

## MINUTES

The Alabama Real Estate Commission met June 4, 2004, at the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Poole; Vice-Chairman Gordon Henderson; Commissioners Roy Bragg, Thomas Hays, Bobby Hewes, Sheila Hodges, Lyman Lovejoy, Chester Mallory and Ruth Whitley; Executive Director Philip Lasater; Education Director Patricia Anderson; Legal Counsel Charles Sowell; Special Investigators David Erfman and Chuck Kelly. Hearing Officer was Tori Adams-Burk.

Commissioner Poole called the meeting to order at 9:00 a.m. and declared a quorum present.

Commissioner Hodges moved to approve the Minutes as presented from the May 7 meeting. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Chairman Poole welcomed all guests and opened the Public Hearing on proposed amendments to Rule 790-X-1-.11.

The following were recognized and made comments from their respective positions: Conrad Jackson, President of Montgomery Area of Association of Realtors, expressed opposition to the proposed change and requested that it remain the same; Dick Short, Treasurer of the Montgomery Area Association of Realtors, expressed opposition to the proposed rule on the basis that he felt Risk Management needed to be required of everyone; Ann Powell, licensee, instructor, and AAR Education Trustee, stated that she had also polled CE licensees. She spoke for a core type course and reported licensees generally split; J. Danny Cooper, Executive Vice-President of the Alabama Association of Realtors, reported he was representing President James Grant. He read a letter from Mr. Grant then added his own personal comments encouraging the Commission to retain an outside consultant to evaluate CE course content and delivery. The Public Hearing was then closed by Chairman Poole. The public comments along with those received in writing will be considered as Commissioners deliberate about the rule adoption. In order to fully consider the input it received, the Commission deferred its action on adoption until the July 30 meeting.

Upon request of General Counsel Charles Sowell and his recommendation to dismiss Formal Complaint #2791 due to a change in evidence as presented by a key witness, Commissioner Bragg moved to dismiss the Formal Complaint. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

The Financial Statement for April was reviewed with no action taken.

Former Commission Education Specialist Christine Porter was recognized and called forward. Her retirement resolution was presented by the Chair and seconded by the Vice-Chair. Commissioner Henderson read and presented the resolution.

Commission attendees to the upcoming ARELLO Southern District meeting in Charleston, South Carolina, June 24-27, include: Bill Poole, Gordon Henderson, Sheila Hodges, Chester Mallory, Ruth Whitley, Philip Lasater, Pat Anderson and Charles Sowell.

New Education Specialist David Bowen was introduced and welcomed to the Real Estate Commission staff.

Commissioner Henderson reported from the Committee on the Assistant Executive Director search process. Present for the Committee meeting were Commissioners Henderson, Hodges, Mallory, Poole and Executive Director Philip Lasater. Copy for the announcement was approved. Placement of the position notice, qualifications and interview process were to appear in the Sunday, June 13 edition of the Montgomery Advertiser. Submissions will be received through the close of business July 1. Philip Lasater is to screen submissions and interview 10-15 candidates selecting from that group the top five for the Commission committee to interview on Friday, July 9, at 1:00 PM. The Committee will make its recommendation to the full Commission at the July 30 meeting.

Commissioner Whitley presented the compilation of edited revisions on the Consumer Information Booklet. Commissioner Henderson made the motion to accept the edited copy of the Consumer Information Booklet and to submit it to AREREC at their Trustees meeting on June 10 and to also compliment the committee on their work. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

It was the consensus of the Commission that the July 30 meeting agenda in Mobile be limited to the next CE crediting Rule public hearing and the Dauphin Island Angel hearing.

## **HEARINGS**

### **Alabama Real Estate Commission vs. Rene L. Cook, Formal Complaint No. 2814**

Continued.

### **Alabama Real Estate Commission vs. Donnie K. Stewart, Applicant for Temporary Salesperson's License, I-11,337**

Upon discussion of Mr. Stewart's application for temporary license, Commissioner Hays moved to approve licensure for Mr. Stewart. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

## **NOT APPEARING ITEMS FOR RULING**

### **Alabama Real Estate Commission vs. Christi M. Harpe, Formal Complaint No. 2812**

Commissioner Henderson moved to accept the affidavit of surrender from Christi Harpe which constituted a revocation. Commissioner Whitley seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Belview Real Estate Co., Report on Formal Complaint No. 2802**

The report of the follow-up audit on Belview Real Estate confirmed compliance as directed by Commission order.

There being no further business, the Commission adjourned at 11:25 a.m.

Done this 4<sup>th</sup> day of June, 2004.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary