

## MINUTES

The Alabama Real Estate Commission met December 5, 2008, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice Chairman Jewel Buford; Commissioners Dorothy Riggins-Allen, Steve Cawthon, Bobby Hewes, Clif Miller, Jan Morris, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Hearing Officer was Tori Adams.

Other Commission staff in attendance for the discussion period included Public Information Manager Vernita Oliver-Lane; Public Information Specialist Lori Moneyham, Information Technology Manager Nancy Barfield, Molli Jones, Senior Accountant, Julie Norris and Pam Oates, Education Specialists.

The meeting having been duly noticed according to the Open Meetings Act was called to order by Chairman Sheila Hodges at 9:00 a.m.

Commissioner Morris moved to approve the September 5, 2008 minutes. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Hearing Officer Tori Adams administered the oath of office to Commissioner Watts which was then duly recognized by those present.

Commission Assistant Attorney General Chris Booth gave an informational report to Commissioners on appeals cases. No action was taken.

Executive Director Philip Lasater reviewed the September and October 2008 financial statements. He noted that the Commission is still under projections on expenditures. Revenues for the beginning of the 2009 fiscal year are also slightly under projections. After review and discussion of the 2010 budget, Commissioner Watts made a motion to approve it. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Commissioners discussed the proposed February 10 meeting date scheduled in Tuscaloosa, Alabama. In light of the ACRE Trustees moving their meeting date away from February 10, Commissioner Morris made a motion to move the February Commission meeting to February 11 at 9:00 a.m. in Tuscaloosa, Alabama. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

In follow up to the request and direction by Commissioners to develop and procure a Real Estate Commissioner badge, Public Information Manager Vernita Oliver-Lane provided a sample draft for a badge. After discussion and suggested modifications, Commissioners Cawthon and Morris were designated as a Committee for the whole. The revised draft will be presented to Commissioners Cawthon and Morris for final approval prior to ordering. Commissioner Morris made a motion to order a badge for each Commissioner. The understanding also being it would become a part of the new Commissioner orientation package. The motion was seconded the motion and it passed unanimously 9-0.

Education Director Ryan Adair provided information to Commissioners regarding AAR's 2009 Leadership Conference and distributed complimentary registration forms provided by AAR.

There was a brief discussion about the recently held Instructor Training Program on the new Risk Management course. Commissioners Hodges and Miller complimented the staff on the course and program. Commission Chair Hodges welcomed instructors at the program on behalf of the Commission. Mr. Lasater shared with Instructors Commissioner action proposing Legislation to amend Section 34-27-6 of License Law and the report of the initiative was met with much enthusiasm.

Commissioner Watts made a motion that the Commission conduct its disciplinary hearing disposition deliberations in executive session. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

## HEARINGS

### **Alabama Real Estate Commission vs. Marcia H. Norris, Formal Complaint No. 3095**

Upon discussion of the evidence and testimony presented in the matter of Marcia H. Norris, Approved Real Estate Instructor and Associate Broker, Exit I-65 Realty, Gardendale, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by violating Alabama Real Estate Commission Rule 790-X-1-.12(8) in her failure to maintain permanent attendance records for 78 continuing education students for a minimum of four years as required; Count 2: Section 34-27-36(a)(19) by violating Alabama Real Estate Commission Rule 790-X-1-.06(n) by failing to maintain permanent attendance records and course completion scores for pre-license and post-license students for a minimum of four years as required, Commissioner Morris made a motion to find Ms. Norris guilty Counts 1 and 2 and warn her on both counts that revoking or suspending her school approval are possible for any future violations. The motion was seconded by Commissioner Hewes. Commissioner Watts offered an amendment that Ms. Norris be audited after twelve months. Commissioner Cawthon seconded the motion for amendment and the motion passed unanimously 9-0. The vote was then taken on the main motion now with an amendment and it passed unanimously 9-0.

### **Alabama Real Estate Commission vs. Debra Ann Williams a/k/a Debra A. Cook, Formal Complaint No. 3076**

Ms. Debra Ann Williams a/k/a Debra A. Cook having duly been served notice and failing to appear, a hearing was held in her absence. Upon discussion of the evidence and testimony presented in the matter of Debra Ann Williams a/k/a Debra A. Cook, Inactive Salesperson, Coaling, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by violating or disregarding the ORDER of the Commission to pay a fine in the amount of \$250 as set out in Formal Complaint No. 3034, Commissioner Watts made a motion to find Ms. Williams/Cook guilty and revoke her license. Commissioner Miller seconded the motion and it passed unanimously 9-0.

### **Alabama Real Estate Commission vs. Rita L. Bullock, Formal Complaint No. 3102**

Upon discussion of the evidence and testimony presented in the matter of Rita L. Bullock, Inactive Salesperson, Montgomery, 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 Watts made a motion to find Ms. Bullock guilty and reprimand her. Commissioner Buford seconded the motion and it passed unanimously 9-0.

### **Erin Mitchell Bradshaw, Requests Ruling on Examination Score Counting, Course Completion Certificate Note Presented at Test Site, I-12,929**

Upon discussion of the testimony presented regarding the events which lead to Ms. Bradshaw taking the examination prior to her completion of the prelicense course, Commissioner Morris made a motion to accept Ms. Bradshaw's examination score. Commissioner Watts seconded the motion and it passed 7-2 with Commissioners Hodges and Watts voting no.

### **Alabama Real Estate Commission vs. David A. Blum, Formal Complaint No. 3115**

Upon discussion of the evidence and testimony presented in the matter of David A. Blum, Qualifying Broker, Fremont, California, 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-3-.01 in that Respondent failed to notify the Commission in writing within thirty days of having moved his office location, Commissioner Morris made a motion to find Mr. Blum guilty and fine him \$250.00. Commissioner Watts seconded the motion and it passed unanimously 9-0.

**Jevon DeShea Turner, Applicant for Determination of Licensing Eligibility, I-12,916**

Upon discussion of the testimony presented by Mr. Turner regarding his eligibility for licensure, Commissioner Riggins-Allen made a motion to approve Mr. Turner's request. Commissioner Wright seconded the motion and it passed unanimously 9-0.

**Lashara D'Angelia Hawkins, Application for Determination of Licensing Eligibility, I-12,904**

Upon discussion of the testimony presented by Ms. Hawkins regarding her eligibility for licensure, Commissioner Morris made a motion to deny approval of her eligibility. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

**Annette Elaine Brown, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3107**

Upon review of the evidence and testimony presented in the matter of Annette Elaine Brown, Salesperson, Weeks and Browning Realty, Inc., d/b/a ERA Weeks and Browning Realty, Inc., Montgomery, 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 Morris made a motion to find Ms. Brown guilty and fine her \$250.00. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Rita A. Hanson, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3109**

Upon review of the evidence and testimony presented in the matter of Rita A. Hanson, Salesperson, First Realty Associates, Carrollton, Georgia, 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 Watts made a motion to find Ms. Hanson guilty and fine her \$500.00. Commissioner Morris seconded the motion and it passed unanimously 9-0.

**Susan Rice, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3114**

Upon review of the evidence and testimony presented in the matter of Susan Rice, Salesperson, JRHBW Realty, Inc., d/b/a RealtySouth Mountain Brook-Crestline, Birmingham, 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 Morris made a motion to find Ms. Rice guilty and fine her \$250.00. Commissioner Wright seconded the motion and it passed unanimously 9-0.

**Robert Ford Gillespie, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3111**

Upon review of the evidence and testimony presented in the matter of Robert Ford Gillespie, Inactive Temporary Salesperson, Muscle Shoals, 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 Morris made a motion to find Mr. Gillespie guilty and fine him \$100.00. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Danielle Gordon, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3041**

Upon review of the evidence and testimony presented in the matter of Danielle Gordon, Broker, Hollywood, Florida, 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 Cawthon seconded the motion and it passed unanimously 9-0.

**Kyle Matthew Stonis, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3116**

Upon review of the evidence and testimony presented in the matter of Kyle Matthew Stonis, Salesperson, Bull Realty, Inc., Atlanta, Georgia, 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 Morris made a motion to find Mr. Stonis guilty and fine him \$100.00. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**John A. Cook, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3118**

Upon review of the evidence and testimony presented in the matter of John A. Cook, Salesperson, Sandion d/b/a Coldwell Banker United Realtors, Pensacola, Florida, 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 Hewes made a motion to find Mr. Cook guilty and fine him \$100.00. Commissioner Buford seconded the motion and it passed unanimously 9-0.

**Vincent D. Elliott, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3113**

Upon review of the evidence and testimony presented in the matter of Vincent D. Elliott, Salesperson, Exit Realty Unlimited, Montgomery, 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 Riggins-Allen made a motion to find Mr. Elliott guilty and fine him \$250.00. Commissioner Wright seconded the motion and it passed unanimously 9-0.

**Roger M. Pugh, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3112**

Upon review of the evidence and testimony presented in the matter of Roger M. Pugh, Qualifying Broker, Pugh Realty Company, 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 Alabama Real Estate Commission Rule 790-X-3-.01 in that Respondent failed to notify the Commission in writing within thirty (30) days of having changed his office address, Commissioner Morris made a motion to find Mr. Pugh guilty and fine him \$250.00. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Robert E. Blackerby, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3120**

Upon review of the evidence and testimony presented in the matter of Robert E. Blackerby, Qualifying Broker, Robert Blackerby and Associates, Inc., Panama City Beach, Florida, 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-3-.01 in that Respondent failed to notify the Commission in writing within thirty (30) days of having changed the address of his place of business, Commissioner Hewed made a motion to find Mr. Blackerby guilty and fine him \$250.00. Commissioner Morris seconded the motion and it passed unanimously 9-0.

**Ginger B. Turner, Surrender of License, Formal Complaint No. 3093**

Upon review of the affidavit of license surrender submitted by Ms. Turner, Commissioner Watts made a motion to accept the surrender rendering her license revoked. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Lance A. Calhoun, Surrender of License, I-12,761**

Upon review of the affidavit of license surrender submitted by Mr. Calhoun, Commissioner Morris made a motion to accept the surrender rendering his license revoked. Commissioner Watts seconded the motion and it passed unanimously 9-0.

**Blake B. Spicer, Surrender of License, I-12,846 and I-12,884**

Upon review of the affidavit of license surrender submitted by Mr. Spicer, Commissioner Morris made a motion to accept the surrender rendering his license revoked. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Kimberly Howton, Applicant for Determination of Licensing Eligibility, I-12,906**

Upon review of the application for determination of licensing eligibility submitted by Ms. Howton, Commissioner Morris made a motion to deny approval of eligibility. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Kerri Leslie aka Kerriynetta Leslie, Applicant for Determination of licensing Eligibility, I-12,908**

Upon review of the application for determination of licensing eligibility submitted by Ms. Leslie, Commissioner Watts made a motion to deny approval of eligibility. Commissioner Morris seconded the motion and it passed unanimously 9-0.

**Cary Wiggins, Applicant for Determination of Licensing Eligibility, I-12,917**

Upon review of the application for determination of licensing eligibility submitted by Mr. Wiggins, Commissioner Watts made a motion to deny approval of eligibility. Commissioner Morris seconded the motion and it passed unanimously 9-0.

**Lerone Joseph Wiley, Applicant for Determination of Licensing Eligibility, I-12,909**

Upon review of the application for determination of licensing eligibility submitted by Mr. Wiley, Commissioner Cawthon made a motion to deny approval of eligibility. Commissioner Morris seconded the motion and it passed unanimously 9-0.

**Anita Dawkins, Request for Extension to Take Alabama Salesperson's Examination, I-12,919**

Upon review and discussion of Ms. Dawkins' request for the Commission's approval for an extension to take the salesperson's exam, Commissioner Watts made a motion to grant Ms. Dawkins a 60-day extension to take the salesperson's examination. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Brinda Bouldin Purnell, Request for Extension to Take Alabama Broker's Examination, I-12,920**

Upon review of the request by Ms. Purnell for the Commission's consideration in allowing her to take the broker's exam, Commissioner Hewes made a motion to grant Ms. Purnell a 60-day extension to take the broker's examination. Commissioner Watts seconded the motion and it passed unanimously 9-0.

**Gerald C. Phillips, Request for Reconsideration of Revocation, Formal Complaint No. 3082**

Upon review and discussion of Mr. Phillips' request for re-consideration of the Commission's ruling to revoke his license, Commissioner Watts made a motion to deny Mr. Phillips' request. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Joyce Crane, Request for Waiver of \$150 Late Renewal Penalty Fee., I-12,930**

Upon review of Ms. Crane's request for the Commission's consideration in waiving the \$150 renewal penalty fee due to her hardship circumstances, Commissioner Watts made a motion to grant Ms. Crane's request. Commissioner Wright seconded the motion and it passed 8-1 with Commissioner Morris voting no.

**Cary J. Powe, Request for 60-Day Extension to Apply for Original Salesperson's License, I-12,931**

Upon review of Mr. Powe's request for Commission consideration in granting a 60-day extension to apply for the original salesperson's license, Commissioner Watts made a motion to grant Mr. Powe a 90-day extension to take the salesperson's examination. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Loretta Largo, Request for Waiver of \$150 Late Renewal Penalty Fee, I-12,932**

Upon review of Ms. Largo's request for the Commission's consideration in waiving the \$150 late renewal penalty fee due to tragic family circumstances, Commissioner Watts made a motion to grant the waiver requested. Commissioner Cawthon seconded the motion and it passed 8-0 with Commissioner Miller recusing himself.

**Joseph Lahiere, Request for Waiver of \$150 Late Renewal Penalty Fee, I-12,934**

Upon review of Mr. Lahiere's request for the Commission's consideration in waiving the \$150 late renewal penalty fee due to eye surgery, Commissioner Cawthon made a motion to deny the request. Commissioner Morris seconded the motion and it passed 8-1 with Commissioner Riggins-Allen voting no.

**George Walton Gillen, Request for Extension of 90-Day Deadline for License Issuance, I-12,935**

Upon review of Mr. Gillen's request for the Commission's consideration in extending the 90-day deadline for applying for the temporary salesperson's license, Commissioner Morris made a motion to grant a 30-day extension. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Joe Louis Cunningham, Applicant for Determination of Licensing Eligibility, I-12,924**

Upon review of Mr. Cunningham's eligibility for licensure, Commissioner Watts made a motion to deny the request. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Calden B. Hopkins, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3099**

Upon discussion of the evidence and testimony presented in the matter of Calden B. Hopkins, Salesperson, Peoples Choice Investment LLC d/b/a Keller Williams Realty, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check in the amount of \$85 which was returned unpaid by the bank upon which it was drawn and Count 2: Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check in the amount of \$175 which was returned by the bank upon which it was drawn, Commissioner Morris made a motion to accept Mr. Hopkins' guilty plea and fine him \$250.00. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Laura P. Willis, Request for Dismissal of Formal Complaint, Formal Complaint No. 3117**

Upon discussion of the dismissal of Formal Complaint No. 3117 due to a banking error, Commissioner Watts made a motion to grant the dismissal provided the license fee is paid. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Donald Dickson, Request for Extension to Complete 30-Hour Post License Course, I-12,937**

Upon review of the request by Mr. Dickson for the Commission's consideration in granting a 30 day extension allowing him to complete the 30 hour post license course and apply for the original salesperson's license while remaining active, Commissioner Hewes made a motion to grant a 30-day extension. Commissioner Watts seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 12:30 PM

Done this 5<sup>th</sup> day of December, 2008

---

Chairman Sheila Hodges

---

Recording Secretary, Patricia Anderson