

MINUTES

A meeting of the Alabama Real Estate Commission was held Tuesday, February 14, 2017 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Steve Cawthon; Commissioners Carole Harrison, Reid Cummings, Cindy Denney, Clif Miller, Dorothy Riggins-Allen, Danny Sharp, and Nancy Wright; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; and Investigators David Erfman, Chuck Kelly, K. C. Baldwin and Rickey Fennie. The Hearing Officer was Jim Hampton.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, IT Manager Brett Scott, Education Director Ryan Adair and Licensing Administrator Anthony Griffin.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 1:00 p.m. and a quorum was declared.

Commissioner Cawthon made a motion to approve the minutes from the January 19, 2017 meeting. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Executive Director Patricia Anderson introduced Captain Vaughn Poe who was present to observe the meeting. Captain Poe will be the new Consumer-at-Large Commissioner, pending confirmation by the Alabama Senate.

Ms. Anderson presented the financial report for January 2017. There have been no Recovery Fund disbursements in FY2017. Revenue exceeded January 2016 due to an increase in temporary and original licenses being issued, license transfers, and renewal penalty payments. Expenditures are up, but remain under projection.

Ms. Anderson reported that the Commission currently has only one case on appeal. She provided an update on the Commission's legislation. SB100, which clarifies the Commission's rule-making authority, will be introduced in the House by sponsor Rep. Steve McMillan.

Pass rates for the salesperson's examination continue to improve. In January 2017 nearly 50% of examinees overall passed the salesperson's examination and nearly 60% of first-time examinees passed. This is about an 8% increase in both categories from January 2016. Ms. Anderson acknowledged the role the Commission's rule changes and the efforts of the Education Staff and instructors played in this improvement.

Chairman Watts discussed the need for a strategic planning session to take place in late summer-early fall 2017. Ms. Anderson will coordinate dates with Commissioners and find a location.

Commissioner Cawthon made a motion to conduct disciplinary hearing disposition discussions and decisions in an open meeting. Commissioner Wright seconded the motion and it passed unanimously 9-0.

HEARINGS

Maury Will Rice, Application for Determination of Licensing Eligibility, Investigative File I-14,961

Upon discussion of the evidence and testimony presented by Mr. Rice regarding his application for determination of licensing eligibility, Commissioner Riggins-Allen made a motion to deny his application. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Mark Allen Hamilton, Formal Complaint No. 3407

Mark Allen Hamilton, Inactive Temporary Salesperson, Birmingham, Alabama, was charged with violating *Code of Alabama 1975*, as amended, Section 34-27-36(a)(23)a. in that he entered a plea of guilty or nolo contendere to, or was found guilty of a felony or a crime involving moral turpitude. Commissioner Sharp made a motion to find him guilty. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0. No penalty was imposed.

NOT APPEARING ITEMS FOR DISCUSSION

John R. Park, Change of Address, Formal Complaint No. 3399

Upon review of the evidence and testimony received in the matter of John R. Park, Qualifying Broker, Atlanta, Georgia, and the alleged violation of the *Code of Alabama 1975*, as amended, Rule 790-X-3.01 through Section 34-27-36(a)(19), in that he changed the address of his place of business as set out on the numbered license certificate and failed to notify the Commission within thirty (30) days, Commissioner Wright made a motion to find him guilty and fine him \$250. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Steven McDaniel, Bad Check, Formal Complaint No. 3408

Upon review of the evidence and testimony received in the matter of Steven McDaniel, Salesperson, Classic Realty LLC d/b/a Keller Williams Realty, Huntsville, 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 him guilty and fine him \$250. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Next Commission Meeting: March 23, 2017, 9:00 a.m. in Montgomery

Confirm April Meeting Date and Location for the Record: **April 20, 2017, 9:00 a.m. in Montgomery**

Commissioner Harrison made a motion to confirm the April Commission meeting date for April 20, 2017 at 9:00 a.m. in Montgomery. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 2:00 p.m.

Done this 14th day of February, 2017.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary