

MINUTES

A meeting of the Alabama Real Estate Commission was held November 19, 2010, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice Chairman Jewel Buford; Commissioners Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts 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; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin and Auditor Anthony Brown. Tori Adams served as Hearing Officer.

Other staff in attendance were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Information Technology Manager Nancy Barfield, Assistant Information Manager Brett Scott and Programmer Analyst Matt Davis.

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

Commissioner Watts made a motion to approve the October minutes as presented. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater reviewed the October financial report. He noted that employee benefits were above projections this month due to the unusual circumstance of three pay periods falling in the month of October. Also above projections was Object Code 07 titled "Utilities and Communications" due to postage for mailing out the Fall 2010 edition of the Update newsletter. Transfer and Original license receipts exceeded projections likely due to an increase in license activations after licenses were placed inactive for failure to complete continuing education requirements and an increase in original licenses being issued because of those who elected an October 1 issue date after passing the licensing examination June – September 2010.

Commissioner Buford introduced her guest, Ms. Sandy Crowder, who is an associate broker with Buford Real Estate Services. Mr. Lasater welcomed Scott and Kathy Hickman from Florence, AL. Mr. Hickman is a real estate broker and instructor and a member of the Education Advisory Committee and was here to observe the Commission meeting prior to the Education Advisory Committee meeting in the afternoon.

Mr. Lasater recognized and commended the service of previous Education Advisory Committee members Mr. Larry Carroll, Mr. John Rice and Ms. Alicia White. Commissioner Morris made a motion to send a formal commendation and appreciation for serving in this capacity to these three individuals. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Mr. Lasater reported to Commissioners that the Commission's two year compliance audit has been completed and no findings were reported by the Examiner except for an issue with social security numbers. Commissioners will be provided with more information after a formal report from Examiners has been received. Examiners have been simultaneously conducting a Sunset audit. A questionnaire

will be sent to Commissioners in January. Mr. Lasater noted the importance of every Commissioner completing and returning it.

Commissioners were asked to respond to the RFP (Request for Proposal) for website services that was provided to them prior to the meeting. Chairman Hodges asked Commissioner Morris to serve on the team that will evaluate vendor proposals. Commissioner Morris agreed to serve in this capacity. Commissioner Watts made a motion to approve the RFP with authority given to the Executive Director to amend as needed and disseminate it. Commissioner Morris seconded the motion and it passed unanimously 9-0. Commissioner Morris commended the staff for the work done in developing this Request for Proposal.

Education Director Ryan Adair was called on to comment on the Education Summary previously provided to Commissioners. After a review of the information contained in the report, Commissioners asked that the Education Advisory Committee consider developing a broker's Risk Management continuing education course in lieu of a separate broker's continuing education course.

Chairman Hodges made Commissioners aware and acknowledged that Lorren Perdue presented the Real Estate Commission with a large photograph of his first real estate graduating class.

Commissioner Watts made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in executive session. Commissioner Morris seconded the motion and it passed unanimously 9-0 with the following Commissioners voting in favor of the motion: Chairman Sheila Hodges, Vice Chairman Jewel Buford, Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts and Nancy Wright.

HEARINGS

Pamela Schaid (Pamela Schaid Langley) – Hardship Application for Renewal of Lapsed License, Investigative File I-13,532

Upon discussion of Ms. Schaid's hardship request for lapsed license renewal, Commissioner Cawthon made a motion to deny Ms. Schaid's request. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Kevin Mattes Clark – Applicant for Approval to Hold a Real Estate License After Previous Revocation and Denied Licensure, Investigative File I-12,643

Upon discussion of Mr. Clark's eligibility for licensure, Commissioner Morris made a motion to approve Mr. Clark's request. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Perron Denise Roberts – Applicant for Determination of Licensing Eligibility, Investigative File I-13,488

Upon discussion of the application for determination of licensing eligibility submitted by Ms. Roberts, Commissioner Morris made a motion to deny Ms. Robert’s request. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Shannon Patterson Keith – Applicant for Approval to Hold a Real Estate License After Revocation, Investigative File I-13,484

Ms. Keith did not appear for the hearing. Therefore, no hearing was held.

Alabama Real Estate Commission vs. Coby Lake, Formal Complaint No. 3225

Upon discussion of the evidence and testimony presented in the matter of Coby Lake, Inactive Associate Broker, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) via Section 34-27-30 by operating an unlicensed real estate company, Turn Key Management, Inc., from which he rented property for others, Commissioner Morris made a motion to find Mr. Lake guilty. Commissioner Watts seconded the motion and it passed unanimously 9-0. Commissioner Watts made a motion to fine Mr. Lake \$2500 and revoke his license. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Felicia Michelle Owens and N-Vest 4-U Realty, Formal Complaint No. 3197

NOTE: Since Ms. Owens was late arriving, Commissioners conducted its disciplinary hearing disposition discussions and decisions on the previously heard cases. Subsequent to that, Ms. Owens arrived and a hearing was held on Formal Complaint No. 3197. At the conclusion of the hearing, Commissioner Morris made a motion to conduct disciplinary hearing disposition discussions and decisions on this case in open session. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Ms. Owens appeared before the Commission and relayed that her attorney was not present. Having granted a continuance previously at the October meeting and stating that the hearing would take place in November, the Hearing Officer denied another continuance and elected to proceed with the hearing. Ms. Owens decided not to participate in the hearing and left the hearing room before the hearing began.

Upon discussion of the evidence and testimony presented in the matter of Felicia Michelle Owens, Qualifying Broker, N-Vest 4-U-1 Realty, Selma, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Sections 34-27-36(a)(8)a. and 34-27-36(a)(8)b. by failing, within a reasonable time, to deposit and account for funds belonging to others or commingling funds belonging to others with their company account instead of holding these funds in a separate federally insured account or accounts located in Alabama, and by failing to properly account for at all times all funds coming into their possession that belong to others, Commissioner Morris made a motion to find Ms. Owens and N-Vest 4-U Realty guilty on Count 1, fine them jointly and severally \$2500 and revoke the

licenses of Ms. Owens and N-Vest 4-Realty. Commissioner Watts seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

Marilou G. Wrann, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3217

Upon review of the evidence and testimony presented in the matter of Marilou G. Wrann, Inactive Associate Broker, Niceville, Florida, 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 find Ms. Wrann guilty and fine her \$250. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Paul Daniel, II – Waiver of Hearing and Guilty Plea, Formal Complaint No. 3221

Upon review of the evidence and testimony presented in the matter of Paul Daniel, II, Associate Broker, Courtesy Realty, Inc., Montgomery, 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 Watts made a motion to dismiss the complaint without accepting the guilty plea in view of bank error. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Benjamin F. Anderson, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3218

Upon review of the evidence and testimony presented in the matter of Benjamin F. Anderson, Qualifying Broker, Anderson Auctions, Inc., Destin, Florida, 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 failed to notify the Commission in writing within thirty (30) days after such changing the business address, Commissioner Morris made a motion to find Mr. Anderson guilty and fine him \$250. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Arthur L. Ellis, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3223

Upon review of the evidence and testimony presented in the matter of Arthur L. Ellis, Qualifying Broker, Arthur Ellis Realty, Fortson, Georgia, 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 failed to notify the Commission in writing within thirty (30) days after changing the business address, Commissioner Morris made a motion to find Mr. Ellis guilty and fine him \$250. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Richard R. Austin, Surrender of License in Lieu of Formal Complaint and Hearing, Investigative File I-13,391

Upon review of the affidavit of license surrender submitted by Mr. Austin, Commissioner Watts made a motion to accept Mr. Austin's surrender of license. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Confirm Next Meeting Date and Location for the Record: January 20, 2011, 1:00 p.m., Montgomery, Alabama

Commissioner Morris made a motion to approve the next Commission meeting date and location for January 20, 2011 at 1:00 p.m. in Montgomery, Alabama. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Mr. Lasater reminded Commissioners that the afternoon meeting in January follows the close of the Alabama Association of Realtors' Leadership Conference. At that conference Commissioners will participate in an open forum. He asked Commissioners if there are topics they would like addressed in the open forum. Feedback from Commissioners indicated an interest in sharing with attendees interesting cases Commissioners have heard along with the opportunity for attendees to ask questions on topics of their choosing.

There being no further business, the Commission adjourned at 12:20 p.m.

Done this 29th day of November, 2010.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary