

## MINUTES

A meeting of the Alabama Real Estate Commission was held January 23, 2020, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Danny Sharp; Vice Chairman Carole Harrison; Commissioners Reid Cummings, Melody Davis, Joyce Harris, Terri May and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman, Chief Policy Officer Vaughn Poe; Assistant General Counsel Starla Van Steenis; Investigators David Erfman, K.C. Baldwin, Rickey Fennie and Marshall Simons; and Auditor Anthony Brown. The Hearing Officer was Jim Hampton. Commissioners Emmette Barran and Bill Watts were 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, Education Specialist Julie Norris, Accounting and Personnel Director Molli Jones, Information Technology Director Brett Scott, 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 by Chairman Sharp at 9:00 a.m. and a quorum was declared.

Chairman Sharp stated the importance of registering for the Census in 2020 and encouraged everyone in attendance to register.

The oath of office was administered to new Commissioner Terri C. May by Executive Director Patricia Anderson. Ms. May has been appointed to serve as the Consumer-At-Large member.

In accordance with Section 34-27-7(f) of the License Law, Chairman Sharp asked for a motion to elect a Commission Chairman and Vice Chairman. Commissioner Cummings nominated Commissioner Danny Sharp for Chairman and Commissioner Carole Harrison for Vice Chairman. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Vice Chairman Harrison made a motion to approve the minutes from the November 21, 2019 Commission meeting. Commissioner Davis seconded the motion and it passed 6-0. Commissioner May did not vote because she had not been sworn in as a Commissioner as of the November 21 meeting.

Consultant Steve Windom provided Commissioners with a preview of the upcoming 2020 Legislative Session. The Legislature will convene on Tuesday, February 4. He stated that many bills have been prefiled with one bill of interest to all state agencies is the requirement to pay for all audits performed by the Examiners of Public Accounts. Mr. Windom expressed his appreciation for the opportunity to work with Commissioners and staff. Chairman Sharp and

Executive Director Anderson expressed their appreciation to Mr. Windom for his services to the Commission.

Ms. Anderson presented the November and December 2019 financial reports. She gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. Ms. Anderson explained there are additional payments to be made from the Recovery Fund.

A copy of the memo from State Comptroller, Kathleen Baxter, was provided to Commissioners explaining a half-cent decrease in the mileage rate for 2020.

Commissioners were also provided with hotel information for the Hampton Inn – Colonnade in Birmingham for the March 19, 2020 Commission meeting at the Birmingham Association of REALTORS®.

Ms. Anderson shared with Commissioners an invitation from the North Alabama REALTOR® Leadership Program requesting the Commission to hold the October 22, 2020 meeting in Cullman. After discussion among Commissioners, it was decided to discuss further at a later date.

Ms. Anderson reminded Commissioners the 2020 Mid-Year Meeting for ARELLO® is scheduled for April 29-May 2, 2020 in Savannah, Georgia. Hotel information was provided to Commissioners and additional information will be shared when available from ARELLO®.

Commissioners were also reminded of upcoming ACRE Events – ALAres2020 on February 6 and ACREcom20 on February 7.

## **COMMISSIONER DISCUSSION**

Education Director Ryan Adair presented to the Commission an in-depth review of the First-Time Examination Pass Rate Comparison for 2018 and 2019. Mr. Adair also presented new formats for the Licensing Exam Results and Reciprocal Licensing Exam Results reports that are provided to Commissioners each month for review. After review and discussion, Commissioners agreed the new format was acceptable for their monthly review.

Commissioner Cummings made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0.

## **HEARINGS**

**Alabama Real Estate Commission vs. Benjamin Matthew Styes and Laura L. Cardwell-Dennis, Formal Complaint No. 3500**

Benjamin Matthew Styes, Salesperson, Premier Trussville LLC, DBA Keller Williams Trussville, Alabama, was charged on **Count 1** with violating *Code of Alabama 1975*, Section 34-27-36(a)(6) by "Publishing or causing to be published any advertisement which deceives or which is likely to deceive the public, or which in any manner tends to create a misleading impression or which fails to identify the person causing the advertisement to be placed as a licensed broker or salesperson."

Regarding **Count 1**, Commissioner Cummings made a motion to find Benjamin Matthew Styes guilty. Commissioner Smith seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine Benjamin Matthew Styes \$500. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0.

Benjamin Matthew Styes, Salesperson, Premier Trussville LLC, DBA Keller Williams Trussville, Alabama, was charged on **Count 2** with violating *Code of Alabama 1975*, Section 34-27-36(a)(15) in that " ...if the licensee is a salesperson or associate broker, advertising himself or herself as a real estate agent without the name or trade name of the qualifying broker or company under whom the salesperson or associate broker is licensed appearing prominently on the advertising."

Regarding **Count 2**, Commissioner Cummings made a motion to find Benjamin Matthew Styes guilty. Commissioner Davis seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine Benjamin Matthew Styes \$500. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0.

Laura L. Cardwell-Dennis, Qualifying Broker, Premier Trussville LLC, DBA Keller Williams, Trussville, Alabama, was charged on **Count 3** with violating *Code of Alabama 1975*, Section 34-27-36(a)(15) "A qualifying broker or company, allowing a salesperson or associate broker licensed under him or her to advertise himself or herself as a real estate agent without the name or trade name of the qualifying broker or company appearing prominently on the advertising."

Regarding **Count 3**, Commissioner Cummings made a motion to find Laura L. Cardwell-Dennis guilty. Commissioner Smith seconded the motion and it passed unanimously 7-0. Commissioner Smith made a motion to fine Laura L. Cardwell-Dennis \$1,000. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Jean Thrasher and Laura L. Cardwell-Dennis, Formal Complaint No. 3502**

Jean Thrasher, Salesperson, Premier Trussville LLC, DBA Keller Williams Trussville, Alabama, was charged on **Count 1** with violating *Code of Alabama 1975*, Section 34-27-36(a)(6) by "Publishing or causing to be published any advertisement which deceives or which is likely to deceive the public, or which in any manner tends to create a misleading impression or which fails to identify the person causing the advertisement to be placed as a licensed broker or salesperson."

Regarding **Count 1**, Commissioner Cummings made a motion to find Jean Thrasher guilty. Commissioner Davis seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine Jean Thrasher \$500. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Jean Thrasher, Salesperson, Premier Trussville LLC, DBA Keller Williams Trussville, Alabama, was charged on **Count 2** with violating *Code of Alabama 1975*, Section 34-27-36(a)(15) in that " ...if the licensee is a salesperson or associate broker, advertising himself or herself as a real estate agent without the name or trade name of the qualifying broker or company under whom the salesperson or associate broker is licensed appearing prominently on the advertising."

Regarding **Count 2**, Commissioner Cummings made a motion to find Jean Thrasher guilty. Commissioner Harris seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine Jean Thrasher \$500. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Laura L. Cardwell-Dennis, Qualifying Broker, Premier Trussville LLC, DBA Keller Williams, Trussville, Alabama, was charged on **Count 3** with violating *Code of Alabama 1975*, Section 34-27-36(a)(15) "A qualifying broker or company, allowing a salesperson or associate broker licensed under him or her to advertise himself or herself as a real estate agent without the name or trade name of the qualifying broker or company appearing prominently on the advertising."

Regarding **Count 3**, Commissioner Cummings made a motion to find Laura L. Cardwell-Dennis guilty. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0. Commissioner Harris made a motion to fine Laura L. Cardwell-Dennis \$1,000. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Brittney Saraceni, Temporary Salesperson, Formal Complaint No. 3514**

Ms. Saraceni was not present for this hearing. Proper service was given as she signed for Certified Mail on December 24, 2019. The hearing was conducted in Ms. Saraceni's absence.

Brittney Saraceni, Temporary Salesperson, Huntsville, Alabama, was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find her guilty and fine her \$250. Commissioner Smith seconded the motion and it passed unanimously 7-0.

**Koran King, Application for Determination of Licensing Eligibility, Investigative File I-19,071**

Upon discussion of the evidence and testimony presented in the matter regarding his application for determination of license eligibility, Vice Chairman Harrison made a motion to approve his application. Commissioner Smith seconded the motion, and it passed 6-1 with Commissioner May voting against the motion.

**Phillip Steven Privett, Request for Extension of Deadline to Apply for Salesperson License, Licensing File LC2019-023**

Upon discussion of the evidence and testimony presented in the matter regarding his request for an extension of the deadline to apply for his salesperson license, Commissioner Cummings made a motion to approve his request. Commissioner Smith seconded the motion, and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Elizabeth Hopp, Salesperson, Formal Complaint No. 3511**

Ms. Hopp was not present for this hearing. Proper service was given as she signed for Certified Mail on December 26, 2019. The hearing was conducted in Ms. Hopp's absence.

Elizabeth Hopp, Salesperson, Madison, Alabama, was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find her guilty. Commissioner Smith seconded the motion and it passed unanimously 7-0. Commissioner Smith made a motion to fine her \$250. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Walter Simmons, Salesperson, Formal Complaint No. 3512**

Mr. Simmons was not present for this hearing. Proper service was given as he signed for Certified Mail on December 21, 2019. The hearing was conducted in Mr. Simmons' absence.

Walter Simmons, Salesperson, Huntsville, Alabama, was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find him guilty. Commissioner Harris seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine him \$1,000. Commissioner Smith seconded the motion and it passed unanimously 7-0.

**Lowell Geoffrey Martin, Application for Determination of Licensing Eligibility, I-19,082**

Upon discussion of the evidence and testimony presented in the matter regarding his application for determination of license eligibility, Commissioner Harris made a motion to approve his application. Commissioner Cummings seconded the motion, and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Tina Marie Daversa, Formal Complaint No. 3486 – Request for Rehearing**

Tina Marie Daversa, Revoked Salesperson, Orange Beach, Alabama, came before the Commission on September 26, 2019 regarding Formal Complaint 3486. At the conclusion of that hearing and after deliberation, the Commission issued an ORDER signed October 8, 2019, in which Ms. Daversa was found guilty of charges in the formal complaint and her real estate license was revoked. She was also fined a total of \$5,000.

Patrick F. Smith, Counsel for Ms. Daversa, submitted an Application for Rehearing on October 29, 2019, to the Commission pursuant to the *Code of Alabama, 1975, Section 34-27-37(d)* that states, “An accused, applicant, or other party to a case heard by the commission who is aggrieved by a final decision, may file an application for rehearing specifying grounds for relief within 30 days of receiving notice of the decision.”

Upon discussion of the arguments presented by Patrick F. Smith, Counsel for Tina Marie Daversa, in favor of a rehearing and arguments presented by Assistant General Counsel Starla Van Steenis, in opposition of a rehearing, Commissioner Cummings made a motion to deny the Request for Rehearing. Commissioner Harris seconded the motion and it passed 5-0. Commissioners Davis and May did not vote since they were not Commissioners at that meeting.

**Cherell Beal, Request for Licensure after Revocation, Investigative File I-19,123**

Upon discussion of the evidence and testimony presented in the matter regarding her request for licensure after revocation, the request was denied due to lack of a motion from Commissioners.

**Mary Angelo Bullard, Request for Extension of the Deadline for Course Completion and to Apply for Salesperson License, Licensing File LC2019-024**

Upon discussion of the evidence and testimony presented in the matter regarding her request for an extension of the deadline for course completion and to apply for her salesperson license, Commissioner Cummings made a motion to approve a 60-day extension. Vice Chairman Harrison seconded the motion, and it passed 6-1 with Commissioner Harris voting against the motion.

## **NOT APPEARINGS**

### **Amanda Oakes, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3497**

Amanda Oakes, Temporary Salesperson, Mobile, Alabama, was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to accept her guilty plea. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine her \$150. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0.

### **Betania Siu, Request for Extension of the Deadline to Pass the Salesperson License Examination, Education File ED2020-001**

Upon review of the request from Ms. Siu for an extension of the deadline to pass the salesperson license examination, the request was denied due to lack of a motion from Commissioners.

### **Henry Blevins, Request for Extension of the Deadline to Pass the Salesperson License Examination, Education File ED2020-002**

Upon review of the request from Mr. Blevins for an extension of the deadline to pass the salesperson license examination, Commissioner Cummings made a motion to grant a 60-day extension. Commissioner Smith seconded the motion and it passed unanimously 7-0.

**Confirm March Meeting Date and Location for the Record:** March 19, 2020, 9:00 a.m. in Birmingham, Alabama

Commissioner Smith made a motion to confirm the March meeting for March 19, 2020 at 9:00 a.m. in Birmingham, Alabama. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Next Commission Meeting:** Thursday, February 20, 2020, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 1:11 p.m.

Done this 23<sup>rd</sup> day of January 2020.

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Danny Sharp, Chairman

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Barbi Lee, Recording Secretary