

MINUTES

A meeting of the Alabama Real Estate Commission was held April 23, 2015, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Commissioners Steve Cawthon, Cindy Denney, Carole Harrison, Clif Miller, Dorothy Riggins-Allen and Danny Sharp; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phil Bunch and K. C. Baldwin; and Auditor Denise Blevins. The Hearing Officer was Tori Adams. Commissioners Nancy Wright and Reid Cummings were absent with notice.

Other staff members present for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Information Technology Manager Brett Scott; and Accounting and Personnel Manager Molli Jones.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:05 a.m. by Chairman Bill Watts and a quorum was declared.

Commissioner Sharp made a motion to approve the minutes from the March 19, 2015 meeting. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

Executive Director Patricia Anderson presented the March 2015 financial report. Six months into FY2015 revenues are up slightly. The increase can be attributed to revenues from license transfers and original license fees. Original licenses include broker, reciprocal, and temporary licenses. There have been additional Recovery Fund payouts, leaving a balance of \$859,860 in the Recovery Fund account including cash and investments.

Commissioner Sharp has been reappointed by the Governor. The Alabama Senate Confirmations Committee requests that nominees plus someone else representing the agency be present at the Confirmations Committee meeting. Commissioner Riggins-Allen will join Commissioner Sharp and Executive Director Anderson at the meeting.

Ms. Anderson praised the staff for the content and layout of the winter 2015 issue of *The Update* newsletter. She acknowledged Editor Vernita Oliver-Lane, Assistant Editor Lori Moneyham and other staff members who contributed to the content and production of this issue.

Ms. Anderson made Commissioners aware that the Alabama Bureau of Investigation (ABI), which is a Division of the Alabama Law Enforcement Agency, has merged with the Alabama Criminal Justice Information Center. The ABI conducts background checks for the Commission and, as a result of this reorganization, will begin requiring fingerprints as a part of all background checks. It is not yet known if there will be an additional cost for fingerprinting.

The Commission is considering a future rule change that will give real estate schools the option to advertise their pass rate. The Commission can now include pass rates in a school's electronic record and make that information available to the school. The Education Division has offered mandatory training for instructors who have a pass rate of 30% or less and anticipate additional training.

Commissioner Cawthon made a motion to conduct disciplinary hearing disposition discussions and decisions in an open meeting. Commissioner Sharp seconded the motion and passed unanimously 7-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Gary J. Love, Formal Complaint No. 3365

Mr. Love was not present for the hearing. The hearing officer determined that Mr. Love did not receive notice within the timeframe required by law and, therefore, he must be re-served. Upon this being accomplished, the hearing will be rescheduled.

Alabama Real Estate Commission vs. Judy R. Ramey and Caribe Realty, Inc., Formal Complaint No. 3366

Judy R. Ramey, Qualifying Broker, Caribe Realty Inc., Orange Beach, Alabama and Caribe Realty Inc., Orange Beach, Alabama were charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. in that they failed, within a reasonable time, to properly account for or remit money coming into their possession which belonged to others by having a shortage of funds in the rental account and violating Section 34-27-36(a)(8)b. in that they failed to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama. Upon discussion of the evidence and testimony presented in this matter, Commissioner Cawthon made a motion to find Ms. Ramey guilty and revoke her license. Commissioner Miller seconded the motion and it passed unanimously 7-0. Commissioner Riggins-Allen made a motion to fine Ms. Ramey \$2,500. Commissioner Cawthon seconded the motion and it passed unanimously 7-0. Commissioner Cawthon made a motion to find Caribe Realty Inc. guilty and fine the company \$2,500. Commissioner Miller seconded the motion and it passed unanimously 7-0.

Letetia Maxwell Collins, Application for Determination of Licensing Eligibility, Investigative File I-14,534

Ms. Collins did not show for the hearing; therefore, no hearing was held.

Kevin Crystal, Application for Reciprocal Salesperson's License, Investigative File I-14,535

Upon discussion of Mr. Crystal's eligibility for Alabama licensure, Commissioner Riggins-Allen made a motion to grant eligibility. Commissioner Harrison seconded the motion and it passed unanimously 7-0.

NOT APPEARING ITEMS FOR RULING

Scott D. Sawyer, Plea of Guilty and Waiver of Hearing for Bad Check, Formal Complaint No. 3367

Upon review of the evidence and testimony presented by Scott D. Sawyer, Qualifying Broker, Millenia Alabama Properties LLC d/b/a Millenia Alabama Realtors, Mobile, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) in that he presented 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 Mr. Sawyer guilty; fine him \$250 in addition to requiring him to pay the \$255 check and the bad check fee; and suspend his license until the fees and fine are paid. Commissioner Riggins-Allen seconded the motion and it passed unanimously 7-0.

J. Brooks Emory III, Request for Home Operation, I-14,548

Upon review of Mr. Emory's hardship request for home operation, Commissioner Miller made a motion to grant his request. Commissioner Riggins-Allen seconded the motion and it passed 6-1 with Commissioner Cawthon voting against the motion.

Lathan B. Strong, Request for an Extension to Take the Salesperson Examination.

Upon review of Mr. Strong's request for a 45-day extension to take the salesperson examination, Commissioner Riggins-Allen made a motion to grant his request. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

Confirm Next Meeting Date and Location for the Record: May 21, 2015, 9:00 a.m., Montgomery

Commissioner Sharp made a motion to confirm the next Commission meeting for May 21, 9:00 a.m., in Montgomery. Commissioner Riggins-Allen seconded the motion and it passed unanimously 7-0.

There being no further business, the meeting adjourned at 11:30 a.m.

Done this 23rd day of April, 2015.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary