

MINUTES

A meeting of the Alabama Real Estate Commission was held January 18, 2024 at the office of 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 Susan T. Smith at 9:00 a.m.

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

Commission staff members in attendance for all or part of the meeting were Executive Director Vaughn T. Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigators K.C. Baldwin, Rickey Fennie, and Marshall Simons; Auditor Denise Blevins; Communications and Public Relations Manager Lori Moneyham; Education Director Ryan Adair; Information Technology Director Brett Scott; Licensing Administrator Anthony Griffin; and Accounting and Personnel Director Barbi Lee. The Hearing Officer was Jim Hampton.

APPROVAL OF THE MINUTES

Chairman Smith asked for a motion to approve the minutes from the November 30, 2023 Commission meeting. Commissioner Tucker Smith made a motion to approve the minutes from the November 30, 2023 meeting. Commissioner Echols seconded the motion and it passed 8-0.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Poe presented the November and December 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. Thus far, the Commission has paid \$148,877.50 to other state agencies for services during fiscal year 2024.

The Commission is currently below projected expenditures and above projected revenues. He reminded Commissioners that, based on our two-year renewal cycle and our budgeting process, there is a period between renewal years during which our funds are escrowed for the non-renewal year. In addition, the budget was revised to accommodate the purchase of needed laptops. The state budget office approved the cost of \$38,000 for the laptops on January 16, 2024.

Director Poe and Assistant Director Hoffman spoke to licensees during Coffee With the Commission on January 17, 2024. They discussed renewals, continuing education completion, deadlines, and fines and penalties.

Director Poe reported the Commission has issued 41,188 total licenses and there are currently 35,798 unique individuals licensed. The growth rate is currently 9.70 new license applications per day.

From a year-end perspective we are adding approximately 3,000 new licensees annually, while losing approximately 10 percent during the lapse cycle of each odd-numbered year. There are currently 934 total education licenses: 736 active and 198 inactive.

COMMISSIONER DISCUSSION

Request for Commissioners to Attend Broker Roundtable in September 2024

Executive Director Poe advised Commissioners that the Montgomery Area Association of REALTORS® (MAAR) had extended an invitation to Commissioners to participate in a broker roundtable at the MAAR Mega Conference September 10-13, 2024 at the Perdido Beach Resort in Orange Beach, Alabama. Upon discussion, Commissioner Campbell made a motion that Commissioners accept the invitation to participate in the broker roundtable at the MAAR Mega Conference. Commissioner Echols seconded the motion and it passed unanimously 8-0.

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. Mem S. Webb and Webb Realty Inc., Formal Complaint #24-20

Mem S. Webb, Qualifying Broker, Webb Realty Inc., Demopolis, Alabama and Webb Realty Inc., Company, Demopolis, Alabama were charged on **Count 1** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-35(a) in that they failed to keep and publicly display each license certificate of the licensees licensed under the company; charged on **Count 2** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-83 in that they failed to adopt a written agency disclosure office policy which specifically enumerates the type of brokerage service arrangements a licensee may offer or accept; charged on **Count 3** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-82(c) in that they failed to provide as soon as reasonably possible written disclosure forms for signature to their clients describing the alternative types of brokerage services that are available to clients and customers of real estate brokerage companies; charged on **Count 4** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with Rule 790-X-3-.04 in that they failed to provide estimated closing statements to their clients when procuring from or presenting an offer to its clients; charged on **Count 5** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-81(11) by failing 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; and charged on **Count 6** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(31) by failing to keep copies of all contracts and other records pertinent to real estate transactions for three years.

Count 1 was dismissed for both respondents by the Commission's general counsel.

Upon discussion of the evidence and testimony presented in the matter, regarding **Counts 2-6**, Commissioner Dye made a motion to find Mr. Webb guilty. Commissioner Echols seconded the motion and it passed unanimously 8-0. Commissioner Tucker Smith made a motion to fine him \$1,000 per count (\$5,000) and require him to complete 15 cumulative hours of classroom continuing education in

license law, contracts, risk management, and broker management to be completed in six months from date of the Order. The disciplinary continuing education will be in addition to the 15 hours of continuing education required for license renewal. Commissioner Lucas Robinson seconded the motion. During discussion, Commissioner McKinney offered an amendment to the motion adding that Mr. Webb's license would remain suspended pending completion of the continuing education. Commissioner Dye seconded the amendment and it passed 8-0.

Upon the passage of the amendment, the original motion made by Commissioner Tucker Smith and seconded by Commissioner Lucas Robinson was restated to fine him \$1,000 per count (\$5,000) and assign him 15 cumulative classroom hours of continuing education in license law, contracts, risk management, and broker management to be completed within six months from date of the Order and his license suspended until such time as the continuing education is completed. The disciplinary continuing education will be in addition to the 15 hours of continuing education required for license renewal. Commissioner Lucas Robinson seconded the original motion as amended and it passed unanimously 8-0.

Regarding **Counts 2-6**, Commissioner Dye made a motion to find Webb Realty Inc. guilty. Commissioner Echols seconded the motion and it passed unanimously 8-0. Commissioner Dye made a motion to revoke the license of Webb Realty Inc. Commissioner May seconded the motion and it passed 7-1 with Commissioner Tucker Smith voting against the motion.

Alabama Real Estate Commission VS. Mary S. Tarpley, Formal Complaint No. 3678

General Counsel Starla Leverette advised Commissioners that this hearing will be continued at the February 22, 2024 meeting.

Trent James Cunningham – Application for Real Estate Temporary Salesperson License, Investigative File 24-057

Upon discussion of the evidence and testimony presented in the matter, Commissioner May made a motion to approve Mr. Cunningham's application. Commissioner Campbell seconded the motion and it passed 7-1 with Commissioner Lucas Robinson voting against the motion.

Brice Taylor Gilbert – Application for Real Estate Reciprocal Salesperson License, Investigative File 23-363

Upon discussion of the evidence and testimony presented in the matter, Commissioner McKinney made a motion to approve Mr. Gilbert's application. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

Lawrence Kevin Rodgers – Application for Determination of Licensing Eligibility, Investigative File 24-018

General Counsel Starla Leverette advised Commissioners that this hearing will be continued at the February 22, 2024 meeting.

Alabama Real Estate Commission VS. Willie A. Casey and Casey Bishop and Burroughs Realty, Formal Complaint #24-99

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

Willie A. Casey, Qualifying Broker, Casey Bishop and Burroughs Realty, Birmingham, Alabama and Casey Bishop and Burroughs Realty, Company, Birmingham, Alabama were charged on **Count 1** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-82(c) in that they failed to provide as soon as reasonably possible written disclosure forms for signature to their clients describing the alternative types of brokerage services that are available to clients and customers of real estate brokerage companies; charged on **Count 2** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with Rule 790-X-3-.04 in that they failed to provide estimated closing statements to their clients when procuring from or presenting an offer to their clients or customers; and charged on **Count 3** with violating *Code of Alabama, 1975*, Section 34-27-36(a)(31) by failing to keep copies of all contracts and other records pertinent to real estate transactions for three years.

Upon discussion of the evidence and testimony presented in the matter, regarding **Counts 1-3**, Commissioner Echols made a motion to find Mr. Casey guilty. Commissioner May seconded the motion and it passed unanimously 7-0. Commissioner Dye made a motion to fine Mr. Casey \$1,500 per count (\$4,500). During discussion, Commissioner May offered an amendment to the motion adding that Mr. Casey must also complete 15 cumulative hours of classroom continuing education in license law, contracts, risk management, and broker management to be completed in six months from the date of the Order and his license be suspended until such time as the continuing education is completed. The disciplinary continuing education to be in addition to the 15 hours of continuing education required for license renewal. Commissioner Dye seconded the amendment and it passed 7-0.

Upon the passage of the amendment, the original motion made by Commissioner Dye and seconded by Commissioner Echols was restated to fine Mr. Casey \$1,500 per count (\$4,500) and suspend his license for six months pending the completion of 15 cumulative classroom hours of continuing education in license law, contracts, risk management, and broker risk management. This disciplinary continuing education to be in addition to the 15 hours of continuing education required for license renewal. The original motion as amended passed unanimously 7-0.

Commissioner McKinney made a motion to find Casey Bishop and Burroughs Realty guilty on **Counts 1 and 2**. Commissioner Dye seconded the motion and it passed unanimously 7-0. Commissioner McKinney made a motion to revoke the license of Casey Bishop and Burroughs. Commissioner Dye seconded the motion and it passed unanimously 7-0. Commissioner May made a motion to find Casey Bishop and Burroughs Realty guilty on **Count 3**. Commissioner Echols seconded the motion and it passed 7-0. Commissioner May made a motion to revoke the license of Casey Bishop and Burroughs. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Tashanda Takeiah (Shawn) Ashford Goss – Request for Renewal of Lapsed Salesperson License, Investigative File LC2024-003

Upon discussion of the evidence and testimony presented in the matter, Commissioner May made a motion to deny Ms. Goss' request. Commissioner Campbell seconded the motion and it passed 7-1 with Commissioner McKinney voting against the motion.

Stephanie Nicole Glover – Request for Renewal of Lapsed Broker License, Investigative File LC2024-004

Upon discussion of the evidence and testimony presented in the matter, Commissioner May made a motion to approve her request. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

Daisy LaRae Vann – Application for Real Estate Temporary Salesperson License, Investigative File 24-010

General Counsel Starla Leverette advised Commissioners that this hearing will be continued at the February 22, 2024 meeting.

Max V. Nabors – Request for Renewal of Lapsed Salesperson License – Investigative File LC2024-002

General Counsel Starla Leverette advised Commissioners that this hearing will be continued indefinitely.

Kelsey Hope Owens – Application for Determination of Licensing Eligibility – Investigative File 24-040

Upon discussion of the evidence and testimony presented in the matter, Commissioner Campbell made a motion to approve her application. Commissioner May seconded the motion and it passed unanimously 8-0.

David L. Collins – Application for Determination of Licensing Eligibility – Investigative File 23-328

Upon discussion of the evidence and testimony presented in the matter, Commissioner May made a motion to approve his application. Commissioner McKinney seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Joey L. Crampton, Formal Complaint #3713

Joey L. Crampton, Qualifying Broker, License #96620, Oakmont Realty, Pike Road, Alabama, was charged on **Count 1** with violating *Code of Alabama, 1975*, as amended, 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 in writing of the institution of criminal charges against him within ten days of his arrest.

Upon discussion of the evidence and testimony presented in the matter, Commissioner May made a motion to find Mr. Crampton guilty. Commissioner Campbell seconded the motion and it passed unanimously 8-0. Commissioner May made a motion to fine him \$1,000. Commissioner McKinney seconded the motion and it passed unanimously 8-0.

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

Chairman Smith asked for a motion to remain in open session or go into executive session for approximately thirty 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 at 12:21 p.m. for approximately thirty minutes. Commissioner May seconded the motion and it passed unanimously 8-0.

At 1:24 p.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman Smith asked for a motion to return to open session. Commissioner McKinney made a motion to return to open session. Commissioner May seconded the motion and it passed unanimously 8-0.

Confirm March 21, 2024 Meeting Date and Location for the Record: Thursday, March 21, 2024 at 9:00 a.m. in Montgomery, Alabama.

Commissioner Campbell made a motion to confirm the March meeting date for March 21, 2024 at 9:00 a.m. in Montgomery, Alabama. Commissioner May seconded the motion and it passed unanimously 8-0.

Next Commission Meeting: Thursday, February 22, 2024 in Montgomery, Alabama.

There being no further business, Commissioner McKinney made a motion to adjourn the meeting at 1:48 p.m. Commissioner May seconded the motion and it passed unanimously 8-0.

Done this 18th day of January 2024.

Susan T. Smith, Chairman

Lori Moneyham, Recording Secretary