

MINUTES

A meeting of the Alabama Real Estate Commission was held September 24, 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, Bobby Hewes, Clif Miller, Jan Morris, Dorothy Riggins-Allen, and Bill Watts; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer. Commissioner Nancy Wright was absent with notice.

Other staff in attendance were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Accounting and Personnel Manager Molli Jones, 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.

Chairman Hodges presented, on behalf of Commissioners, a resolution to outgoing Commissioner Bobby Hewes expressing sincere appreciation for his ten years of dedicated service to the Commission, consumers and industry from October 1, 2000 to September 30, 2010. Commissioner Hodges made a motion to adopt the resolution for inclusion in the permanent record of the Commission minutes. Commissioner Morris seconded the motion and it passed unanimously 8-0. Commissioner Hewes expressed his gratitude for the opportunity to serve and be a part of the Commission. He spoke fondly of all the people he has met and worked with and how much he will miss everyone.

Commissioner Watts made a motion to approve the August minutes as presented. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Executive Director Philip Lasater recognized and Commissioners welcomed incoming Commissioner from the 2nd Congressional District, Mr. Danny Sharp, who was visiting for the meeting. Mr. Lasater also recognized and welcomed Ms. Robin Hutcheson from the Examiner of Public Accounts office who has just begun the Commission's compliance audit for fiscal years 2009 and 2010 and will follow that with a Sunset audit in 2011.

Mr. Lasater proceeded by reporting that the August financial statement shows no new trends. He then directed Commissioner's attention to the historical snapshot of renewal statistics for 2006, 2008 and 2010. Commissioners were pleased with the number renewed thus far in light of the current economic conditions.

Commissioners Morris and Riggins-Allen as well as Assistant Executive Director Pat Anderson reported on the recently held ARELLO Annual Conference. Commissioner Morris commended the Commission and staff for an education award received at the conference for the Commission's "Online Application and Renewal Service." Conference highlights included the Case Law Update and

Forums for Commissioners, Administrators, Investigators, Legal Staff, and Education and Licensing Staff. Commissioner Riggins-Allen particularly noted the professionalism of the AREC's website which was shown in the "Social Media for Regulators" break out session and she stated that Alabama is far ahead of many other jurisdictions. Ms. Anderson reported on the Administrators Forum and the concern all jurisdictions had regarding their renewal numbers.

Commissioner Watts reported on the AAR Annual Conference recently held in North Charleston and clarified answers to some of the questions he received.

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 8-0 with the following Commissioners voting in favor of the motion: Chairman Sheila Hodges, Vice Chairman Jewel Buford, Steve Cawthon, Bobby Hewes, Clif Miller, Jan Morris, Dorothy Riggins-Allen and Bill Watts.

HEARINGS

Lorraine Neff, Hardship Request to Submit Broker Application Within 90 Days After Passing the Broker Examination, I-13,469

Upon discussion of the evidence and testimony presented by Ms. Neff regarding her hardship application for a broker license, Commissioner Cawthon made a motion to approve a 30-day extension to submit her broker's application. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Jo Ann Hileman, Hardship Request for Extension to Take Salesperson Examination, I-13,490

Upon discussion of the evidence and testimony presented in the matter of Jo Ann Hileman and her request for additional time to take and pass the salesperson's exam, Commissioner Watts made a motion to approve a 90-day extension. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Janice Woodson, Hardship Request for Extension to Take Salesperson Exam, I-13,491

Upon discussion of the evidence and testimony presented in the matter of Janice Woodson and her request for additional time to take and pass the salesperson's exam, Commissioner Morris made a motion to deny Ms. Woodson's request. Commissioner Cawthon seconded the motion and it passed 5-3 with Commissioners Miller, Watts and Riggins-Allen voting no.

Alabama Real Estate Commission vs. Ginger Fountain, Formal Complaint No. 3196

Upon discussion of the evidence and testimony presented in the matter of Ginger Fountain, Salesperson, RE/MAX Realty Brokers, Inc., Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(26) by exhibiting conduct which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness in her efforts to show a date other than the actual contract date on the sale of the property with LaTonya Hall as purchaser; Count 2: Section 34-27-36(a)(26) by exhibiting conduct which constitutes or demonstrates dishonest

dealings, bad faith, or untrustworthiness in her efforts to show a date other than the actual contract date on the sale of the property with Justin McCulley as the purchaser, Commissioner Buford made a motion to find Ms. Fountain guilty on both counts, fine her \$2,500 on each count and suspend her license for 90 days, but the suspension will be permanently stayed provided she completes the risk management continuing education course within 30 days. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Andrea Karnice Holloway and HS Business Enterprises, Inc. d/b/a Holloway and Associates, Formal Complaint No. 3203

Upon discussion of the evidence and testimony presented in the matter of Andrea Karnice Holloway, Qualifying Broker, and H2 Business Enterprises, Inc., d/b/a Holloway and Associates (A Professional Real Estate Property Management Firm), Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing, within a reasonable time, to deposit and account for funds belonging to others 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 Hewes made a motion to dismiss the complaint. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

Edward Wilson, Request for Waiver of Renewal Penalty, I-13,493

Upon discussion of the testimony presented in the matter of Edward Wilson and his request for waiver of the \$150 renewal penalty, Commissioner Morris made a motion to deny the request. Commissioner Buford seconded the motion and it passed 5-3 with Commissioners Miller, Hewes and Riggins-Allen voting no.

NOT APPEARING ITEMS FOR DISCUSSION

Gail Y. Pettus, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3207

Upon discussion of the evidence and testimony presented in the matter of Gail Y. Pettus, Salesperson, Century 21 Clement Realty, Inc., Florence, 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 Cawthon made a motion to find Ms. Pettus guilty and fine her \$250. Commissioner Buford seconded the motion and it passed unanimously 8-0.

Shirley L. Baker, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3213

Upon discussion of the evidence and testimony presented in the matter of Shirley L. Baker, Associate Broker, Coldwell Banker A and W Real Estate, Auburn, 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 Hewes made a motion to find Ms. Baker guilty and fine her \$250. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Christopher Danford, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3210

Upon review of the evidence and testimony presented in the matter of Christopher Danford, Salesperson, Shepherd Brokers.Com, LLC, Phenix City, 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 Miller made a motion to find Mr. Danford guilty and fine him \$250. Commissioner Morris seconded the motion and it passed unanimously 8-0.

James P. Nix, Hardship Request for Waiver of Late Renewal Penalty, I-13,498

Upon review of the evidence presented by Mr. Nix in his hardship request for waiver of the renewal penalty, Commissioner Morris made a motion to deny Mr. Nix's request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Patricia Diane Willis, Hardship Request for Waiver of Late Renewal Penalty, I-13,502

Upon review of the evidence presented by Ms. Willis in her hardship request for waiver of the renewal penalty, Commissioner Buford made a motion to deny Ms. Willis' request. Commissioner Cawthon seconded the motion and it passed 6-2 with Commissioners Riggins-Allen and Watts voting no.

Sherena Wilkins, Request for 90-Day Extension to Take Salesperson's Examination, I-13,501

Upon review of the request by Ms. Wilkins for a 90-day extension for taking and passing the salesperson's exam, Commissioner Riggins-Allen made a motion to approve Ms. Wilkins' request. Commissioner Hewes seconded the motion and it passed 6-2 with Commissioners Morris and Cawthon voting no.

Suresh Anthony Singh a/k/a Alvin C. Green Jr. Determination of Eligibility, I-13,458

Upon discussion of the evidence and testimony presented in the matter of Suresh Anthony Singh a/k/a/ Alvin C. Green, Jr., Commissioner Morris made a motion to deny Mr. Green's request for licensing eligibility. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Leslie J. Austin, Failure to Notify Commission of Address Change, Formal Complaint No. 3204

Upon review of the evidence presented in the matter of Leslie J. Austin, Qualifying Broker, The Buyers Agent of Northwest Florida, Inc., Pensacola, 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 he did not notify the Commission in writing of a change of business address within thirty (30) days after the change was made, Commissioner Buford made a motion to find Mr. Austin guilty and fine him \$250. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Amend Agenda

Commissioner Watts made a motion to amend the agenda to make the above two items, Mr. Green and Mr. Austin, numbers 7 and 8 respectively and to move confirming the next meeting date to number 9 and the vote for open or executive session to number 10. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Confirm Next Meeting Date and Location for the Record: October 22, 2010, 9:00 a.m., Montgomery, Alabama

Commissioner Watts made a motion to approve the next Commission meeting date and location for October 22, 2010 at 9:00 a.m. in Montgomery, Alabama. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 1:00.

Done this 24th day of September, 2010.

Sheila Hodges, Chairman

Recording Secretary, Patricia Anderson