

MINUTES

The Alabama Real Estate Commission met October 9, 2009, at the City Council Chambers, 1905 West First Street, Gulf Shores, Alabama.

Those present were Chairman Sheila Hodges; Vice Chairman Jewel Buford; Commissioners Bobby Hewes, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Investigators David Erfman and Chuck Kelly. Hearing Officer was Tori Adams. Commissioner Steve Cawthon was absent with prior notice.

Other staff members present were Public Information Manager Vernita Oliver-Lane; Public Information Specialist Lori Moneyham; Senior Accountant Molli Jones; and Information Technology Manager Nancy Barfield.

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

Commissioner Watts nominated Commissioner Sheila Hodges as Chairman and Commissioner Jewel Buford as Vice Chairman for 2010. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Commissioner Morris moved to approve the September 11, 2009, minutes as presented. Commissioner Watts seconded the motion and it passed unanimously 8-0.

Mr. Lasater reviewed the September financial report. He explained that this report provided a complete picture of the Commission's finances for the fiscal year October 1, 2008-September 30, 2009. Mr. Lasater pointed out that the difference between the actual funds available and actual expenditures will be carried over to the 2010 fiscal year budget.

The 2010 budget was also presented and discussed. Commissioner Morris made a motion to approve the budget as presented. Commissioner Buford seconded the motion and it passed unanimously 8-0.

Mr. Lasater presented the Commission's Scorecard which showed a snapshot of the Commission by the numbers (i.e. the number of licensees, the number of approved instructors, etc.). Commissioners commended Mr. Lasater and the staff on the creation of the Scorecard and expressed that the information was beneficial to them. Mr. Lasater stated that future Scorecards would be revised as necessary to include information as requested by Commissioners.

Mr. Lasater reviewed the proposed contract with ACRE and Nine Agency which will allow for the creation and implementation of a Web-based brand identity along with an interactive marketing campaign for the Commission. Charles Sowell explained that the contract is a draft and there will be further negotiations before it is finalized. Commissioners were asked to approve the concept as presented in the contract. The completed contract will be presented to Commissioners at the November 20, 2009, meeting after which it will be forwarded to the Legislative Contract Review Committee. Commissioner Morris made a motion that the concept proposed by the contract be accepted. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Ryan Adair reviewed the Education Audit Report with Commissioners. Among other information, the report showed the top ten issues that are most encountered by the Education Auditors. Mr. Adair stated that Education Auditor Pam Oates will act as instructor/school administrator liaison to assist instructors and school administrators in correcting the issues that are surfacing in the education audits.

Commissioner Watts discussed the Apartment Managers License Exemption. He pointed out that apartment managers are currently exempt from licensing. He proposed that the Commission create an alliance with the Alabama Association of REALTORS®, and other real estate related organizations to sponsor legislation

to return licensing of property managers to License Law. He noted that removing the exemption had previously been listed as a Commission priority but not carried forward after AAR introduced legislation in 2006.

Commissioner Watts made the following motion: **To reinstate Apartment Manager Licensure back into the AREC Strategic Plan and to request assistance from various real estate related organizations to reinstate such licensure into the License Law.** Commissioner Morris seconded the motion and it passed unanimously 8-0.

Mr. Lasater discussed the 2009-2013 Strategic Plan that resulted from the Strategic Planning session that was held in April 2009. He indicated that the plan had been revised and edited as needed. Commissioner Watts made a motion to approve the Strategic Plan. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Mr. Lasater presented a proposed policy for distribution of Commission disciplinary actions that would involve the Commission staff uploading them to a list serve. Commissioner Watts recommended that the term "suspensions" be added to the policy; however, Charles Sowell explained that the Commission's policy is currently to publish revocations and not suspensions. Commissioners indicated they wanted publication of revocations in newspapers to continue.

Due to the appeals process that is allowed the licensees, Commissioners expressed concern about Commission staff distributing disciplinary actions by list serve in addition to the current methods of publishing them in the Update newsletter and printing revocations in newspapers.

Because the disciplinary actions are currently published quarterly in the Update newsletter; the minutes from each Commission meeting are posted online for public viewing; and the revocations are printed in the newspaper Tori Adams stated that we were sufficiently notifying the public and any other concerned entities. She suggested publishing an explanation of the process that disciplinary actions are subject to in the Update newsletter and on the Web site. She also suggested printing in future Update newsletters that the disciplinary actions are published in each issue.

The Commissioners concluded that the current method of notification regarding revocations is sufficient and no changes will be made at this time.

Commissioner Watts made a motion to conduct disciplinary hearing disposition discussions in open session. The motion was seconded by Commissioner Wright and it passed unanimously 8-0.

HEARINGS

Nicholas Burdette Wallace, Application for Real Estate Broker's Reciprocal License, I-13,204

Upon discussion of the testimony presented by Mr. Wallace regarding a felony criminal conviction related on an application for reciprocal broker license, Commissioner Watts made a motion to approve Mr. Wallace's application. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Elizabeth Ann Wood Weas, Formal Complaint No. 3160

Upon discussion of the evidence and testimony presented in the matter of Elizabeth Ann Wood Weas, Salesperson, Metro South Partners LLC d/b/a Keller Williams Metro South, Alabaster, 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 Morris made a motion to find Mrs. Weas guilty and issue a reprimand. Commissioner Miller seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Jeffrey Forrest Lipscomb, Surrender of License, I-13,185

Upon review of the affidavit of license surrender submitted by Mr. Lipscomb, Commissioner Hewes made a motion to accept the surrender. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Mark Wayne Maddox, Surrender of License, I-13,206

Upon review of the affidavit of license surrender submitted by Mr. Maddox, Commissioner Watts made a motion to accept the surrender. Commissioner Buford seconded the motion and it passed unanimously 8-0.

Vanessa Michele McGregor, Surrender of License, I-13,109

Upon review of the affidavit of license surrender submitted by Ms. McGregor, Commissioner Morris made a motion to accept the surrender. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Christopher Eric Reynolds, Request for Extension to Take the Salesperson Examination, I-13,212

Upon review and discussion of Mr. Reynolds' failure to meet the exam deadline and his request for a 60-day extension for taking and passing the exam, Commissioner Morris made a motion to grant the 60-day extension. Commissioner Miller seconded the motion and it passed 8-0.

Brenda Copeland, Request for Extension to Complete the 60 Hour Salesperson Prelicense Course, I-13,213

Upon review and discussion of Ms. Copeland's failure to complete the 60 hour pre-license course within the one year allowed and her request for a 60-day extension to complete the course, Commissioner Hewes made a motion to grant the extension. Commissioner Riggins-Allen seconded the motion and it passed 6-2 with Commissioners Watts and Morris voting no.

Chante Thomas, Request for Extension to Complete the 60 Hour Salesperson Prelicense Course, I-13,214

Upon review and discussion of Ms. Thomas' failure to complete the 60 hour pre-license course within the one year allowed and her request for an extension to complete the course, Commissioner Morris made a motion to deny the extension. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Candi Williams, Request to File an Application for Original Salesperson License, I-13,215

Upon review and discussion of Ms. Williams' failure to submit application for original salesperson's license by the deadline and her request to have her lapsed license reinstated so that she can apply for the original salesperson's license, Commissioner Wright made a motion to deny the request. Commissioner Buford seconded the motion and it passed unanimously 8-0.

David Hollingsworth, Request for Extension of 90-Day Deadline for License Issuance, I-13,216

Upon review and discussion of Mr. Hollingsworth's failure to meet the deadline for making application for the temporary salesperson's license and his request for a 90-day extension, Commissioner Morris made a motion to grant the extension. Commissioner Watts seconded the motion and it passed unanimously 8-0.

Cari Nicole Holman, Request for Extension to File an Application for Original Salesperson License, I-13,217

Upon review and discussion of Ms. Holman's failure to meet the application deadline for the original salesperson's license, Commissioner Wright made a motion to deny the extension. Commissioner Buford seconded the motion and it passed 6-2 with Commissioners Riggins-Allen and Morris voting no.

Commissioner Watts suggested that the respondents' locations be included on the Not Appearing orders that Commissioners receive.

Confirm November 20, 2009 Meeting Date and Location for the Record

Commissioner Watts made a motion to approve November 20, 2009, in Montgomery, Alabama as the next meeting date and location. Commissioner Morris seconded the motion and it passed unanimously 8-0. Mr. Lasater informed Commissioners that they will receive laptops at the November meeting and Commission staff will be available beginning at 8:30 a.m. to assist with setup and training.

There being no further discussion, the meeting adjourned at 10:50 a.m.

Done this 9th day of October, 2009.

Sheila Hodges, Chairman

Lori Moneyham, Recording Secretary