

## MINUTES

A meeting of the Alabama Real Estate Commission was held August 17, 2023 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. 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, Jim Dye, Betsy Echols, Joyce Harris, Randy McKinney, Susan Smith and Cerita Tucker Smith. A quorum was declared.

Chairman Barran recognized incoming Commissioner Deborah Lucas Robinson in attendance. Her term begins October 1, 2023. Also recognized was Adrien Helms, a guest of Commissioner Susan Smith.

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; Assistant Attorney General Serena Cronier; Investigators KC Baldwin, Rickey Fennie and Marshall Simons; Auditors Denise Blevins, Anthony Brown and Vickie Shackelford; Legal Assistant Ernestine Reeves; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; Communications and Public Relations Specialist Jess Sparks and State Professional Trainee Taylar Hooks; Education Director Ryan Adair; Education Specialists Brittni Anderson, Julie Norris and Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Becky Jackson; Information Technology Director Brett Scott; Programmers Eric Aldridge and Chris Prestridge; Licensing Director Anthony Griffin; Licensing Assistants Edward Arrington, 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 May 25, 2023 Commission meeting. Vice Chairman May made a motion to approve the minutes from the May 25, 2023 meeting. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Commissioner Tucker Smith arrived for the meeting at 9:05 a.m.

### **PUBLIC RECORDS ACCESS UPDATE – ATTORNEY SERENA CRONIER**

Commission Attorney Serena Cronier provided an update regarding the Governor's Executive Order for Public Records Access. She stated that the Commission's policy and

procedures for open records requests mirror the Governor's Executive Order, current state law, and the instructions of the Attorney General's Office requiring proof of Alabama citizenship.

## **EXECUTIVE DIRECTOR'S REPORT**

Director Poe announced the Commission had another perfect property audit from the State Auditor's Office. There were 466 inventory items valued at \$500 or more with a cumulative value of \$866,337.25. He congratulated retiree Hattie Thomas for this accomplishment as the audit occurred her last week of service to the Commission.

Director Poe presented the June and July 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 \$460,177.54 to other state agencies for services during fiscal year 2023. He stated the fiscal year ends on September 30, but the year end process continues through November during the 13<sup>th</sup> accounting period. The 2024 Operations Plan has been submitted to the Executive Budget Office. The Commission's FY 2025 Budget Request will be presented for approval at the October meeting.

Director Poe reported the Commission has issued 43,888 total licenses. There are 4,504 licensed companies and branches. During June there were 546 licenses issued: 245 Temporary, 223 Original Salesperson; and 78 Broker. The average rate of growth for June was 10.77 new license applications per day, or roughly 323 per month. During July there were 487 licenses issued: 205 Temporary, 228 Original Salesperson; and 54 Broker. The average rate of growth for July was 8.64 new license applications per day, or roughly 259 per month. Presently there are 12,827 inactive licenses. Currently, there are 38,018 unique individuals licensed.

The Legal Division performed 27 desk audits and six real estate company assistance visits during June and July. The assistance visits are available at no cost to companies, typically to those that have been in business for one year or less. Director Poe stated there are still Qualifying Brokers who are not aware that this service is available despite efforts by Commission staff.

The Education Division reported there are 891 total education licensees: 864 active and 27 inactive. There were nine education course audits performed during June and July; that included four salesperson prelicense courses, three continuing education courses, and two schools. Director Poe announced the Pearson VUE review the state-specific exam items went well on June 28-29. A follow-up standard setting meeting was held virtually on July 26 and appreciation was expressed to General Counsel Starla Leverette and the Legal Division for their assistance. An instructor training will be held on Friday, August 18 for those instructors who need CE credit for this renewal year. A New Instructor Orientation will be offered on August 24-25, 2023 and is scheduled to have the maximum number of 10 attendees.

Director Poe stated Coffee with the Commission was held August 16, 2023 with Commissioner Susan Smith and Educator Director Ryan Adair co-hosting. They shared great information regarding the education renewal cycle and progress to include education in general.

Commissioner Smith is a licensed broker and licensed real estate educator. There were approximately 70 attendees.

Director Poe stated he is looking forward to seeing Commissioners at the upcoming 2023 Annual ARELLO® (Association of Real Estate License Law Officials) Conference on September 18-22, 2023. He reminded commissioners their dedication to real estate regulation at a national level included involvement in the board of directors, and the education certification, law and regulation, and finance committees.

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**

1. Petition of Commission – Vincent Jackson

Commissioner Echols recused herself from this discussion.

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Jackson's application for a real estate salesperson temporary license, Commissioner Tucker Smith made a motion to approve his application. Commissioner Harris seconded the motion and the motion failed on a split vote of 4-4. Vice Chairman May and Commissioners Harris, Smith and Tucker Smith voted in favor of the motion and Chairman Barran and Commissioners Campbell, Dye, and McKinney voted against the motion.

## **HEARINGS – 9:30 a.m. Docket**

### **Kasey Miller, Application for Determination of Licensing Eligibility, Investigative File I-22-314**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Miller's application for determination of licensing eligibility, Commissioner Smith made a motion to approve her application. Commissioner Tucker Smith seconded the motion and it passed unanimously 9-0.

### **Alabama Real Estate Commission VS. James Ravinell Wilson II and Renting Earth Real Estate Inc., Formal Complaint No. 3692**

Attorney Kelly May of Birmingham was present with Respondent Wilson.

James Ravinell Wilson II, Qualifying Broker, Renting Earth Real Estate Inc., Homewood, Alabama and Renting Earth Real Estate Inc., Homewood, Alabama were charged on **Count 1** with

violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(8)(a) by commingling money belonging to others with his or its own funds. Respondents James Ravinell Wilson II and Renting Earth Real Estate Inc, Homewood, Alabama were charged on **Count 2** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(8)(b) by failing 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 the matter, Regarding **Count 1**, Commissioner Dye made a motion to find Mr. Wilson guilty. Commissioner Harris seconded the motion and it passed unanimously 9-0. Commissioner Tucker Smith made a motion to fine him \$2,500. Commissioner Campbell seconded the motion and it passed 8-1 with Vice Chairman May voting against the motion. Commissioner Smith made a motion to find Renting Earth Real Estate Inc. guilty. Commissioner Echols seconded the motion and it passed unanimously 9-0. Commissioner Dye made a motion to fine the company \$100. Vice Chairman May seconded the motion and it unanimously 9-0. Regarding **Count 2**, Commissioner Smith made a motion to find Mr. Wilson guilty. Commissioner Echols seconded the motion and it passed unanimously 9-0. Commissioner Dye made a motion to fine him \$2,500. Commissioner Campbell seconded the motion and it passed 7-2 with Vice Chairman May and Commissioner Smith voting against the motion. Commissioner Smith made a motion to find Renting Earth Real Estate Inc. guilty. Commissioner Harris seconded the motion and it passed unanimously 9-0. Vice Chairman May made a motion to fine the company \$100. Commissioner McKinney seconded the motion and it unanimously 9-0.

**Shaunna Reese, Application for Real Estate Salesperson Temporary License, Investigative File I-23-236**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Reese's application for a real estate salesperson temporary license, Commissioner Tucker Smith made a motion to approve her application. Commissioner Dye seconded the motion and it passed 7-2 with Vice Chairman May and Commissioner Echols voting against the motion.

**Alabama Real Estate Commission VS. Margaret (Meg) Terrell Reed and David M. Egbert, Formal Complaint No. 3689**

Margaret (Meg) Terrell Reed, Salesperson, Foley, Alabama was charged with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(27) by acting negligently or incompetently in performing an act for which a person is required to hold a real estate license, David M. Egbert, Qualifying Broker, Alabama Beach Realty, Gulf Shores, Alabama was charged with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Administrative Code Chapter 790-X-3 Rule 15 (9) by failing to ensure that all contracts and forms used by the licensee are reviewed for accuracy and compliance with applicable statutes, regulations, and office policies.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Tucker Smith made a motion to find Ms. Reed guilty. Commissioner Harris seconded the motion and it passed 8-1 with Vice Chairman May voting against the motion. Commissioner Dye made a motion to fine her \$100. Commissioner Smith seconded the motion and it unanimously 9-0. Commissioner Tucker Smith made a motion to find Mr. Egbert guilty. Commissioner Dye seconded the motion and it passed unanimously 9-0. Vice Chairman May made a motion to fine him \$100. Commissioner Dye seconded the motion and it passed 5-4 with Chairman Barran and Commissioners Harris, Smith and Tucker Smith voting against the motion.

**Tracy Dickerson Jr., Application for Real Estate Salesperson Temporary License, Investigative File I-23-200**

Attorney Serena Cronier advised this case was dismissed.

**Tiffany Brewton, Application for Real Estate Salesperson Temporary License, Investigative File I-23-213**

Hearing Officer Jim Hampton advised that Commissioner Dye would not participate in this hearing.

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Brewton's application for a real estate salesperson temporary license, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed 8-0-1.

**Alabama Real Estate Commission VS. Joseph A. Schneider and JAS Real Estate LLC, Formal Complaint No. 3690**

Assistant General Counsel Zack Burr advised that Mr. Schneider was not present for the hearing and submitted an Executed Relinquishment of License for himself and JAS Real Estate LLC. The facts of the case were presented.

Joseph A. Schneider, Qualifying Broker, JAS Real Estate LLC, Birmingham, Alabama, and JAS Real Estate LLC, Birmingham, Alabama, were charged on **Count 1** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(31) by failing to keep in their file copies of all contracts, leases, listings, and other records pertinent to real estate transactions for a period of three years. Both Respondents were also charged on **Count 2** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by violating or disregarding any provision of this chapter or any rule, regulation, or order of the commission, by failing to comply with Code of Alabama, 1975, as amended, Section 34-27-83(b) in that they did not retain a form acknowledging receipt of the RECAD office policy statement and a satisfactory explanation of its contents signed by each licensee.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 1**, Commissioner Smith made a motion to find Mr. Schneider guilty and accept his license surrender as a revocation and fine him \$2,500. Commissioner Campbell seconded the motion and it passed unanimously 9-0. Commissioner Dye made a motion to find JAS Real Estate LLC guilty and accept the license surrender as a revocation. Commissioner McKinney seconded the motion and it passed unanimously 9-0. Commissioner Campbell made a motion to fine the company \$2,500. Commissioner Echols seconded the motion and it passed unanimously 9-0.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 2**, Commissioner Smith made a motion to find Mr. Schneider guilty and accept his license surrender as a revocation. Commissioner McKinney seconded the motion and it passed unanimously 9-0. Commissioner McKinney made a motion to fine him \$2,500. Commissioner Dye seconded the motion and it passed unanimously 9-0. Commissioner Smith made a motion to find JAS Real Estate LLC guilty and accept the license surrender as a revocation. Commissioner Harris seconded the motion and it passed unanimously 9-0. Commissioner Campbell made a motion to fine the company \$2,500. Vice Chairman May seconded the motion and it passed unanimously 9-0.

At 12:06 p.m. Hearing Officer Jim Hampton advised Chairman Barran that the first section of the 9:30 a.m. docket was concluded. Considering that the first section of the 9:30 a.m. docket was complete, Chairman Barran asked for a motion to stay in open session or go into executive session for approximately 60 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 60 minutes. Commissioner Smith seconded the motion and it passed unanimously 9-0.

At 1:18 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. Vice Chairman May made a motion to return to open session. Commissioner McKinney seconded the motion and it passed unanimously 9-0.

#### **HEARINGS – 9:30 a.m. Docket, continued**

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

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Gulley's application for determination of licensing eligibility, Vice Chairman May made a motion to approve his application. Commissioner Tucker Smith seconded the motion and the motion failed by a vote 3-6 with Commissioners Campbell, McKinney and Smith voting in favor of the motion and Commissioners Chairman Barran, Vice Chairman May, and Commissioners Dye, Echols, Harris and Tucker Smith voting against the motion.

