

MINUTES

The Alabama Real Estate Commission met January 20, 2005, at 1:30 p.m. at the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Poole; Vice-Chairman Gordon Henderson; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Bobby Hewes, Sheila Hodges, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Charles Sowell; Special Investigators David Erfman and Chuck Kelly, and Hearing Officer Walter Turner.

Chairman Poole called the meeting to order at 1:30 p.m. and declared a quorum present.

Commissioner Hodges moved to approve the December 3, 2004, minutes as presented. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

The December '04 financial statement was distributed and reviewed with no specific action taken.

In view of the Salesmanship Conference meetings backing up the Research Center Trustees meeting, Commissioner Henderson moved that the Commission move its February meeting from the 17th to the 16th. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Upon review of the hearings to be scheduled, Commissioner Henderson moved that the March 11th meeting be held in Jefferson County. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

In consideration of the renewed opportunity to hold a forum during AAR's summer meeting, Commissioner Henderson moved that the Commission hold its June meeting in Gulf Shores. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

The Mid-Year ARELLO meeting to be held March 30 - April 3 in Monterrey, California, was reviewed. Commissioners Poole, Henderson, Buford, Hays, Hodges, and Mallory, along with staff members Lasater, Anderson and Sowell will submit requests for out of state travel approval to the Governor.

Commissioner Hays excused himself from the meeting prior to any votes being taken.

HEARINGS

Alabama Real Estate Commission vs. Harvey Dinkins, Formal Complaint No. 2829

Upon discussion of the evidence and testimony presented in the matter of Harvey Dinkins, Qualifying Broker, The Dinkins Realty Group, Mobile, Alabama, and the alleged violation of 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, Commissioner Hodges moved to find Mr. Dinkins guilty and to fine him \$250. Commissioner Henderson seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Charles Lawson, Applicant for Salesperson's Temporary License, I-11,502

Upon discussion of Mr. Lawson's application for salesperson's temporary license, Commissioner Hodges moved to approve the Temporary Salesperson license of Mr. Lawson. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Kristi Michele McGee, Applicant for Determination of Eligibility, I-11,503

Upon discussion of the application for determination of licensing eligibility submitted by Ms. McGee, Commissioner Henderson moved to approve the license eligibility of Ms. McGee. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Paula G. Hunter, Applicant for Temporary Salesperson's License, I-11,504

Upon discussion of Ms. Hunter's application for temporary salesperson's license, Commissioner Mallory moved to approve the temporary salesperson license of Ms. Hunter. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Harry E. Dodich, Applicant for Temporary Salesperson's License, I-11,528

Upon discussion of Mr. Dodich's application for temporary salesperson's license, Commissioner Hewes moved to approve the temporary salesperson license of Mr. Dodich. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

NOT APPEARING ITEMS FOR DISCUSSION

James Rodney Rose, Jr., Reciprocal Salesperson Applicant, I-11,507

Upon discussion of Mr. Rose's application for reciprocal salesperson's license, Commissioner Hodges moved to approve the reciprocal salesperson license of Mr. Rose. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Kassaundra J. Stevens, Temporary Salesperson's Applicant, I-11,508

Upon discussion of Ms. Stevens' application for temporary salesperson's license, Commissioner Hodges moved to approve the temporary salesperson license of Ms. Stevens. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Michael Garth Hanson, Applicant for Determination of Licensing Eligibility, I-11,511

Upon discussion of Mr. Hanson's application for determination of licensing eligibility, Commissioner Bragg moved to approve the license eligibility of Mr. Hanson. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Jarrold C. Cook, Applicant for Determination of Licensing Eligibility, I-11,512

Upon discussion of Mr. Cook's application for determination of licensing eligibility, Commissioner Hodges moved to deny the eligibility of Mr. Cook. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Laqunjala S. Berry, Formal Complaint # 2939

Upon discussion of the evidence and testimony presented in the matter of Laqunjala S. Berry and the alleged violation of 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, Commissioner Hewes moved to find Ms. Berry guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Jerry Murphy, Jr., Applicant for Determination of Licensing Eligibility, I-11,487

Upon discussion of Mr. Murphy's application for determination of licensing eligibility, Commissioner Bragg moved to deny. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Deanna Marshall, Formal Complaint # 2850

Upon discussion of the evidence and testimony presented in the matter of Deanna Marshall, Salesperson, Rinehart Enterprise, Tuscaloosa, Alabama, and the alleged violation of 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, Commissioner Bragg moved to find Ms. Marshall guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed unanimously 8-0

Bennie H. Weehunt, Jr., Application for Determination of Licensing Eligibility, I-11,510

Upon discussion of the licensing eligibility of Mr. Weehunt, Commissioner Hodges moved to approve the license eligibility of Mr. Weehunt. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Kimona S. Tolbert, Formal Complaint # 2842

Upon discussion of the evidence and testimony presented in the matter of Kimona S. Tolbert, Salesperson, The Executive Group Realtors, Huntsville, Alabama, and the alleged

violation of 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, Commissioner Hewes moved to find Ms. Tolbert guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Alabama Real Estate Commission vs. Thomas B. Jones, IV, Formal Complaint # 2848

Upon discussion of the evidence and testimony presented in the matter of Thomas B. Jones, IV, and the alleged violation of 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, Commissioner Bragg moved to find Mr. Jones guilty and to fine him \$250. Commissioner Henderson seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Alabama Real Estate Commission vs. W.H. Williams, Formal Complaint # 2845

Upon discussion of the evidence and testimony presented in the matter of W.H. Williams, Inactive Salesperson, Oneonta, Alabama, and the alleged violation of 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, Commissioner Bragg moved to find Mr. Williams guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Mary Ann Catsban, Hardship Renewal Request, Lapsed Salesperson's License

Upon discussion of Ms. Catsban's hardship renewal request, Commissioner Hodges moved to deny the hardship renewal request of Ms. Catsban. Commissioner Bragg seconded the motion and it passed unanimously 8-0

Alabama Real Estate Commission vs. Kenneth Hamilton, Formal Complaint # 2852

Upon discussion of the evidence and testimony presented in the matter of Kenneth Hamilton, Qualifying Broker, Ken Hamilton Realty, Decatur, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by canceling the on-line credit card payment for his real estate license renewal fee, his company's fee, and that of Carol M. Hamilton, and by having these licenses issued without paying the required fees in violation of the Code of Alabama 1975, as amended, Section 34-27-35(b)(2), Commissioner Hodges moved to find Mr. Hamilton guilty and to fine him \$250. Commissioner Hewes seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Alabama Real Estate Commission vs. Roderick E. McKinney, Formal Complaint # 2847

Upon discussion of the evidence and testimony presented in the matter of Roderick E. McKinney, Qualifying Broker, McKinney and Christian PC, Realtors, Birmingham, Alabama,

and the alleged violation of 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, Commissioner Hewes moved to find Mr. McKinney guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Alabama Real Estate Commission vs. Amy Diane Tortorigi, Formal Complaint # 2836

Upon discussion of the evidence and testimony presented in the matter of Amy Diane Tortorigi, Salesperson, Carraway Realty, Inc., d/b/a Access Realty, Birmingham, Alabama, and the alleged violation of 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, Commissioner Hodges moved to find Ms. Tortorigi guilty and to fine her \$250. Commissioner Bragg seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

There being no further discussion, the Commission adjourned at 3:38 PM

Done this 20th day of January, 2005.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary