

## **MINUTES**

A meeting of the Alabama Real Estate Commission was held April 20, 2023 at the offices of the Huntsville Area Association of REALTORS® located at 535 Monroe Street NW, Huntsville, Alabama 35801. This meeting was also available by video teleconference (VTC).

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

Chairman Barran called the roll and the following Commissioners indicated their presence with a spoken "present": Vice Chairman Terri May, Commissioners Jimmie Ann Campbell, Betsy Echols, Joyce Harris, Randy McKinney, Susan Smith and Cerita Tucker Smith. Commissioner Jim Dye was absent with notice. A quorum was declared.

Commission staff members in attendance or participating via VTC for all or part of the meeting were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Attorney Serena Cronier; Investigators David Erfman, K. C. Baldwin, Rickey Fennie and Marshall Simons; Auditors Anthony Brown and Vickie Shackelford; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; Communications and Public Relations Specialist Jess Sparks; Communications and Public Relations Intern Taylor Hooks; Education Director Ryan Adair; Education Specialists Brittini Anderson and Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Becky Jackson; Account Clerk Marissa Mason; Information Technology Director Brett Scott; Programmers Eric Aldridge and Chris Prestridge; Licensing Director Anthony Griffin; Licensing Assistants Shy'kierra Knight, Price Sparks and Pam Taylor; and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Chairman Barran asked for a motion to approve the minutes from the March 23, 2023 Commission meeting. Vice Chairman May made a motion to approve the minutes from the March 23, 2023 meeting. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

Chairman Barran thanked the leadership and staff of the Huntsville Area Association of REALTORS® for hosting Commissioners and staff members for the Commission's "road show." He stated it is important to travel to different parts of the state so that others can see what the Real Estate Commission does. A special appreciation was made to Jay Jennings, Interim CEO; Chris Hulser 2023 President; and Isaac Winkles 2023 MLS Chair.

### **EXECUTIVE DIRECTOR'S REPORT**

Director Poe also expressed his appreciation to the staff and members of Huntsville Area Association of REALTORS®.

Director Poe introduced Chris Prestridge, new member of the IT Division. Mr. Prestridge stated he was excited to be with the Commission and looked forward to the future in the IT Division.

Director Poe also recognized Auditor Vickie Shackelford, who was also in attendance.

Director Poe announced that Commissioner Jim Dye's appointment to the Commission was confirmed by the Alabama Senate on Wednesday, April 19, 2023.

Director Poe presented the March 2023 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. There have been no recovery fund payouts for the past 30 days. The Commission has paid \$335,824.30 to other state agencies for services during fiscal year 2023

Director Poe reported the Commission has issued 42,618 total licenses. There are 4,407 licensed companies and branches. During March there were 602 licenses issued: 277 Temporary, 257 Original Salesperson; and 68 Broker. The average rate of growth for March was 11.50 new license applications per day, or roughly 345 per month. Presently there are 12,418 inactive licenses. Currently, there are 36,940 unique individuals licensed.

The Legal Division performed 15 desk audits and one real estate company assistance visit during March. The assistance visits are available at no cost to companies that have been in business for one year or less.

The Education Division reported there are 854 total education licensees: 835 active and 19 inactive. There were four education course audits performed during March. Vice Chairman May discussed the results for those taking the Broker Exam for the first time during the month of March. She stated the results dropped significantly and asked if the test format change had already taken effect. Director Poe addressed her concern, along with Commissioner Smith as they discussed the new exam provider, Pearson VUE, and the change of the format of that particular test. It is expected to take six months to one year to see an improvement in the pass rates.

Director Poe advised Coffee with the Commission was held on April 19, 2023 with Communications and Public Relations Director Vernita Oliver-Lane, IT Director Brett Scott and Licensing Administrator Anthony Griffin co-hosting. They gave an extensive overview of the Commission's online applications and services. They also discussed document access.

Director Poe reminded Commissioners that the Association of Real Estate License Law Officials (ARELLO®) Mid-year Conference is April 26-28, 2023.

Director Poe advised Commissioners that Administrative Rule Amendments 790-X-1-.06 and 790-X-1-.12 were effective April 14, 2023. These two amendments removed the requirement of a closing real estate school to submit paper records for the previous four years to the Commission upon closure. This information can now be submitted electronically.

