

MINUTES

A meeting of the Alabama Real Estate Commission was held February 16, 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, Betsy Echols, Joyce Harris, Randy McKinney and Cerita Tucker Smith. Commissioners Jim Dye and Susan Smith were absent with notice. A quorum was declared.

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; Investigators David Erfman, K. C. Baldwin, Rickey Fennie and Marshall Simons; Auditors Anthony Brown and Vickie Shackelford; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; State Professional Trainee Jess Sparks; Communications and Public Relations Intern Taylar Hooks; Education Director Ryan Adair; Education Specialists Brittni Anderson, Julie Norris and Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Molli Jones; Senior Accountant Becky Jackson; Staff Accountant Hattie Thomas; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Assistants Shy'kierra Knight 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 January 19, 2023 Commission meeting. Commissioner Campbell made a motion to approve the minutes from the January 19, 2023 meeting. Commissioner Harris seconded the motion and it passed 6-0-1 with Vice Chairman May abstaining from voting as she was not in attendance for the meeting.

UPDATE FROM ALABAMA REAL ESTATE EDUCATORS ASSOCIATION (AREEA)

2023 President of the Alabama Real Estate Educators Association (AREEA), Terrelle Major, gave an update of upcoming events happening in their organization. The focus of AREEA is to provide Instructor Development Workshops to all real estate educators in the state. She discussed upcoming opportunities to obtain six hours of continuing education on March 10, 2023 in Birmingham at the offices Birmingham Association of REALTORS®. Amanda Adams will teach the process for obtaining Association of Real Estate License Law Officials (ARELLO®) Certifications for Synchronous Online Classes. Another Instructor Development Workshop for six hours of

continuing education titled, "Quiz Question Mastermind: Writing Excellent Exam Questions" will be taught by Amanda Adams on April 21, 2023 at the offices of the Birmingham Association of REALTORS®.

Vice Chairman May asked Ms. Major about their board members and how often there is a meeting. Ms. Major stated they currently meet each month with 60 instructor members. She also stated that membership is free for 2023 and includes two free continuing education classes.

Ms. Major expressed her appreciation for the invitation to provide an update on what AREEA is doing now and in the future. Chairman Barran thanked Ms. Major for her time and the update.

EXECUTIVE DIRECTOR'S REPORT

Director Poe welcomed everyone and introduced new team members: 1. Sarah Lopez, programmer in the IT Division; 2. Serena Cronier, Assistant Attorney General in the Legal Division; 3. Becky Jackson, Senior Accountant who is training under Accounting and Personnel Director, Molli Jones, as she plans to retire April 1, 2023; 4. Jacci Ingersoll, Staff Accountant.

Assistant Executive Director Teresa Hoffman provided the results of the FBI (Federal Bureau of Investigation) Administrative audit and Technical audit of the Real Estate Commission. She explained these audits are performed every three years to review the Commission's fingerprint process including the handling of the criminal background history reports and personal information for applicants. The standards of the FBI and ALEA (Alabama Law Enforcement Agency) are stringent. There were zero findings for each audit. Assistant Director Hoffman complemented each division of the Commission for their contributions to these outcomes.

Director Poe presented the January 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 \$248,084.23 to other state agencies for services during fiscal year 2023.

Director Poe reported the Commission has issued 41,899 total licenses. There are 4,349 licensed companies and branches. During January there were 606 licenses issued: 256 Temporary, 285 Original Salesperson; and 65 Broker. The average rate of growth for January was 10.70 new license applications per day, or roughly 321 per month. Presently there are 12,336 inactive licenses. Currently, there are 36,314 unique individuals licensed.

Director Poe explained there was a shift of staff to better align duties with each respective division. The auditing team (Anthony Brown, Denise Blevins and Vickie Shackelford) is now back with the Legal Division. For the month of January, the Legal Division reported that 27 desk audits and two real estate company assistance visits were completed. These assistance visits are very beneficial to these companies.

The Education Division reported there are 834 total education licensees. There were three education course audits during January.

Director Poe announced the last meeting of the Real Estate Brokers Licensure Restructure Task Force was held on Thursday, January 26, 2023. He stated a great product that has been developed.

Director Poe advised Coffee with the Commission will resume on March 22, 2023.

Director Poe reminded Commissioners that the Association of Real Estate License Law Officials (ARELLO®) Mid-year Conference is April 26-28, 2023.

Director Poe reminded Commissioners the April 20, 2023 meeting will be held in Huntsville.

COMMISSIONER DISCUSSION

1. Executive Orders Issued by Governor

Director Poe explained that Governor Kay Ivey recently issued Executive Orders that affect the Commission. He stated there was some recent redesignation of certain items and clarification on others. He discussed the following orders.

EO 726 – Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government. This Executive Order will require an annual report to be filed with the Governor’s Office by all regulatory agencies. He reminded Commissioners the Commission is a state executive branch agency.

EO 727 – Establishing the Governor’s Study Group on Efficiency in State Government. The purpose of the Study Group will be: 1. To determine the need for consolidation or elimination of state executive-branch entities. 2. To determine the need for improvements in the way the State recruits, retains, compensates, and supervises its employees.

EO 733 – Promoting and Defending Religious Liberty Through Implementation of the Alabama Religious Freedom Amendment. This Executive Order requires the executive branch of state government to enforce the Alabama Religious Freedom Amendment to the greatest extent practicable and permitted by law.

EO 734 – Promoting Transparency in State Government Through Enhanced Accessibility to Public Records. This Executive Order requires revision to public records policy and improve response time and handling procedures of public records requests, including notice that agency is amending administrative regulations, if applicable. This Executive Order has a hard 90-day deadline of April 26, 2023.

2. Commission Policy Approval

Fine Ranges for Consent Decrees Related to Returned Payments

General Counsel Starla Leverette explained this proposed policy was in response to Commissioner's requests to handle the bad check cases in a more efficient and effective manner. Currently, a Respondent can enter a guilty plea and submit an executed Not Appearing Waiver for the Formal Complaint filed against them or they may choose to attend the designated hearing and defend their case with or without legal counsel. The Commission then determines guilt or innocence and assesses a fine.

The proposed policy, **Policy Memorandum Number 2**, states the following, *"The Commission shall impose the following punitive fines for those replacement funds that are received by the Alabama Real Estate Commission within the below time frames AND agree to a consent decree plea of guilty:*

<i>0-15 Days from Date of Notification</i>	<i>\$100</i>
<i>16-30 Days from Date of Notification</i>	<i>\$150</i>
<i>31-60 Days from Date of Notification</i>	<i>\$250</i>
<i>61-180 Days from Date of Notification</i>	<i>\$500</i>

The Commission would send the Consent Decree to be signed by the Respondent explaining they are pleading guilty along with the explanation of the fine assessment that will be imposed. If the Respondent chooses to plead guilty and pay the assessed fine, the Respondent would be required to return the fully executed Consent Decree along with the assessed fine to the Commission. These cases would not be presented as they have been done. The legal staff would present the Consent Decrees to the Chairman of the Commission for approval and signature. Upon signature, the Consent Decree would become the Order of the Commission.

If the Respondent chooses not to sign the Consent Decree, they will have the opportunity to present their case to the Commission. The Consent Decree is completely voluntary. This new process will be promoted on all platforms of the Commission and publications.

Upon discussion of proposed policy, **Policy Memorandum Number 2**, Vice Chairman May made a motion to accept and pass **Policy Memorandum Number 2**. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

HEARINGS – 9:30 Docket

David A. Gulley, Application for Determination of Licensing Eligibility, Investigative File I-22-233

General Counsel Starla Leverette advised this hearing was continued until April 20, 2023.

Kasey M. Miller, Application for Determination of Licensing Eligibility, Investigative File I-23-314

General Counsel Starla Leverette advised this hearing was being continued without date.

Alabama Real Estate Commission VS. Sandra Lee Eldridge, Formal Complaint No. 3655

Assistant General Counsel Zack Burr advised Commissioners that Sandra Lee Eldridge submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Sandra Lee Eldridge, Reciprocal Salesperson, Daphne, Alabama was charged with violating *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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Campbell made a motion to accept Ms. Eldridge's guilty plea and fine her \$100. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Satori Taylor, Application for Real Estate Salesperson Reciprocal License, Investigative File I-23-082

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Taylor's application for a real estate salesperson reciprocal license, Vice Chairman May made a motion to approve her application. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Nickie Givan, Formal Complaint No. 3657

Assistant General Counsel Zack Burr advised Commissioners that Nickie Givan submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Nickie Givan, Salesperson, Montgomery, Alabama was charged with violating *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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman May made a motion to accept Ms. Givan's guilty plea and fine her \$100. Commissioner McKinney seconded the motion and it passed unanimously 7-0.

Takia Christian, Request for Extension of Deadline to Submit Real Estate Salesperson Temporary License Application after Passing the Examination, Licensing File LC2023-002

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Christian's request for extension of deadline to submit real estate salesperson temporary license application after passing the examination, Commissioner Tucker Smith made a motion to approve her request and grant an extension of five business days from notification. Commissioner Harris seconded the motion and it passed 5-2 with Vice Chairman May and Commissioner Echols voting against the motion.

Alabama Real Estate Commission VS. Anne Reeves Hall, Formal Complaint No. 3658

Assistant General Counsel Zack Burr advised Commissioners that Anne Reeves Hall submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Anne Reeves Hall, Inactive Salesperson, Fairhope, Alabama was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman May made a motion to accept Ms. Hall's guilty plea and fine her \$100. Commissioner Echols seconded the motion and it passed unanimously 7-0.

Nicholas Ott, Application for Determination of Licensing Eligibility, Investigative File I-22-318

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Ott's application for determination of licensing eligibility, Commissioner Harris made a motion to approve his application. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Adra Gibson Washington, Formal Complaint No. 3659

Assistant General Counsel Zack Burr advised Commissioners that Adra Gibson Washington submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Adra Gibson Washington, Inactive Salesperson, Montgomery, Alabama was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Campbell made a motion to accept Ms. Washington's guilty plea and fine her \$100. Vice Chairman May seconded the motion and it passed unanimously 7-0.

Tomas Zamudio, Jr., Application for Determination of Licensing Eligibility, Investigative File I-23-070

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Zamudio's application for determination of licensing eligibility, Commissioner Tucker Smith made a motion to approve his application. Commissioner Echols seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Debra Riddle (Debbie) Dawkins, Formal Complaint No. 3660

Debra Riddle (Debbie) Dawkins, Salesperson, Dothan, Alabama was charged with violating *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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman May made a motion to find Ms. Dawkins guilty and fine her \$100. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Shelly M. Ray, Application for Real Estate Salesperson Temporary License, Investigative File I-23-085

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Ray's application for a real estate salesperson temporary license, Commissioner Campbell made a motion to approve her application. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Karshandra McGrew (Kay) Cullers, Formal Complaint No. 3661

General Counsel Starla Leverette advised Commissioners that Ms. Cullers submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Karshandra McGrew (Kay) Cullers, Qualifying Broker, Montgomery, Alabama was charged with violating *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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner McKinney made a motion to accept Ms. Cullers' guilty plea and fine her \$100. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Ken Raye Adams Benefield, Application for Determination of Licensing Eligibility, Investigative File I-23-079

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Benefield's application for determination of licensing eligibility, Vice Chairman May made a motion to approve his application. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Mack Edwin Murrah, Jr., Formal Complaint No. 3664

Assistant General Counsel Zack Burr advised Commissioners that Mr. Murrah submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Mack Edwin Murrah, Jr., Qualifying Broker, Columbus, Georgia was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Echols made a motion to accept Mr. Murrah's guilty plea and fine him \$100. Vice Chairman May seconded the motion and it passed unanimously 7-0.

Alfred Lamoureux, Application for Determination of Licensing Eligibility, Investigative File I-23-087

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Lamoureux's application for determination of licensing eligibility, Commissioner Tucker Smith made a motion to approve his application. Commissioner Harris seconded the motion and it passed 6-1 with Vice Chairman May voting against the motion.

Alabama Real Estate Commission VS. Fabyanna Castro Clark, Formal Complaint No. 3663

Assistant General Counsel Zack Burr advised Commissioners that Fabyanna Castro Clark submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Fabyanna Castro Clark, Salesperson, Helena, Alabama was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Tucker Smith made a motion to accept Ms. Clark's guilty plea and fine her \$100. Commissioner Echols seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

None

At 11:21 a.m. Hearing Officer Jim Hampton advised Chairman Barran that the 9:30 a.m. docket and Not Appearings requests were concluded. Considering that the 9:30 a.m. docket and Not Appearings requests were complete, Chairman Barran asked for a motion to stay in open session or go into executive session for approximately 25 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 25 minutes. Commissioner Echols seconded the motion and it passed unanimously 7-0.

At 11:58 a.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 Campbell seconded the motion and it passed unanimously 7-0.

Confirm April 2023 Meeting Date and Location for the Record: April 20, 2023, 9:00 a.m. in Huntsville, Alabama at the offices of Huntsville Area Association of REALTORS®, 535 Monroe Street NW, Huntsville, Alabama 35801.

Commissioner Campbell made a motion to confirm the April 2023 meeting for April 20, 2023, at 9:00 a.m. in Huntsville, Alabama. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Next Commission Meeting: Thursday, March 23, 2023, 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner McKinney made a motion to adjourn the meeting at 12:12 p.m. Vice Chairman May seconded the motion and it passed unanimously 7-0.

Done this 16th day of February 2023.

Emmette Barran, Chairman

Barbi Lee, Recording Secretary