



Alabama Real Estate Commission
Empowering | Connecting | Educating
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BRIEFLY LEGAL AND COMMISSION NOTE

Formal Complaints and Transferring Online

October 30, 2019

TODAY'S QUESTION

What happens when there is a "Formal Complaint" against a licensee?

Please note that this is our monthly email sent out to all licensees. No formal complaint has been filed against you.

THE ANSWER

Last month, we discussed the process from written complaint to formal complaint so this month we'll discuss what happens once a formal complaint has been filed against you. (Not that that would ever happen—you're reading this which makes you an ideal licensee!) A formal complaint occurs when the Commission's investigation that occurred as a result of a written complaint has concluded and a formal complaint is drawn up by Commission staff and set for hearing before the Commissioners at a future meeting. The Formal Complaint process is governed by license law and the Administrative Procedure Act. These require that once a formal complaint is filed against an individual (then called "respondent"), a hearing must be set. The Commission must then serve the respondent with notice of the hearing which must include the time, date, place, nature of the hearing and what you're charged with among other things. You must have 15 days advance notice of the hearing. You have the right to have an attorney represent you at your own expense. Next up is the hearing. At the hearing, an attorney for the Commission will present the Commission's evidence and you will be given a chance to ask questions of the Commission's witnesses as well as provide your own witnesses and testimony. The 9 Commissioners will later make a decision on the case and you'll be notified within 30 days. We are sure this will never happen to you but if you have any questions about this process or any other legal questions, please feel free to call Mandy or Starla at 334-242-5544.

COMMISSION NOTE

Question: Who can transfer a license online?

Answer: Salespersons and associate brokers can transfer your own license to another company or change your name by logging in to your own record on our website at arec.alabama.gov and click on transfer. You will first inactivate your license and then activate with the company to whom you wish to transfer. Qualifying brokers and multiple brokers, you cannot transfer your license to another company via online. We are working on having this option available in the future. Note for qualifying brokers: you can log in to your record and place a licensee in your company inactive. However, you cannot transfer a licensee from or to another company. Only the licensee can do that. The licensee and qualifying broker(s) will be notified by the Commission. If you have any questions, please call and ask to speak to someone in our Licensing Division.