

MINUTES

The Alabama Real Estate Commission met December 9, 2005 at the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill E. Poole; Vice-Chair Sheila Hodges; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Specialist Ryan Adair; Special Investigators David Erfman and Chuck Kelly; Assistant Attorney General Tori Adams-Burk served as Hearing Officer. Commissioners Henderson and Hewes were absent having given prior notice.

Commissioner Poole called the meeting to order at 9:00 a.m. and declared a quorum present.

Commissioner Mallory moved to approve the November 18 meeting Minutes as presented. Commissioner Hays seconded the motion and it passed unanimously 7-0.

The financial statement from October was reviewed and there was no action taken.

Commissioners initially convened in the upstairs Training Room for a presentation on the implementation of CMAP and its implications for compliance enforcement in the upcoming 2006 renewal. A summary review of the Strategic Planning work from October was distributed and briefly overviewed. Commissioners will comment more upon further review and staff will continue refining Performance Measures.

Alabama Real Estate Commission vs. Samuel Provitt, Formal Complaint No. 2895

Upon discussion of the evidence and testimony presented in the matter of Samuel E. Provitt, Sr., Salesperson, R.W. Smith and Associates, Montgomery, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-1-.12(8) and Rule 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates of completion of approved continuing education courses and by the false or inaccurate filing of the renewal, Commissioner Hodges moved to find Mr. Provitt guilty and to reprimand him, also requiring his CE to be completed within 60 days to avoid suspension of his license. Commissioner Hays seconded the motion and it passed unanimously 7-0.

Alicia Davis, Denied Applicant for Determination of Licensing Eligibility, I-11,799

Upon discussion and consideration of the testimony presented in the application hearing for determination of licensing eligibility submitted by Ms. Davis, Commissioner Hodges moved to approve the license eligibility of Ms. Davis. Commissioner Buford seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Robert Davis, Formal Complaint No. 2894

Upon discussion of the evidence and testimony presented in the matter of Robert Davis, Associate Broker, Real Estate by the Bay-Fairhope, Fairhope, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-1-.12(8) and Rule 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates of completion of approved continuing education courses and by the false or inaccurate filing of the renewal, Commissioner Hodges moved to find Mr. Davis guilty and to fine him \$500. Commissioner Bragg seconded the motion and it passed 6-1 with Commissioner Hays voting no.

Robert E. Peterson, Denied Applicant for Determination of Licensing Eligibility, I-11,760

Upon discussion of the testimony offered by Mr. Peterson in his application for approval of licensing eligibility, Commissioner Lovejoy moved to deny Mr. Peterson's license eligibility. Commissioner Hays seconded the motion and it passed unanimously 7-0.

Kiet Minh Ho, Denied Applicant for Determination of Licensing Eligibility, I-11,730

The respondent did not appear and will be re-scheduled.

Robert L. Oswald, Sr., Applicant for Temporary Salesperson's License, I-11,821

Upon discussion of the testimony offered by Mr. Oswald in his application for temporary salesperson's license, Commissioner Hays moved to deny Mr. Oswald's application. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Christopher A. Cummings, Formal Complaint No. 2880

The respondent did not appear and will be rescheduled.

Philip C. McArthur, Request for Renewal of Lapsed Salesperson's License, I-11,836

Upon discussion of the presentation by Mr. McArthur regarding his hardship renewal, Commissioner Buford moved to deny the hardship request. Commissioner Hodges seconded the motion and it passed 6-1 with Commissioner Hays voting no.

NOT APPEARINGS

Gregory Dewayne Howard, Applicant for Determination of Licensing Eligibility, I-11,824

Upon review of Mr. Howard's application for determination of licensing eligibility, Commissioner Hodges moved to deny the license eligibility of Mr. Howard. Commissioner Bragg seconded the motion and it passed 7-0.

Alabama Real Estate Commission vs. Kristy L. Riley, Formal Complaint No. 2892

Upon discussion of the evidence and testimony presented in the matter of Kristy L. Riley, Inactive Salesperson, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates showing the completion of all the required continuing education course hours by the deadline and by the false or inaccurate filing of the renewal, Commissioner Hodges moved to accept the affidavit acknowledging the plea of guilt for a 30 day suspension and a \$1000 fine offered by Ms. Riley in lieu of a formal hearing. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. John Michael Bodnar, Formal Complaint No. 2893

Upon discussion of the evidence and testimony presented in the matter of John Michael Bodnar, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to provide to the Commission, upon request, original certificates of completion of approved continuing education courses and by the false or inaccurate filing, Commissioner Mallory moved to accept the affidavit acknowledging the plea of guilt for a 30 day suspension and a \$1000 fine offered by Mr. Bodnar in lieu of a formal hearing. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

Kesha K. Baltimore, Applicant for Temporary Salesperson's License, I-11,834

Upon discussion of the application for temporary salesperson's license submitted by Ms. Baltimore, Commissioner Hodges moved to deny the temporary sales application of Ms. Baltimore. Commissioner Hays moved to second the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Paula J. Gardner, Formal Complaint No. 2888

Upon discussion of the evidence and testimony presented in the matter of Paula J. Gardner, Salesperson, APC Real Estate, Inc, aka Alabama Coastal, Tillman's Corner Branch, Mobile, Alabama, and the alleged violation of 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, Commissioner Hodges moved to find Ms. Gardner guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed unanimously 6-0. Commissioner Mallory abstained.

Daniel V. Morrison, Applicant for Determination of Licensing Eligibility, I-11,817

Upon review of Mr. Morrison's eligibility for licensure, Commissioner Hays moved to deny the license eligibility of Mr. Morrison. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

Jack N. Olive, Request to Renew a Lapsed License, I-11,835

Upon discussion of Mr. Olive's lapsed license renewal request, Commissioner Hays moved to approve Mr. Olive's hardship request based on previous hurricane victim relief. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Jeffery David Noel, Formal Complaint No. 2884

Upon discussion of the evidence and testimony presented in the matter of Jeffery David Noel, Vacation Timeshare Salesperson, Escape to the Gulf, Foley, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-60(14) in that a check was returned unpaid by the bank upon which it was drawn, Commissioner Hays moved to dismiss formal complaint #2884. Commissioner Mallory seconded the motion and it passed 6-1 with Commissioner Hodges voting no.

There being no further business, the Commission adjourned at 11:45 a.m.

Done this 9th day of December, 2005.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary