALTORS® has asked for a 3 hour mandatory CE course in License Law and the Commission's Education Advisory Committee has asked for a mandatory CE course for all brokers in Risk Management. Chairman Watts asked the task force to study possible exemptions for certain age groups who attain competency and time served as a Commissioner for meeting the CE requirement. After reporting on the previous day's meeting, Commissioner Cawthon made a motion "to change the current CE requirement effective October 1, 2012 to 9

hours of elective courses and 6 hours of Risk Management with Risk Management offered in two tiers. The first tier will be a general 3 hour Risk Management course for all licensees and the second tier will be a 3 hour Risk Management course for brokers that they must take and a 3 hour Risk Management course for salespersons that they can take or choose from any other approved industry specific Risk Management course. Risk Management courses are to contain a substantial amount of License Law and must be offered by live classroom instruction only.” Subsequent to discussion Commissioners voted 9-0 in favor of the motion.

Commissioner Cawthon then elaborated on task force discussion regarding CE exemptions. He stated the task force will continue to study the possibility of exempting licensees who meet certain competency requirements. The task force reported that they are not in favor of time served as a Commissioner as meeting CE requirements.

Commissioner Cawthon made a motion that the Task Force for Continuing Education meet again at 8:30 a.m. on February 17, 2012. Commissioner Cummings seconded the motion and it passed the task force unanimously 4-0.

Commissioner Wright gave a report on the meeting of the Task Force for Review and Award of Grants. She reported that they did not reach any conclusions and will meet again at 8:00 a.m. on February 17, 2012.

Commissioner Buford made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open session. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Martella Evett Turner, Applicant for Salesperson’s Temporary License, I-13,747

Upon discussion of the evidence and testimony presented in the matter of Ms. Turner’s application for a salesperson’s temporary license, Commissioner Sharp made a motion to deny the request. Commissioner Buford seconded the motion and it passed 8-1 with Commissioner Miller voting no. Commissioners directed staff to include in the order to her that she can reapply after all moneys owed on the 2009 conviction are paid.

Christie D. Taylor, Applicant for Determination of Licensing Eligibility, I-13,751

Upon discussion of the evidence and testimony presented by Ms. Taylor regarding an application for determination of licensing eligibility, Commissioner Riggins-Allen made a motion to approve Ms. Taylor’s request. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Bradley Phillip Grimm, Formal Complaint No. 3253

Upon discussion of the evidence and testimony presented in the matter of Bradley Phillip Grimm, Inactive Salesperson, Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(23)a. by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or a crime involving moral turpitude, Commissioner Cawthon made a motion to accept Mr. Grimm's guilty plea and to revoke his license. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

James T. Riley, Waiver of Hearing and Plea of Guilty, Formal Complaint No. 3246

Upon review of the evidence and testimony presented in the matter of James T. Riley, Inactive Salesperson, 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 Buford made a motion to accept Mr. Riley's guilty plea and fine him \$250.00. Commissioner Miller seconded the motion. Commissioner Cawthon offered a friendly amendment that Mr. Riley must also pay the \$25 transfer fee and \$30 bad check fee and the total of \$305 must be paid with certified funds. Hearing no objection to the friendly amendment the Chairman declared the amendment adopted. The motion with amendment passed with a unanimous vote of 9-0.

Maxwell M. Oaks, Waiver of Hearing and Plea of Guilty, Formal Complaint No. 3255

Upon review of the evidence and testimony presented in the matter of Maxwell M. Oaks, Qualifying Broker, Oaks Commercial Realty, LLC, Cary, North Carolina, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-3-.01 in that Respondent did not notify the Commission in writing within 30 days of having moved the physical location of his company, Commissioner Buford made a motion to accept his guilty plea and fine him \$200.00. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Preasha J. Smith, Request for Hardship Renewal of Lapsed Salesperson License, I-13,764

Upon review of Ms. Smith's hardship request for late renewal, Commissioner Buford made a motion to deny Ms. Smith's request. Commissioner Wright seconded the motion and it passed unanimously 9-0.

James F. Knight, Surrender of License, Formal Complaint No 3254

Upon review of the evidence and testimony presented in the matter of James F. Knight, Qualifying Broker, James F. Knight, Gadsden, Alabama, and the alleged violations of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) via Alabama Real Estate Commission Rule 790-X-2-.07 by failing to identify his real estate company with a sign; Count 2: Section 34-27-36(a)(19) via Alabama Real Estate Commission Rule 790-X-3-.09(c) and Section 34-27-36(a)(31) by failing to ensure that the file for the closed transaction was maintained at his office; Count 3: Section 34-27-36(a)(19) via Alabama Real Estate Commission Rule 790-X-2-.17 by failing to publicly display the licenses of Respondent, the company and its two licensed salespersons; Count 4: Section 34-27-36(a)(8)b. by failing to deposit and account for at all times money that came into his possession that belonged to others in a separate federally insured account or accounts in a financial institution located in Alabama, Commissioner Buford made a motion to accept the surrender of Mr. Knight's license. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Randal Klinner, Request for Rehearing, I-13,733

Upon review of the request by Mr. Klinner for a rehearing, Commissioner Buford made a motion to deny the request for rehearing. The motion died for lack of a second. Commissioner Cawthon made a motion to allow a rehearing. Commissioner Riggins-Allen seconded the motion. The motion failed 2-7 with Commissioners Sharp, Wright, Buford, Watts, Miller, Harrison and Cummings voting no.

Confirm Next Meeting Date and Location for the Record: February 17, 2012, 9:00 a.m. in Montgomery

Commissioner Cawthon made a motion to approve the next Commission meeting date and location for February 17, 2012, at 9:00 a.m. in Montgomery, Alabama. Commissioner Miller seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 3:00 p.m.

Done this 19th day of January, 2012.

Bill Watts, Chairman

Patricia Anderson, Recording Secretary