

MINUTES

A meeting of the Alabama Real Estate Commission was held January 16, 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, Em Barran, Jim Dye, Betsy Echols, Terri May, Deborah Lucas Robinson, and Juanita Taggart Jones. Commissioner Jimmie Ann Campbell 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; Auditors Vickie Shackelford and Denise Blevins; Legal Assistant Angie Kidd; Education Director Ryan Adair; Licensing Director Anthony Griffin; Communications and Public Relations Director Lori Moneyham; Executive Assistant Amber Moore; Information Technology Director Eric Aldridge; and Information Technology Programmer Chris Prestridge. 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 November 21, 2024, Commission meeting. Commissioner May made a motion to approve the minutes from the November 21, 2024, meeting. Commissioner Dye seconded the motion, and the motion passed 7-0-1, with Chairman McKinney abstaining due to his absence from the November meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Poe acknowledged the retirement of Accounting & Personnel Director Barbi Lee, who retired effective January 1 after a 32-year career in state government. He said the Commission thanks her for the seven years she served with AREC and her devotion to the job. He added that staff is working through the process to fill Barbi's position as well as several other open positions throughout the office.

Director Poe stated that Commission staff continue to work with the Alabama Department of Risk Management regarding the insurance claim for the repair of the Commission building roof. In December, the Commission staff and a representative from Real Property Management interviewed with two architectural teams for the roof project. The Commission has opted to move forward with Seay, Seay, and Litchfield Architects, a firm located in Montgomery, and are working through the bid process. The team has met with all stakeholders to discuss the next steps and follow-up processes.

He said, moving forward, the staff would be presenting the financial report on a quarterly basis, as there is little change month to month. As such, he said finances for the month of December 2024 are intact, and the Commission continues to meet budget targets.

In addition, Commission staff received the results of the most recent Department of Public Examiners Legal Compliance Audit. Tests performed during the examination did not disclose any significant instances of noncompliance with applicable laws and regulations.

Director Poe reported the Commission has issued 44,371 total licenses, and there are currently 37,184 unique individuals licensed. The growth rate is currently 6.3 new license applications per day, with 196 total new licenses issued during the last two months of 2024.

There are currently 870 total education licenses (847 Active and 23 Inactive) issued, consisting of instructors, administrators, and schools. The Commission staff conducted two audits in November and December: one CE course audit and an exam analysis review for a licensed school. The Education Department is in staff transition, with only one auditor, and there were not many courses offered in November and December. The Commission has two instructor trainings planned for May and September 2025.

In November and December, the legal auditors performed 26 company audits, and there were no assistance visit requests. The Commission continues to prioritize and schedule those companies that have not been audited in more than three years.

Coffee with the Commission is expected to resume on Wednesday, February 19, 2025. The next Briefly Legal will be held via Microsoft Teams on Thursday, February 13, 2025.

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. He also reviewed dates the Commission will be closed during the holiday season.

COMMISSIONER DISCUSSION

New Rule Regarding Fee Charges for Records Requests

Attorney Serena Cronier Grayson reported that the Examiners of Public Accounts recommended that the Commission begin charging for records produced under the Open Records Act. The Commission does currently charge for lists that are available for download from our website. There is also information on the website explaining the Commission's public records policy. Examiners suggested this information be incorporated into a rule and there are plans for a future public records rule.

Buyer Broker Agency Workgroup Report

Commissioner Dye presented a report from the Buyer Broker Agency Workgroup. There will be ongoing discussion about this topic.

Revisions to Pending Rule Amendments 790-X-1-.12(3) and 790-X-3-.03(5)

Attorney Zack Burr explained that additional revisions were made to pending Rule Amendments 790-X-1-.12(3) and 790-3-.03(5). These revisions were made through the Legislative Services Agency but required a vote of approval from Commissioners.

Commissioner Barran made a motion to accept the Pending Rule Amendments. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. Horizon Realty LLC and Shareika Denise Cook, Case Number 24-557

Horizon Realty LLC, Company, Madison, Alabama and Shareika Denise Cook, Qualifying Broker, Harvest, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by disregarding *Code of Alabama, 1975* Section 34-27-36(a)(14) which prohibits licensees from being paid by anyone other than their qualifying broker for licensed activity.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Dye made a motion to find both respondents guilty. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Barran made a motion to impose a fine of \$500 each. Commissioner Dye seconded the motion. Upon further discussion, Commissioner Barran made a motion to impose a fine of \$250 each. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Labaricka Aljnet Johnson - Application for Determination of Licensing Eligibility, Case Number 24-376

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

Alabama Real Estate Commission VS. Southern Realty and Property Management LLC and Caroline Motley, Case Number 25-011

Southern Realty and Property Management LLC, Company, Montgomery, Alabama and Caroline Motley, Qualifying Broker, Cecil, Alabama were charged on **Count 1** 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, containing Respondents' best estimates of all costs the buyers were expected to have at closing, to their clients when procuring the offer from their clients; on **Count 2** for violating the *Code of Alabama, 1975*, Section 34-27-36(a)(19) by failing, in accordance with Section 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 on **Count 3** for violating *Code of Alabama, 1975* Section 34-27-36(a)(8) by failing, within a reasonable time, to properly account for or remit money coming into his or her possession which belongs to others.

Upon discussion of the evidence and testimony presented in this matter, on **Counts 1, 2 and 3**, Commissioner Dye made a motion to find both respondents guilty. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0.

On **Count 3**, Commissioner Dye made a motion to find revoke the licenses of both respondents. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Barran made a motion to impose a fine of \$2,500 each. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

On **Counts 1 and 2**, Commissioner Barelare made a motion to impose a fine of \$1,000 each for each count. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0.

Melissa Powe - Application for Instructor's License, Case Number 25-099

Commissioner Dye recused himself from this hearing. He vacated the room during the hearing and did not participate in deliberations or voting in this matter.

Upon discussion of the evidence and testimony presented in this matter, Commissioner May made a motion to approve Ms. Powe's application. Commissioner Lucas Robinson seconded the motion, and the motion passed 7-0-1, with Commissioner Dye abstaining.

Alabama Real Estate Commission VS. SC Tinney Holdings LLC, Sean Tinney, and Ann Loyd, Case Number 24-427

SC Tinney Holdings LLC, Company, Birmingham, Alabama; Sean Tinney, Broker, Georgetown, Texas; and Ann Loyd, Salesperson, Birmingham, Alabama were charged on **Count 1** 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. On **Count 2**, Respondent Tinney was charged for violating the *Code of Alabama, 1975*, Section 34-27-36(a)(19) by failing, in accordance with *Alabama Administrative Code* Section 790-X-3-.15(9), to ensure that all contracts and forms used by the licensee 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 **Counts 1 and 2**, Commissioner Barran made a motion to find SC Tinney Holdings LLC and Sean Tinney guilty. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 8-0-0. On **Count 1**, Commissioner Barran made a motion to find Ms. Loyd guilty. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 8-0-0. On **Counts 1 and 2**, Commissioner Dye made a motion to impose a fine of \$500 each on all. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Aqua Waters Realty & Management LLC, Hinson Realty Group, and Sylvia Hinson, Case Number 24-233

Chairman McKinney recused himself from this hearing. He vacated the room during the hearing and did not participate in deliberations or voting in this matter.

Aqua Waters Realty & Management LLC, Inactive Company, Orange Beach, Alabama and Sylvia Hinson, Associate Broker, Orange Beach, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975*, Section 34-27-36(a)(8) by failing, within a reasonable time, to properly account for or remit money coming into her possession which belongs to others, or commingling money belonging to others with her own funds and on **Count 2** for violating *Code of Alabama, 1975*, Section 34-27-36(a)29 by failing within a reasonable time to provide information requested by the commission during an investigation.

Hinson Realty Group, Inactive Company, Orange Beach, Alabama and Sylvia Hinson, Associate Broker, Orange Beach, Alabama were charged on **Count 3** for violating *Code of Alabama, 1975*, Section 34-27-36(a)(19) by failing, in accordance with Section 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; on **Count 4** 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 an estimated closing statement to one of their clients when procuring from or presenting an offer to the client; and on **Count 5** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with *Code of Alabama, 1975* Section 34-27-81(11), to obtain written informed consent of all parties before acting as the agent for both the buyer and seller in the same contemplated real estate transaction.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Barelare made a motion to find respondents guilty and to revoke Ms. Hinson's license. Commissioner Dye seconded the motion, and the motion passed 7-0-1, with Chairman McKinney abstaining. Commissioner Barran made a motion to impose a fine of \$2,500 each. Commissioner Dye seconded the motion, and the motion passed 7-0-1, with Chairman McKinney abstaining.

On **Counts 2, 3, 4, and 5**, Commissioner May made a motion to find all respondents guilty as charged, to impose a fine of \$500 each per count, and to revoke the license for Hinson Realty Group. Commissioner Barran seconded the motion, and the motion passed 7-0-1, with Chairman McKinney abstaining.

Lisa Hartman Pugh – Application for Real Estate Temporary Salesperson License, Case Number 25-082

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to approve Ms. Pugh's application. Commissioner Barelare seconded the motion, and the motion passed 7-1-0, with Commissioner Lucas Robinson voting against the motion.

Juanita Muirhead Graham - Application for Approval to Hold a Real Estate License after License was Previously Revoked, Case Number 24-129

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to deny Ms. Graham's application. Commissioner Echols seconded the motion, Commissioners Barran, May, and Lucas Robinson voted against the motion, and the motion did not pass. Commissioner May made a motion to approve Ms. Graham's application. Commissioner Lucas Robinson seconded the motion, and the motion passed 7-1-0, with Commissioners Dye and McKinney voting against the motion.

Alabama Real Estate Commission VS. Folio Property Management LLC and William Adam Hall, Case Number 25-039

Folio Property Management LLC, Company, Huntsville, Alabama and William Adam Hall, Qualifying Broker, Huntsville, Alabama were charged on **Count 1** for violating *Code of Alabama, 1975*, Section 34-27-36(a)(8) by failing, within a reasonable time, to properly account for or remit money coming into his or her possession which belongs to others or commingling money belonging to others with her or her own funds.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Barran made a motion to find both respondents guilty. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Barran made a motion to impose a fine of \$2,500 each. Commissioner Echols seconded the motion. Upon further discussion, Commissioner Barran made a motion to impose a fine of \$2,500 each and to revoke the license of William Adam Hall. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Ashley Dunning, Case Number 24-519

Assistant General Counsel Zack Burr advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. James Faulker, Case Number 24-500

Assistant General Counsel Zack Burr advised Commissioners that this case had been dismissed.

CONSENT DECREES

Alabama Real Estate Commission VS. Kaylin Kayda, Case Number 24-537

Alabama Real Estate Commission VS. Jamise Shoaf, Case Number 24-514

Alabama Real Estate Commission VS. Melissa Wilkins, Case Number 24-524

Alabama Real Estate Commission VS. Hunter Freeman, Case Number 24-058

Alabama Real Estate Commission VS. Amara Qualls, Case Number 24-516

Alabama Real Estate Commission VS. Antonea Henton, Case Number 24-520

Commissioner Barelare made a motion to accept the Consent Decrees. Commissioner Echols 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 for approximately one hour to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Lucas Robinson made a motion that Commissioners go into executive session until 1:20 p.m. to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barron seconded the motion, and the motion passed unanimously 8-0-0.

At 2:40 p.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call. Chairman McKinney asked for a motion to return to open session. Commissioner Barran made a motion to return to open session. Commissioner Lucas Robinson seconded the motion, and the motion passed unanimously 8-0-0.

Confirm March 20, 2025, Meeting Date and Location for the Record: Thursday, March 20, 2025, 9:00 a.m., in Montgomery, Alabama. Commissioner Barelare made a motion to confirm the March meeting date. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0.

Next Commission Meeting: Thursday, February 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 3 p.m. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Done this 16th day of January 2025.

Randy McKinney, Chair

Amber Moore, Recording Secretary