

MINUTES

A meeting of the Alabama Real Estate Commission was held February 20, 2020, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Danny Sharp; Vice Chairman Carole Harrison; Commissioners Emmette Barran, Reid Cummings, Melody Davis, Joyce Harris, Terri May, Susan Smith and Bill Watts; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; Chief Policy Officer Vaughn Poe; General Counsel Mandy Speirs; Assistant General Counsel Starla Van Steenis; and Investigators K.C. Baldwin, Rickey Fennie and Marshall Simons. The Hearing Officer was Jim Hampton.

Other staff members in attendance for all or part of the meeting were Public Relations Director Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Education Director Ryan Adair, Accounting and Personnel Director Molli Jones, Information Technology Director Brett Scott, Information Technology Systems Specialist Steven Brown, Programmer Analyst Eric Aldridge, Licensing Administrator Anthony Griffin and Executive Assistant Barbi Lee.

The meeting having been duly noticed according to the Alabama Open Meetings Act, was called to order by Chairman Sharp at 9:00 a.m. and a quorum was declared.

Commissioner Cummings made a motion to approve the minutes from the January 23, 2020 Commission meeting. Vice Chairman Harrison seconded the motion and it passed unanimously 9-0.

Executive Director Patricia Anderson presented the January 2020 financial reports. She gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. Ms. Anderson explained there are additional payments to be made from the Recovery Fund.

Chief Policy Officer Vaughn Poe provided Commissioners with a legislative update. He stated that the Alabama Legislature is in full swing. Bills of interests to the Commission are HB61 that would require licensing boards to post their expenditures on its website; HB23 that would allow the Examiners of Public Accounts to charge agencies for their audits; and HB147 regarding occupational taxes in municipalities. Mr. Poe briefed the Republican Caucus recently and the meeting went very well with additional meetings scheduled.

Chairman Sharp commended Mr. Poe for the excellent job he has done with establishing contacts and building bridges for the Commission. He has also obtained the Alabama Association of REALTORS'® (AAR) favor and sponsorship in the legislature of the Broker Supervision bill. The Commission's RECAD bill is still being studied by AAR.

Per Commissioner Watts' motion at the November 21, 2019 meeting regarding Commission's Orders Regarding Audits, Ms. Anderson discussed the research performed by

Accounting and Personnel Director Molli Jones. There was a total of 101 companies that would have required a re-audit based on Commissioner Watts' motion. Of these, 25% had been re-audited; 43% were revoked or surrendered; 13% were lapsed; 4% were deceased; 13% would be targeted for an audit and 2% the broker is no longer at that company.

Commissioners were reminded that the March 19, 2020 Commission meeting will be held at the Birmingham Association of REALTORS®. The room block deadline is February 26, 2020 for the Hampton Inn – Colonnade in Birmingham.

Commissioners were also reminded about the upcoming 2020 ARELLO® Mid-Year Meeting scheduled for April 29-May 2 in Savannah, Georgia. The hotel room block deadline is April 6, 2020.

Ms. Anderson stated that Statements of Economic Interests are due to the Alabama Ethics Commission by April 30. Barbi Lee will send a link to the online form to everyone.

Education Director Ryan Adair presented a proposal to the Commission from the Risk Management Task Force. As a result of discussions among the members of the Task Force, a request was made for the Commission to consider having a mandatory 3-hour Risk Management course focused on understanding contracts in addition to the 3-hour License Law course.

Commissioners were concerned with a mandatory course on the topic of contracts due to the variety of contracts used throughout the state. They were also concerned with mistakes that licensees might make if they completed the contracts course and considered themselves contract experts. Various approaches to mandatory course content were discussed and the matter was sent back to the task force for further consideration.

Chairman Sharp asked Commissioner Susan Smith to serve on the Risk Management Task Force so she could share commissioner concerns and assist with the course development. Commissioner Smith graciously accepted.

COMMISSIONER DISCUSSION

The following meeting dates and locations were discussed and approved by the Commission:

1. June 25, 2020 – Meeting will be held in Mobile at The Faculty Club on the campus of the University of South Alabama in conjunction with USA Real Estate Curricula student participation.
2. October 22, 2020 – Meeting will be held in Cullman at City Hall in conjunction with the North Alabama REALTOR® Leadership Program.

3. Marshall County Board of REALTORS® - Meeting will be held in Guntersville on July 23, 2020 or a later date in 2021.

Commissioner Watts made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

HEARINGS

Sandy Kilgore, Application for Determination of Licensing Eligibility, Investigative File I-19-130

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Cummings made a motion to deny her application. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Leon Butler, Application for Determination of Licensing Eligibility, Investigative File I-20-003

Upon discussion of the evidence and testimony presented in the matter regarding his application for determination of licensing eligibility, Commissioner Cummings made a motion to approve his application once all restitution monies have been paid. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Darlene Dolly Day, Application for Determination of Licensing Eligibility, Investigative File I-19-125

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

Cynthia A. Oswalt, Hardship Request for Extension of the Deadline to Renew Lapsed Salesperson License, Licensing File LC2020-026

Upon discussion of the evidence and testimony presented in the matter regarding her hardship request for extension of deadline to renew her lapsed salesperson license, Commissioner Cummings made a motion to approve her request. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Christina Nicole Spivey, Request for Extension of the Deadline to Apply for Temporary Salesperson License, Licensing File LC2020-002

Upon discussion of the evidence and testimony presented in the matter regarding her request for an extension of the deadline to apply for her temporary salesperson license,

Commissioner Cummings made a motion to approve her request. Commissioner Smith seconded the motion and it passed unanimously 9-0.

Youlunda Haygood, Application for Determination of Licensing Eligibility, Investigative File I-20-002

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

Sarah Blalock, Application for Determination of Licensing Eligibility, Investigative File I-19-121

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Watts made a motion to approve her application once all restitution monies have been paid and she is no longer on probation. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Sheena Colleen Vasher, Hardship Request for Extension of the Deadline to Renew Lapsed Salesperson License, Licensing File LC2020-001

Upon discussion of the evidence and testimony presented in the matter regarding her hardship request for an extension of the deadline to renew her lapsed salesperson license, Commissioner Watts made a motion to approve her request. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Betania Siu, Denied Applicant Request for Extension of the Deadline to Pass the Salesperson License Examination, Education File ED2020-001

Upon discussion of the evidence and testimony presented in the matter regarding her request for an extension of the deadline to pass the salesperson license examination, Commissioner Barran made a motion to approve a 60-day extension. Commissioner Watts seconded the motion and it passed unanimously 9-0.

NOT APPEARINGS

Marena Denise Miles, Hardship Request for Extension of the Deadline to Apply for Salesperson License, Licensing File LC2020-025

Upon review of the hardship request from Ms. Miles for an extension of the deadline to apply for the salesperson license, Commissioner Cummings made a motion to grant a 60-day extension. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Justin Atwood Moates, Hardship Request to Renew Lapsed Broker's License, Licensing File LC2020-027

Upon review of the hardship request from Mr. Moates to renew his lapsed broker's license, Commissioner Watts made a motion to approve his request. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Jose Luis Moll Diaz, Hardship Request to Apply for Reciprocal Salesperson License, Licensing File LC2020-003

Upon review of the hardship request from Mr. Moll Diaz to apply for his reciprocal salesperson license, Commissioner Watts made a motion to approve his request. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Cassie Taylor, Request for Extension of the Deadline to Pass the Salesperson License Examination, Education File ED2020-003

Upon review of the request from Ms. Taylor for an extension of the deadline to pass the salesperson license examination, Commissioner Barran made a motion to grant a 60-day extension. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Monique Cox, Request for Extension of the Deadline to Pass the Salesperson License Examination, Education File ED2020-004

Upon review of the request from Ms. Cox for an extension of the deadline to pass the salesperson license examination, Commissioner Barran made a motion to grant a 60-day extension. Commissioner Harris seconded the motion and it passed unanimously 9-0.

Confirm April Meeting Date and Location for the Record: April 23, 2020, 9:00 a.m. in Montgomery, Alabama

Commissioner Watts made a motion to confirm the April meeting for April 23, 2020 at 9:00 a.m. in Montgomery, Alabama. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Next Commission Meeting: Thursday, March 19, 2020, 9:00 a.m. in Birmingham, Alabama

There being no further business, the meeting adjourned at 12:19 p.m.

Done this 20th day of February 2020.

Danny Sharp, Chairman

Barbi Lee, Recording Secretary