

MINUTES

A meeting of the Alabama Real Estate Commission was held April 22, 2011, 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; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer.

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 Technology Manager Brett Scott; Programmer Analyst Matt Davis; Information Technology Systems Technician Steve Brown; Education Specialist Pam Oates and Education Assistant Nancy Williamson.

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 March minutes as presented. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater reviewed the March financial statement. He noted that the trends continue with a decrease in new licensees, an increase in transfers and a slight increase in timeshare licensing.

Mr. Lasater referenced the Examiners of Public Accounts report that noted one finding regarding social security numbers not being re-collected for license renewal. After discussion Commissioner Watts made a motion to send the proposed letter and Resolution requesting a reconsideration of Opinion 2010-074 to the Attorney General upon which the finding was purportedly based. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Mr. Lasater introduced the Website Development, Branding and Customer Service Task Force and stated they had completed their work. Commissioner Morris then gave the task force report to the full Commission. After hearing from various members of the task force and noting the task force recommendation, Commissioner Buford made a motion to award the bid to The Nine Agency. Commissioner Watts seconded the motion and it passed unanimously 9-0. Upon Commissioner Morris expressing concerns about contracting for the expenditure of appropriated funds on this project at this time, Commissioner Watts made a motion to defer a decision on implementation until the May meeting. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0. Chairman Hodges thanked Commissioner Morris for her work on this task force.

Commissioner Morris gave a brief report on the Mid Year ARELLO meeting that she, other Commissioners and staff recently attended in Sandestin, Florida. She announced that Mr. Bill Wald from Chicago has been hired as the new CEO for ARELLO. Mr. Booth also reported on his work with the Timeshare Advisory Group and their discussion at the Mid Year meeting.

Chairman Sheila Hodges shared that she has been appointed by Governor Bentley to the Alabama Coastal Development Commission that will determine where the money from BP will go to promote Gulf Coast tourism.

Commissioner Morris made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open session. Commissioner Wright seconded the motion and it passed unanimously 9-0.

HEARINGS

William D. Mackey, Denied Application for Real Estate Instructor Status, I-13,623

Upon discussion of the evidence and testimony presented by Mr. Mackey regarding previous denial for real estate instructor status and his request for reconsideration for Commission approval, Commissioner Morris made a motion to deny Mr. Mackey's request. Commissioner Watts seconded the motion and it failed 1-8 with Commissioners Buford, Cawthon, Miller, Riggins-Allen, Sharp, Watts, Wright and Hodges voting no. Commissioner Riggins-Allen made a motion to grant Mr. Mackey's request. Commissioner Wright seconded the motion and it passed 5-3 with Commissioners Miller, Morris and Buford voting no.

Joseph F. Cannon, Denied Applicant for Real Estate Instructor Status

Upon discussion of the evidence and testimony presented by Mr. Cannon regarding previous denial of application for pre-license/post license instructor status, Commissioner Morris made a motion to deny Mr. Cannon's request. Commissioner Cawthon seconded the motion and it passed 8-0 with Commissioner Buford abstaining.

Valeska Johnson, Continuance of Hearing from March 30, 2011, I-13,562

Upon discussion of the testimony presented by Mr. Johnson regarding submission of application for determination of license eligibility and previous denial by the Commission, and after reviewing the additional information submitted by Mr. Johnson, Commissioner Morris made a motion to approve him for license eligibility. Commissioner Watts seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR DISCUSSION

Joan C. Teeters, Surrender of License in Lieu of Formal Complaint and Hearing, I-12,762

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

Donald F. McFee, Surrender of License in Lieu of Formal Complaint and Hearing, I-12,762

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

Lisa Keenum, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3234

Upon review of the evidence and testimony presented in the matter of Lisa Keenum, Qualifying Broker, RE/MAX Properties Unlimited LLC, Lincoln, 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 by the bank upon which it was drawn, Commissioner Buford made a motion to find Ms. Keenum guilty and fine her \$250. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Confirm Next Meeting Date and Location for the Record

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

In other business, Mr. Lasater made Commissioners aware that Education Assistant Connie Rembert left the Commission to accept a position in a higher classification with another state agency. He then recognized Education Director Ryan Adair to introduce the new member of the Commission staff. Mr. Adair introduced Ms. Nancy Williamson who is the new Education Assistant. Ms. Williamson was welcomed by Commissioners and staff.

Assistant Executive Director Pat Anderson asked Commissioners to give her any items to be placed on the agenda for the Open Forum to be held on June 28, 2011 at the Alabama Association of REALTORS® summer meeting. A brief discussion of possible agenda items followed with the consensus being to follow the most recent format of case law summary presentation and approved AAR's request to have an auditor talk about company audits.

There being no further business, the meeting adjourned at 10:30 a.m.

Done this 22nd day of April, 2011.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary