

MINUTES

A meeting of the Alabama Real Estate Commission was held November 19, 2020 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. This meeting was also available by video teleconference (VTC).

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

Chairman Harrison called the roll and the following Commissioners indicated their presence with a spoken "present": Commissioners Emmette Barran, Jimmie Ann Campbell, Reid Cummings, Joyce Harris, Terri May, Susan Smith and Bill Watts. A quorum was declared.

Commission staff members in attendance or participating via VTC were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Van Steenis; Assistant General Counsel Zack Burr; Investigators K.C. Baldwin, David Erfman, Rickey Fennie and Marshall Simons; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Lori Moneyham; Communications and Public Relations Assistant La'Tanya Knight; Education Director Ryan Adair; Education Specialist Pam Oates; Accounting and Personnel Director Molli Jones; Auditors Denise Blevins, Anthony Brown and Vickie Shackelford; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Commissioner May made a motion to approve the minutes from the October 22, 2020 Commission meeting. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Executive Director Vaughn Poe welcomed everyone to the last meeting of 2020. He announced that Commissioner Melody Davis has resigned her position as a Commissioner as she was elected mayor of the Reform, Alabama. Her resignation was effective November 2, 2020, the day she was sworn into office. Mr. Poe presented the October 2020 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. To date, we have taken advantage of \$13,000 in COVID-19 reimbursements. There have been no additional payouts from the Recovery Fund.

He expressed his appreciation to the Commission staff. He praised everyone for being superlative performers in 2020 despite a change in leadership, a global pandemic during a renewal cycle and changes in the way companies are audited. Chairman Harrison expressed her appreciation to Director Poe for the acknowledgement of the Commission's staff and their hard work in going above and beyond.

Mr. Poe advised Commissioners that 29,879 renewals had been received with 28,000 of those processed online. The total number of licensees is just over 35,000. He reminded everyone that the deadline to complete continuing education was extended to December 31, 2020; however, the statewide CE completion rate and progress is less than impressive.

Director Poe stated that additional modernization is planned for 2021 including e-delivery of *The Update* newsletter, use of Facebook Live for the monthly *Briefly Legal* question and answer emails, implementation of a new licensee management system (ELIAS), and introduction of a Point-of-Sale (POS) device at the Welcome Center.

Mr. Poe informed Commissioners there has been one bill prefiled relevant to all boards and commissions (HB-26).

Director Poe commended General Counsel Starla Van Steenis and Assistant General Counsel Zack Burr for being guest speakers for the Birmingham Area Association of REALTORS®.

Commissioners were reminded of the upcoming Commissioner training scheduled for Thursday, December 10, 2020 at 10:00 a.m.

COMMISSIONER DISCUSSION

Education Director Ryan Adair presented the proposed changes to the Commission's Contingency Plan for COVID-19 regarding virtual course offerings and license examination deadlines. He stated the Education Division has grown increasingly concerned about the quality of education offered through synchronous distance education platforms such as Zoom and Microsoft Teams. Allowing immediate use of these platforms was important and necessary through 2020 due to COVID-19. He informed Commissioners that ARELLO® Distance Education Certification will have a dedicated program to work with schools to certify their synchronous distance education courses as of January 1, 2021. This certification will be less expensive than other online programs because of the nature of the course review process but is every bit as important.

He explained that the ARELLO® certification will address concerns and proposed that the current exception for these courses be discontinued, after providing adequate time for schools to acquire the necessary distance education certification, as follows:

1. Extend approval of Zoom or similar platform courses from December 31, 2020 to June 30, 2021.
2. Upon approval by the Commission, an email will be sent to all schools and instructors in early December explaining the extension and the requirements.
3. The Commission will advertise and encourage ARELLO® certification during this period, including the reduced synchronous distance education fees, effective January 1, 2021.

4. As of July 1, 2021 no courses will be allowed to be offered through Zoom or similar platforms unless they are ARELLO® certified.

Upon discussion of virtual course offerings, Commissioner Campbell made a motion to extend the accommodation of uncertified synchronous distance education courses until July 1, 2021. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Mr. Adair informed Commissioners there are plans to clarify Administrative Rule 790-X-1.-14 *Student Attendance Participation Standards* to include classroom and synchronous distance education courses.

Regarding license examinations deadlines, Mr. Adair explained that due to COVID-19 and the closing of PSI examination sites in March and April, the Commission has granted examination deadline extensions for license examinees. The Commission's IT Division has worked with PSI to provide these deadline extensions in three-month increments. However, new reports and statistics from PSI show examination sites are slowly moving toward full capacity and examinees are now experiencing a scheduling delay of only one week on average.

The following plan was proposed to return to the normal six-month examination deadline:

1. Identify a specific date when extended deadlines will no longer be issued.
2. Provide a list of eligible examination candidates and ask the IT Division to prepare a notification of the individual deadlines for all eligible examination candidates.
3. If examination candidates claim they were not notified of their specific deadline, the Commission will consider the possibility of allowing additional time.

Upon discussion of license examination deadlines, Commissioner Campbell made a motion to implement the proposed plan to return to the six-month examination deadline. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Vice Chairman Cummings requested that staff monitor and be aware of what PSI does as a national company in keeping their offices open in Alabama.

Licensing Director Anthony Griffin presented the proposed changes to the Commission's Contingency Plan for COVID-19 regarding temporary salesperson license deadlines. Due to COVID-19 and the non-availability of the post license course, the Commission has granted course deadline extensions for temporary salesperson licensees. The Commission has not inactivated temporary licenses at six months nor allowed temporary licenses to expire at one year if a licensee has not completed the course. Deadlines have been pushed out in increments and, when licensees complete the post license course, the deadline for them to submit their applications have been extended. The post license course is now widely available as a distance education course and there is no longer the need to waive these deadlines. The following plan was proposed and should end the instances of extended deadlines prior to May 1, 2021:

1. As of January 1, each temporary licensee who is eligible for an extension will be contacted regarding the availability of the course.
2. The licensees will be informed that extensions are ceasing, and they will have one month beyond the extended date they have been given to complete the course and apply for a permanent license.

Upon discussion of temporary salesperson deadlines, Commissioner May made a motion to implement the proposed plan to return to the pre-COVID-19 deadlines for temporary licenses. Commissioner Harris seconded the motion and it passed unanimously 8-0.

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

HEARINGS

Jerry Lynn Myers, Application for Determination of Licensing Eligibility, Investigative File I-20,163

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Myers' application for determination of licensing eligibility, Vice Chairman Cummings made a motion to approve his application. Commissioner Barran seconded the motion and it passed 6-2 with Commissioners May and Harris voting against the motion.

Alabama Real Estate Commission VS. James S. Collins IV and Country and Commercial Properties, Formal Complaint No. 3521

General Counsel Starla Van Steenis advised Commissioners that Mr. Collins was unable to attend the hearing due to a medical appointment and has entered a guilty plea for himself and that of his company. The facts of the case were presented in his absence.

James S. Collins IV, Qualifying Broker, Country and Commercial Properties, and Country and Commercial Properties, Opelika, Alabama, were charged in their position as qualifying broker and real estate company with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. by failing to properly account for or remit money coming into their possession which belonged to others.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to find Mr. Collins guilty. Commissioner Barran seconded the motion and it passed unanimously 8-0. Vice Chairman Cummings made a motion to fine Mr. Collins \$1,500. Commissioner Watts seconded the motion and it passed unanimously 8-0. Vice Chairman Cummings made a motion to find Country and Commercial Properties guilty. Commissioner Barran seconded the motion and it passed unanimously 8-0. No fine was imposed for Country and Commercial Properties.

Sharreda Anderson, Application for Real Estate Salesperson's Temporary License, Investigative File I-20-186

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

Alabama Real Estate Commission VS. Andrea Seals, Formal Complaint No. 3524

Andrea Seals, Temporary Salesperson, Storing Up Treasurers Realty LLC, Montgomery, 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 May made a motion to find her guilty with no fine. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Beau Bevis and ARC Realty, Formal Complaint No. 3517

This hearing was continued.

Shirley E. Boyd, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-20,154

Commissioner Watts recused himself.

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Boyd's request for approval to hold a real estate license after license was previously revoked, Commissioner May made a motion to approve her request. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Joe Reginald Bogue, Jr., Application for Determination of Licensing Eligibility, Investigative File I-20,141

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Bogue's application for determination of licensing eligibility, Vice Chairman Cummings made a motion to approve his application. Commissioner Barran seconded the motion and it passed 7-1 with Commissioner Harris voting against the motion.

NOT APPEARINGS

Jasmine Agee, Application for Determination of Licensing Eligibility, Investigative File I-20,190

Upon review of Ms. Agee's application for determination of licensing eligibility, Vice Chairman Cummings made a motion to approve her application contingent that all fees are paid in full. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Raytona Hughes, Application for Real Estate Salesperson's Temporary License, Investigative File I-20-211

Upon review of Ms. Hughes' application for real estate salesperson's temporary license, Commissioner Barran made a motion to approve her request. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Tammy Murphy, Hardship Request for Waiver of Late Fees for Late Renewal of Broker License, Licensing File LC2020-020

Upon review of Ms. Murphy's hardship request for waiver of late fees for late renewal of her broker license, Vice Chairman Cummings made a motion to approve her request. Commissioner May seconded the motion and it passed unanimously 8-0.

Confirm February Meeting Date and Location for the Record: February 18, 2021, 9:00 a.m. in Montgomery, Alabama

Vice Chairman Cummings made a motion to confirm the February meeting for February 18, 2021 at 9:00 a.m. in Montgomery, Alabama. Commissioner Barran seconded the motion and it passed unanimously 8-0. A determination will be made as to an in-person meeting or video teleconference.

Next Commission Meeting: Thursday, January 21, 2021, 9:00 a.m. in Montgomery.

There being no further business, Vice Chairman Cummings made a motion to adjourn the meeting at 12:09 p.m. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Done this 19th day of November 2020.

Carole Harrison, Chairman

Barbi Lee, Recording Secretary