Director Poe reminded everyone the Statement of Economic Interests filing is due to the Ethics Commission by April 30, 2023.

Director Poe discussed the Commission's outreach platforms: Briefly Legal, held quarterly; Coffee with the Commission, held monthly the day before the Commission meeting; and social media sites YouTube, Twitter, Instagram and Facebook. The handle for all Commission social media sites is @arecalabamagov.

## **COMMISSIONER DISCUSSION**

Director Poe discussed with Commissioners the possibility of discontinuing the printing of the real estate license law book. The law book is currently printed in partnership with the Alabama Center for Real Estate (ACRE). The license law is always current and available on the Commission's website and mobile app. The goal is to modernize access to up-to-date license law information and make it available to everyone. Additional research will be done and discussed again at a future meeting.

## **HEARINGS – 9:30 Docket**

### **Alabama Real Estate Commission VS. Lauren Alexandra Moore, Formal Complaint No. 3653**

General Counsel Starla Leverette advised Commissioners that Lauren Alexandra Moore submitted an executed Consent Decree after the April agenda deadline and was moved to the Consent Decree Docket.

### **Alabama Real Estate Commission VS. Jason Gray, Formal Complaint No. 3665**

This hearing was continued until May 25, 2023.

### **Alabama Real Estate Commission VS. Toney Leshun Parker and Michael (Mike) Mosley, Formal Complaint No. 3676**

Attorney Jessica Hunter of Huntsville was present with Respondent Parker.

Michael (Mike) Mosley, Qualifying Broker, Madison, Alabama, was charged on **Count 1** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975*, as amended, Administrative Rule 790-X-3-.15(7) by failing to take action to prevent a new or existing licensee from violating state, federal, local or license law while conducting licensed activity, if the supervising broker or branch broker has actual knowledge or should reasonably have actual knowledge of the impending violation. Mr. Mosley was charged on **Count 2** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(15), as a qualifying broker, by allowing a salesperson or associate broker licensed under him to advertise without the name or trade name of the qualifying broker or company appearing prominently in the advertising associated with an unlicensed mall branch office.

Toney Leshun Parker, Salesperson, Meridianville, Alabama was charged on **Count 3** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(15) by advertising at the mall office and on Facebook without the name or trade name of the qualifying broker appearing prominently.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 1**, Commissioner Smith made a motion to find Mr. Mosley guilty. Commissioner Campbell seconded the motion and it passed unanimously 8-0. Commissioner Campbell made a motion to fine him \$2,500. Commissioner Echols seconded the motion and it passed unanimously 8-0. Vice Chairman May made a motion to require Mr. Mosley to take the required 3-hour Alabama License Law course within 90 days of receipt of notice. This requirement is in addition to the continuing education requirements for license renewal. Commissioner McKinney seconded the motion and it passed unanimously 8-0.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 2**, Vice Chairman May made a motion to find Mr. Mosley guilty. Commissioner Campbell seconded the motion and it passed unanimously 8-0. Vice Chairman May made a motion to fine him \$2,500. Commissioner Echols seconded the motion and it passed 7-1 with Commissioner Harris voting against the motion.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 3**, Commissioner Campbell made a motion to find Mr. Parker guilty. Vice Chairman May seconded the motion and it passed unanimously 8-0. Commissioner Echols made a motion to fine him \$2,500. Vice Chairman May seconded the motion and it passed unanimously 8-0. Vice Chairman May made a motion to require Mr. Parker to take the required 3-hour Alabama License Law course within 90 days of receipt of notice. This requirement is in addition to the continuing education requirements for license renewal. Commissioner Smith seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission VS. Daphne Mae Brown, Formal Complaint No. 3652**

General Counsel Starla Leverette advised Commissioners this hearing was continued without date.

**Alabama Real Estate Commission VS. Whitney Leigh King, Formal Complaint No. 3652**

General Counsel Starla Leverette advised Commissioners that Whitney Leigh King submitted an executed Consent Decree after the April agenda deadline and was moved to the Consent Decree Docket.

**Alabama Real Estate Commission VS. Randy Glenn Howell, Jr., Formal Complaint No. 3670**

Randy Glenn Howell, Jr., Salesperson, New Market, Alabama was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Smith made a motion to find Mr. Howell guilty. Commissioner Campbell seconded the motion and it passed unanimously 8-0. Commissioner McKinney made a motion to fine him \$100. Commissioner Tucker Smith seconded the motion and it passed 5-3 with Commissioners Barran, Campbell, Echols, McKinney and Tucker Smith voting in favor of the motion and Commissioners Harris, May and Smith voting against the motion.

**David Gulley, Application Determination of Licensing Eligibility, Investigative File I-22-233**

General Counsel Starla Leverette advised Commissioners this hearing was continued until May 25, 2023.

**Alabama Real Estate Commission VS. Tisha Chalkley Burns, Formal Complaint No. 3675**

General Counsel Starla Leverette advised Commissioners this hearing was continued until May 25, 2023.

**Timothy Meadows, Application for Real Estate Salesperson Temporary License, Investigative File I-23-138**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Meadows' application for a real estate salesperson temporary license, Commissioner Smith made a motion to approve his application. Commissioner Harris seconded the motion and it passed unanimously 8-0.

**Justin Lee Green, Application for Real Estate Salesperson Temporary License, Investigative File I-23-145**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Green's application for a real estate salesperson temporary license, Commissioner Harris made a motion to approve his application. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

**NOT APPEARINGS**

**Stephanie J. Hicks, Request for Reconsideration, Investigative File I-23-098**

Upon discussion of the request for reconsideration from Ms. Hicks, Commissioner Smith made a motion to approve her request. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

## CONSENT DECREE SUBMISSIONS

1. **Alabama Real Estate Commission VS. Sonja Jones, Formal Complaint No. 3681**
2. **Alabama Real Estate Commission VS. Danielle Webster, Formal Complaint No. 3650**
3. **Alabama Real Estate Commission VS. Pamela Bass, Formal Complaint No. 3656**
4. **Alabama Real Estate Commission VS. Bill L. Nettles, Formal Complaint No. 3680**
5. **Alabama Real Estate Commission VS. Chad Hester, Formal Complaint No. 3679**
6. **Alabama Real Estate Commission VS. Melissa Powe, Formal Complaint No. 3651**
7. **Alabama Real Estate Commission VS. Pamela E. Ward, Formal Complaint No. 3662**
8. **Alabama Real Estate Commission VS. Lauren Alexandra Moore, Formal Complaint No. 3653**
9. **Alabama Real Estate Commission VS. Whitney Leigh King, Formal Complaint No. 3654**

Chairman Barran stated the Commission accepted the above Consent Decree submissions in accordance with Commission Policy Number 2 and the agreed upon disciplinary action in each.

At 10:15 a.m. Hearing Officer Jim Hampton advised Chairman Barran that the 9:30 a.m. docket and Not Appearings requests were concluded. Considering that the 9:30 a.m. docket and Not Appearings requests were complete, Chairman Barran asked for a motion to stay in open session or go into executive session for approximately 25 minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Vice Chairman May made a motion that Commissioners go into executive session in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9) for approximately 25 minutes. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

At 10:52 p.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman Barran asked for a motion to return to open session. Commissioner McKinney made a motion to return to open session. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Director Poe reminded Commissioners of the upcoming workshop with Alabama Interactive on Wednesday, May 24, 2023.

**Confirm June 2023 Meeting Date and Location for the Record:** June 22, 2023, 9:00 a.m. in Montgomery, Alabama

Commissioner Tucker Smith made a motion to confirm the June 2023 meeting for June 22, 2023, at 9:00 a.m. in Montgomery, Alabama. Vice Chairman May seconded the motion and it passed unanimously 8-0.

**Next Commission Meeting:** Thursday, May 25, 2023, 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner McKinney made a motion to adjourn the meeting at 11:10 a.m. Vice Chairman May seconded the motion and it passed unanimously 8-0.

Done this 20<sup>th</sup> day of April 2023.

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Emmette Barran, Chairman

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Barbi Lee, Recording Secretary