**Rachel Tullier, Applicant for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-23-218**

Commissioner McKinney recused himself from this hearing.

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Tullier's request for approval to hold a real estate license after license was previously revoked, Commissioner Tucker Smith made a motion to deny her request. Commissioner Smith seconded the motion and it passed 8-0-1.

**Clint Bender, Application for Real Estate Salesperson Temporary License, Investigative File I-23-140**

Chairman Barran recused himself from this hearing.

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Bender's application for a real estate salesperson temporary license, Commissioner Echols made a motion to approve upon proof of completion of probation and a second background check that that time. Commissioner McKinney seconded the motion and it passed 8-0-1.

**Rhonda Clanton, Application for Determination of Licensing Eligibility, Investigative File I-23-116**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Clanton's application for determination of licensing eligibility, Commissioner Smith made a motion to approve her application. Commissioner Campbell seconded the motion and it passed 7-2 with Commissioners Dye and Echols voting against the motion.

**Felicia F. Kelley, Application for Determination of Licensing Eligibility for reciprocal License, Investigative File I-23-243**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Kelly's application for determination of licensing eligibility for reciprocal license, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed 7-2 with Commissioners Dye and Echols voting against the motion.

**Veronica Love, Application for Determination of Licensing Eligibility, Investigative File I-23-208**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Love's application for determination of licensing eligibility, Commissioner Echols made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**Katina Thompson, Application for Determination of Licensing Eligibility, Investigative File I-23-216**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Thompson's application for determination of licensing eligibility, Commissioner Harris made a motion to approve her application. Commissioner Smith seconded the motion and it passed unanimously 9-0.

**Kristi Williams, Application for Real Estate Salesperson Temporary License, Investigative File I-23-257**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Williams' application for a real estate salesperson temporary license, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**NOT APPEARINGS**

**Ruth Benvenuto, Application for Determination of Licensing Eligibility, Investigative File I-23-141**

Upon discussion of the evidence presented in the matter regarding Ms. Benvenuto's application for determination of licensing eligibility, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**CONSENT DECREE SUBMISSIONS**

**1. Alabama Real Estate Commission VS. Hannah Brooke Johnson, Formal Complaint No. 3686**

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

At 3:42 p.m. Hearing Officer Jim Hampton advised Chairman Barran that the second section of the 9:30 a.m. docket and Not Appearings were concluded. Considering that the second section of the 9:30 a.m. docket and Not Appearings were complete, Chairman Barran asked for a motion to stay in open session or go into executive session for approximately 17 minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Campbell 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 17 minutes. Commissioner Smith seconded the motion and it passed unanimously 9-0.



At 4:07 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 Smith made a motion to return to open session. Vice Chairman May seconded the motion and it passed unanimously 9-0.

**Confirm October 2023 Meeting Date and Location for the Record:** October 26, 2023, 9:00 a.m. in Tuscaloosa, Alabama at the University of Alabama School of Law, Moot Court, 101 Paul W. Bryant Drive East, Tuscaloosa, Alabama

Commissioner Smith made a motion to confirm the October 2023 meeting for October 26, 2023, 9:00 a.m. in Tuscaloosa, Alabama at the University of Alabama School of Law, Moot Court, 101 Paul W. Bryant Drive East, Tuscaloosa, Alabama. Commissioner Campbell seconded the motion and it passed unanimously 9-0.

**Next Commission Meeting:** Thursday, September 14, 2023, 9:00 a.m. in Montgomery, Alabama.

Chairman Barran expressed his appreciation to Commissioners and staff for their great work at this meeting.

There being no further business, Commissioner McKinney made a motion to adjourn the meeting at 4:24 p.m. Commissioner Smith seconded the motion and it passed unanimously 9-0.

Done this 17<sup>th</sup> day of August 2023.

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Emmette Barran, Chairman

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Barbi Lee, Recording Secretary