

MINUTES

A meeting of the Alabama Real Estate Commission was held February 20, 2025, at the office of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order by Commission Chairman Randy McKinney at 9:00 a.m.

Chairman McKinney called the roll, and the following Commissioners indicated their presence with a spoken "present": Commissioners Kim Barelare, Jimmie Ann Campbell, Jim Dye, Betsy Echols, Terri May, Deborah Lucas Robinson, and Juanita Taggart Jones. Commissioner Em Barran was absent with notice. A quorum was declared.

Commission staff members in attendance for all or part of the meeting were Executive Director Vaughn T. Poe; Assistant Executive Director Wendy Mae Alkire; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigators Rickey Fennie, KC Baldwin, and Marshall Simons; Auditor Denise Blevins; Legal Assistant Angie Kidd; Education Director Ryan Adair; Education Specialist Cassandra James; Accounting Director Jason Clifton; Licensing Director Anthony Griffin; Communications and Public Relations Director Lori Moneyham; Executive Assistant Amber Moore; Information Technology Director Eric Aldridge; and Information Technology Programmers Chris Prestridge and Brandon Rivera. The Hearing Officer was Jim Hampton.

The Pledge of Allegiance was recited in unison.

APPROVAL OF THE MINUTES

Chairman McKinney asked for a motion to approve the minutes from the January 16, 2025, Commission meeting. Prior to the vote, Commissioner May pointed out two corrections to the minutes. Commissioner May made a motion to approve the minutes from the January 16, 2025, meeting with recommended corrections. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 8-0-0.

COMMISSIONER DISCUSSION

Effective Dates for Rule Amendments

Assistant General Counsel Zack Burr informed Commissioners of a change to the effective date of amended Rules 790-1-.12 – Continuing Education Course Approval and Requirements and 790-X-3-.03 – Deposit of Funds. The amended rules were originally scheduled to become effective February 14, 2025, but, due to necessary corrections made after the initial filing of the rule amendments, the Legislative Services Agency required the effective date to change to April 14, 2025.

Report on Exam Pass Rates and Recent Training

Education Director Ryan Adair reported that the license exam pass rates were off to a good start for 2025. Salesperson and broker exam pass rates are rising. Broker exam pass rates are recovering well from the change of license exam providers from PSI to Pearson VUE. Also, the Education Division offered a New Instructor Orientation earlier in the month and have two more scheduled this year. Two instructor trainings for all prelicense instructors are also offered this year including a September training with Pearson VUE.

EXECUTIVE DIRECTOR'S REPORT

Assistant Executive Director Wendy Mae Alkire introduced three new staff members. Cassandra James started February 3, 2025, as an education specialist in the Education Division. Jason Clifton started February 18, 2025, as director of the Accounting Division. Brandon Rivera also started on February 18, 2025, as a programmer analyst, in the IT Division. She reported that interviews were ongoing to fill the welcome center attendant position.

Executive Director Vaughn T. Poe acknowledged Mrs. Alkire's diligent work with hiring the three new staff members in a short period of time. He further explained the impact of filling the vacant positions.

Director Poe informed commissioners that he had spoken with licensees who were requesting an enhancement to the Commission's mobile app. In addition to the license law that is already on the app, they would like to be able to submit applications and perform other functions through the app.

He reported that the Commission staff continues to work with the Alabama Department of Risk Management regarding the roof replacement and the final cost of adjustment.

He said finances for the month of January 2025 are intact, and the Commission continues to meet budget targets.

Director Poe reported the Commission has issued 44,713 total licenses, and there are currently 38,703 unique individuals licensed. The growth rate is currently 7.2 new license applications per day, with 224 total new licenses issued in January.

There are currently 887 total education licenses (863 active and 24 inactive) issued, consisting of instructors, administrators, and schools. The education auditors conducted two school audits in January. The Education Division is working to get new education specialist, Cassandra James, onboarded and trained. Instructor trainings are scheduled for May and September 2025.

In January, the legal auditors performed 20 company audits and three assistance visits. The Commission continues to prioritize and schedule companies that have not been audited in more than three years.

Starla Leverette hosted Briefly Legal on February 13, 2025. More than 70 attendees tuned in virtually to hear her review rule amendments and pending legislation as well as trends and pitfalls related to license law violations. The next Briefly Legal will be held May 1, 2025.

On February 19, 2025, Starla Leverette presented a recap of rule amendments and pending legislation to the Coffee with the Commission audience. Nearly 60 attendees tuned in for the virtual event.

Director Poe concluded his report by reminding commissioners of 2025 events for the Association for Real Estate License Law Officials (ARELLO), including the Mid-Year Meeting in April in San Diego and the Annual Conference in September in Miami.

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. R Hancock Enterprises Inc. (DBA: Remax Premier), Rebecca Hancock, and Dexter Gilley, Case Number 25-157

Commissioner Barelare recused herself from this hearing. She vacated the room during the hearing and did not participate in deliberations or voting on this matter.

R Hancock Enterprises Inc., Company, Enterprise, Alabama and Dexter Gilley, Broker, Enterprise, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with 34-27-82(c), to provide as soon as reasonably possible written disclosure forms for signature to its clients describing the alternative types of brokerage services that are available to clients and customers of real estate brokerage companies and were charged on **Count 2** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with *Alabama Administrative Code* Section 790-X-3-.04 to provide estimated closing statements to their clients when procuring from or presenting an offer to their clients. Rebecca Hancock, Broker, Enterprise, Alabama, was charged on **Count 3** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with *Alabama Administrative Code* Section 790-X-3-.15(7) & (9), to take action to prevent licensees from violating state law or regulations, when the supervising broker should have reasonably known of the impending violation, and to ensure that all contracts and forms used by the licensees were reviewed for accuracy and compliance with applicable statutes, regulations, and office policies.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner May made a motion to find Mr. Gilley and R Hancock Enterprises Inc. guilty and to impose a fine of \$2,500 each. Commissioner Echols seconded the motion, and the motion passed 6-1-0, with Commissioner Dye voting against the motion. On **Count 2**, Commissioner May made a motion to find Mr. Gilley and R Hancock Enterprises Inc. guilty and to impose a fine of \$2,500 each. Commissioner Echols seconded the motion, and the motion passed 6-1-0, with Commissioner Dye voting against the motion. On **Count 3**, Commissioner May made a motion to find Ms. Hancock guilty and to impose a fine of \$2,500. Commissioner Taggart Jones seconded the motion, and the motion passed 7-0-0.

Melissa Michelle Lindsey - Application for Real Estate Temporary Salesperson License, Case Number 25-106

Upon discussion of the evidence and testimony presented in this matter, Commissioner Campbell made a motion to deny Ms. Lindsey's application. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

Sherilyn J. Duckworth - Application for Determination of Licensing Eligibility, Case Number 25-134

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to approve Ms. Duckworth's application. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Bradford Real Estate Group LLC and Josh Smitherman, Case Number 25-098

Bradford Real Estate Group LLC, Company, Montevallo, Alabama and Joshua Smitherman, Qualifying Broker, Montevallo, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975*, Section 34-27-36(a)(8) by commingling money belong to others with his/its own funds.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner May made a motion to find Bradford Real Estate Group LLC and Josh Smitherman guilty. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Echols made a motion to fine Bradford Real Estate Group LLC and Josh Smitherman \$1,000 each. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Brittany Ashford Comerford - Application for Determination of Licensing Eligibility, Case Number 25-067

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to approve Ms. Comerford's application. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Sandra Michelle Turner - Application for Determination of Licensing Eligibility, Case Number 25-085

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to approve Ms. Turner's application. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Debra Lonza, Case Number 24-232

Debra Lonza, Salesperson, Gulf Shores, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(26)* by performing conduct which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Barelare made a motion to dismiss the charges against Ms. Lonza. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Echandza Maxie, Case Number 24-553

General Counsel Starla Leverette advised Commissioners that this hearing had been continued without date.

Alabama Real Estate Commission VS. David Anthony Lanshaw, Case Number 24-200

General Counsel Starla Leverette advised Commissioners that this hearing had been continued until March 20, 2025.

Alabama Real Estate Commission VS. Tyler Morgan, Case Number 24-238

Commission Chairman McKinney recused himself from this hearing. He passed the gavel to Vice-Chair Echols for the duration of this matter, vacated the room during the hearing, and did not participate in deliberations or voting in this matter.

Tyler Morgan, Salesperson, Foley, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by failing to comply with *Code of Alabama, 1975, Section 34-27-31(j)* in that he failed to notify the Commission of the institution of a criminal charge against him within ten days of his arrest on January 14, 2024.

General Counsel Starla Leverette presented the case in Mr. Morgan's absence. Mr. Morgan arrived at the Commission office earlier the morning of February 20 but left. He returned at approximately 11:40 a.m. and participated in the remainder of his hearing.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to find Mr. Morgan guilty. Commissioner Taggart Jones seconded the motion, and the motion passed 7-0-0. Commissioner Campbell made a motion to impose a fine of \$2,500. Commissioner Echols seconded the motion, and the motion passed 7-0-0.

NON-APPEARINGS

Travis Michael Joseph - Application for Real Estate Temporary Salesperson License, Case Number 25-102

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to deny Mr. Joseph's application. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Folio Property Management LLC and William Adam Hall – Application for Rehearing, Case Number 25-039

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to deny the request for a rehearing. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

The Commission will determine whether it conducts its disciplinary hearing disposition discussions and decisions in an Open Meeting or call an Executive Session.

Chairman McKinney asked for a motion to remain in open session or go into executive session to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Dye made a motion that Commissioners go into executive session until 12:20 p.m. to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

At 12:40 p.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman McKinney asked for a motion to return to open session. Commissioner May made a motion to return to open session. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

Confirm April 24, 2025, Meeting Date and Location for the Record: Thursday, April 24, 2025, 9:00 a.m., in Dothan, Alabama. Commissioner Campbell made a motion to confirm the April meeting date for Thursday, April 24, 2025, 9:00 a.m. in Dothan, Alabama. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Next Commission Meeting: Thursday, March 20, 2025, 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner Lucas Robinson made a motion to adjourn the meeting at 12:54 p.m. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

Done this 20th day of February 2025.

Randy McKinney, Chair

Amber Moore, Recording Secretary