

MINUTES

A meeting of the Alabama Real Estate Commission was held April 24, 2025, at the Dothan Area Chamber of Commerce, 102 Jamestown Boulevard, Dothan, Alabama.

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

Executive Director Vaughn T. Poe welcomed everyone and thanked the Dothan Area Chamber of Commerce and the Southeast Alabama Association of REALTORS® (SAAR) for hosting the Commission. SAAR Executive Director Margaret Martin thanked the Dothan area licensees for attending and supporting the Commission.

Vice Chairman Echols called the roll, and the following Commissioners indicated their presence with a spoken "present": Commissioners Kim Barelare, Jim Dye, Terri May, Deborah Lucas Robinson, and Juanita Taggart Jones. Commissioners Em Barran, Jimmie Ann Campbell, and Randy McKinney were absent with notice. A quorum was declared.

Commission staff members in attendance for all or part of the meeting were Executive Director Vaughn T. Poe; Assistant Executive Director Wendy Mae Alkire; General Counsel Starla Leverette; Assistant Attorney General Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigator Marshall Simons; Auditor Vickie Shackelford; Legal Assistant Angie Kidd; Communications and Public Relations Director Lori Moneyham; Executive Assistant Amber Moore; Information Technology Director Eric Aldridge; and Information Technology Programmer Chris Prestridge. The Hearing Officer was Jim Hampton.

The Pledge of Allegiance was recited in unison.

APPROVAL OF THE MINUTES

Vice Chairman Echols asked for a motion to approve the minutes from the March 20, 2025, Commission meeting. Commissioner May made a motion to approve the minutes from the March 20, 2025, meeting. Commissioner Barelare seconded the motion, and the motion passed unanimously 6-0-0.

COMMISSIONER DISCUSSION

New Rule Regarding Agreements to Show Property

Assistant Attorney General Zack Burr reported that the proposed rule amendment was the product of legal actions taken over the past year. The 2024 National Association of REALTORS® (NAR) settlement directed that MLS members must have buyers sign brokerage agreements before showing the buyer a property. However, this provision is inapplicable if inconsistent with state law. Recently adopted HB230/Alabama Act 2025-59 states, among other things, that a consumer may not be required to enter into a brokerage agreement for a licensee to show a property. To clarify and ease licensee concerns, the Commission staff drafted a rule stating that a licensee is not obligated to show a property to a consumer that is unwilling to enter into a brokerage agreement, and a licensee may choose to show a property to a consumer entering into a brokerage agreement.

Commissioner Dye made a motion to move forward with the new rule and for staff to submit it for public comment. Commissioner Barelare seconded the motion, and the motion passed unanimously 6-0-0.

Assistant Director Six-Month Review

Director Poe said it has been six months since the employment of Wendy Alkire as assistant executive director. He said Ms. Alkire has been doing an exceptional job. Procedurally, it is necessary for Commissioners to vote to continue to retain her and to consider a merit increase.

Commissioner Barelare made a motion to retain Assistant Director Alkire and to provide a merit increase. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0.

State Auditor's Property Report

Director Poe said, historically, the Commission has had successfully property audits by the state auditor's office with 100 percent accountability. He said this year's audit was completed in March, and everything was in place and intact.

EXECUTIVE DIRECTOR'S REPORT

Director Poe began his report by reminding commissioners that the Statement of Economic Interests filing to the Alabama Ethics Commission was due on or before April 30, 2025.

He reported that the Commission staff continues to work with the Alabama Department of Risk Management regarding the roof replacement. The next step is a meeting with the project manager to review the architect's recommendation and scope of work. There are still several steps in the process before construction starts, but the project is making headway.

Director Poe said the March financial report demonstrates that the Commission is continuing through the fiscal year with revenues and expenditures as anticipated. There were no Recovery Fund payouts for the past 30 days. The amount paid to other state agencies for FY 2025 is \$351,638.50.

He reported the Commission has issued 45,230 total licenses, and there are currently 39,134 unique individuals licensed. The growth rate is currently 8 new license applications per day, with 250 total new licenses issued in March.

There are currently 907 total education licenses (872 active and 35 inactive) issued, consisting of instructors, administrators, and schools. In March, education staff conducted two school audits, one instructor CE course audit, and one salesperson prelicense course audit. Our newest education specialist, Cassandra James, continues to shadow Education Specialist Julie Norris on audits. The goal is for Julie and Cassandra to begin auditing separately beginning in June. This will increase the number of audits each month.

Our next instructor training will be held May 2, 2025, in the Commission training room. Craig Grant will be offering "The Modern Real Estate Instructor" addressing topics such as professionalism, the modern flipped classroom, instructional material, AI and technology, virtual presentations, and memorable/impactful presentations.

In March, the legal auditors performed 17 company audits and one assistance visit. The Commission continues to prioritize and schedule companies that have not been audited in more than three years.

The next Briefly Legal will be held via Microsoft Teams on May 1, 2025. Coffee with the Commission will resume on May 21, 2025.

Director Poe and Commissioner Barelare provided feedback and updates from the Association of Real Estate License Law Officials (ARELLO) Mid-Year meeting that was held April 14-16 in San Diego. Commissioner Barelare stated that she was very proud to represent Alabama, and all that the Commission is doing, particularly with education requirements. She added that it was a well-attended event and a great opportunity to learn from other states.

HEARINGS – 9:30 a.m. Docket

Ellen Anton – Home Office Request, Case Number 25-242

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to deny Ms. Anton's request. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0.

Nakesia Daugherty - Application for Real Estate Temporary Salesperson License, Case Number 25-209

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to approve Ms. Daugherty's application. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 6-0-0.

Alabama Real Estate Commission VS. Walter Hayes (Beau) Miles II and Essential Property Management LLC, Case Number 25-272

Walter Hayes (Beau) Miles II, Broker, Madison, Alabama and Essential Property Management LLC, Company, Madison, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(8)* by failing to properly account for at all times funds belonging to others.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner May made a motion to find Walter Hayes (Beau) Miles II and Essential Property Management LLC guilty, to impose a fine of \$2,500 each, and to suspend Mr. Miles' license pending the completion, within three to six months, of six hours of continuing education consisting of Broker Management and Property Management. These continuing education hours are in addition to the 15 hours the Commission requires for license renewal. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0.

Brittani Lee - Application for Real Estate Temporary Salesperson License, Case Number 25-228

Upon discussion of the evidence and testimony presented in this matter, Commissioner May made a motion to approve Ms. Lee's application. Commissioner Barelare seconded the motion, and the motion passed unanimously 6-0-0.

Wanda Caldwell - Application for Determination of Licensing Eligibility, Case Number 25-044

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to approve Ms. Caldwell's application. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0.

Alabama Real Estate Commission VS. Electia Love and PMI River Region Incorporated, Case Number 25-220

Electia Love, Qualifying Broker, Montgomery, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that she failed to notify the Commission of the institution of a civil suit against her within ten days of being

served. PMI River Region Incorporated, Company, Montgomery, Alabama was charged on **Count 2** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that company failed to notify the Commission of the institution of a civil suit against it within ten days of being served.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Dye made a motion to find Ms. Love guilty. Commissioner May seconded the motion, and the motion passed unanimously 6-0-0. Commissioner Dye made a motion to fine Ms. Love \$1,000. Commissioner May seconded the motion, and the motion failed 3-3-0, with Commissioners Barelare, Taggart Jones, and Lucas Robinson voting against the motion. Commissioner Barelare made a motion to fine Ms. Love \$500. Commissioner Lucas Robinson seconded the motion, and the motion passed 5-1-0, with Commissioner May voting against the motion. On **Count 2**, Commissioner Barelare made a motion to find PMI River Region Incorporated guilty. Commissioner May seconded the motion, and the motion passed unanimously 6-0-0. Commissioner Dye made a motion to fine PMI River Region Incorporated \$500. Commissioner May seconded the motion, and the motion passed 6-0-0.

Alabama Real Estate Commission VS. Harold Collins II, Case Number 24-320

Harold Collins II, Salesperson, Hoover, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(27)* by acting negligently or incompetently in performing an act for which a person is required to hold a real estate license.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Barelare made a motion to find Mr. Collins not guilty. Commissioner Dye seconded the motion, and the motion passed 4-2-0, with Commissioners May and Echols voting against the motion.

Alabama Real Estate Commission VS. Troy Tabor, Case Number 25-079

Troy Tabor, Salesperson, Birmingham, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(6)* by publishing or causing to be published an advertisement that deceives the public; on **Count 2** for violating *Code of Alabama, 1975, Section 34-27-36(a)(2)* by engaging in misrepresentation or dishonest or fraudulent acts when selling property of his own; on **Count 3** for violating *Code of Alabama, 1975, Section 34-27-36(a)(6)* by publishing or causing to be published an advertisement that deceives the public; on **Count 4** for violating *Code of Alabama, 1975, Section 34-27-36(a)(26)* by exhibiting conduct that demonstrates dishonest dealings, bad faith, or untrustworthiness; on **Count 5** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that he did not notify the Commission of the institution of criminal charges within ten days; on **Count 6** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that he did not notify the Commission of the institution of criminal charges within ten days; on **Count 7** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that he did not notify the Commission of a civil summons and complaint involving a real estate transaction within ten days; on **Count 8** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that he did not notify the Commission of a civil summons and complaint involving a real estate transaction within ten days; and on **Count 9** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(k)* in that he did not notify the Commission of a civil action which involves a real estate transaction and for which he is a defendant has resulted in a judgment within ten days.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Dye made a motion to find Mr. Tabor not guilty. Commissioner Taggart Jones seconded the motion, and the motion failed 3-3-0, with Commissioners May, Echols, and Lucas Robinson voting against the motion. On **Count 2**, Commissioner Lucas Robinson made a motion to find Mr. Tabor guilty and to impose a fine of 1,000.

Commissioner Taggart Jones seconded the motion, and the motion passed 5-1-0, with Commissioner Barelare voting against the motion. On **Count 3**, Commissioner Dye made a motion to find Mr. Tabor guilty. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0. Commissioner Lucas Robinson made a motion to fine Mr. Tabor \$1,000. Commissioner Dye seconded the motion, and the motion passed 5-1-0, with Commissioners May voting against the motion. On **Count 4**, Commissioner Lucas Robinson made a motion to find Mr. Tabor guilty and to impose a fine of 1,000. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0.

On **Counts 5, 6, 7, 8, and 9**, Commissioner Barelare made a motion to find Mr. Tabor guilty. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0. On **Count 5**, Commissioner Dye made a motion to fine Mr. Tabor \$1,000. Commissioner May seconded the motion, and the motion passed 5-1-0, with Commissioner Barelare voting against the motion. On **Count 6**, Commissioner Dye made a motion to fine Mr. Tabor \$1,000. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0. On **Count 7**, Commissioner May made a motion to fine Mr. Tabor \$1,000. Commissioner Lucas Robinson seconded the motion, and the motion passed 5-1-0, with Commissioner Barelare voting against the motion. On **Count 8**, Commissioner May made a motion to fine Mr. Tabor \$1,000. Commissioner Dye seconded the motion, and the motion passed 5-1-0, with Commissioner Barelare voting against the motion. On **Count 9**, Commissioner May made a motion to fine Mr. Tabor \$1,000. Commissioner Taggart Jones seconded the motion, and the motion passed 5-1-0, with Commissioner Barelare voting against the motion.

Alabama Real Estate Commission VS. Owen Meredith & Sons Inc. and Elizabeth Whaley, Case Number 24-159

Owen Meredith and Sons Inc., Company, Tuscaloosa, Alabama and Elizabeth Whaley, Broker, Northport, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975*, Section 34-27-36(a)(28) by failing or refusing on demand to produce a document, book, or record in their possession concerning a real estate transaction conducted by them for inspection by the commission or its authorized personnel or representative.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to find Owen Meredith & Sons Inc. and Elizabeth Whaley guilty and revoke their licenses. Commissioner May seconded the motion, and the motion passed unanimously 6-0-0. Commissioner Barelare made a motion to impose a fine of \$1,000 each. Upon discussion, Commissioner Dye made a motion to amend Commissioner Barelare's motion and increase the fine to \$2,500 each. Commissioner May seconded the motion, and the motion to amend the amount of the fine passed unanimously 6-0-0. Commissioner May made a motion to vote on the original motion with an increased fine of \$2,500 each. Commissioner Taggart Jones seconded the motion, and the motion passed unanimously 6-0-0.

Alabama Real Estate Commission VS. Pamela Bass and Virtuous Realty Group, Case Number 25-256

General Counsel Starla Leverette advised Commissioners that this hearing had been continued to May 22, 2025.

The Commission will determine whether it conducts its disciplinary hearing disposition discussions and decisions in an Open Meeting or call an Executive Session.

Vice Chairman Echols asked for a motion to remain in open session or go into executive session to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama 36-25A-7(a)(9)*. Commissioner Lucas Robinson made a motion that Commissioners go into executive session until 1:30 p.m. to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama 36-25A-7(a)(9)*. Commissioner May seconded the motion, and the motion passed unanimously 6-0-0.

At 1:58 p.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Vice Chairman Echols asked for a motion to return to open session. Commissioner Barelare made a motion to return to open session. Commissioner Dye seconded the motion, and the motion passed unanimously 6-0-0.

Assistant Attorney General Zack Burr recommended that the Commission consider a motion to enter executive session to discuss pending litigation, in accordance with the Alabama Open Meetings Act. Section 36-25A-7(a)(3) of the Act provides that an executive session may be held to discuss with legal counsel the legal ramifications of, and legal options for, pending or imminent litigation. He said the Act requires that an attorney make a certification that those are the issues to be discussed.

Mr. Burr declared that, as an attorney licensed to practice law in Alabama, the exception is applicable and those are the issues to be discussed. He recommended that the Board adopt a motion calling for the executive session and setting out that the purpose of the executive session is to discuss with the Board's attorney the matters allowed to be discussed under Section 7(a)(3) of the Alabama Open Meetings Act and providing that the executive session shall be attended only by the Commissions, the hearing officer, and Mr. Burr.

Vice Chairman Echols asked for a motion to go into executive session to discuss pending litigation in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(3). Commissioner May made a motion that Commissioners go into executive session to discuss pending litigation in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(3). Commissioner Barelare seconded the motion, and the motion passed unanimously 6-0-0.

At 2:40 p.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Vice Chairman Echols asked for a motion to return to open session. Commissioner Barelare made a motion to return to open session. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 6-0-0.

Confirm June 26, 2025, Meeting Date and Location for the Record: Thursday, June 26, 2025, 9:00 a.m., in Montgomery, Alabama.

Next Commission Meeting: Thursday, May 22, 2025, at 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner Dye made a motion to adjourn the meeting at 2:42 p.m. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 6-0-0.

Done this 24th day of April 2025.

Betsy Echols, Vice Chair

Amber Moore, Recording Secretary