

MINUTES

A meeting of the Alabama Real Estate Commission was held January 21, 2010, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice-Chairman Jewel Buford; Commissioners Steve Cawthon, Bobby Hewes, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Hearing Officer was Tori Adams.

Other staff members present were Public Information Manager Vernita Oliver-Lane, Public Information Specialist Lori Moneyham; Information Technology Manager Nancy Barfield, Programmer Analyst Matt Davis and Education Auditor Julie Norris.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 1:00 p.m. by Chairman Hodges.

Commissioner Watts moved to approve the November 20, 2009, minutes as presented. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Chairman Hodges presented a certificate to Commissioner Nancy Wright recognizing her as the first AREC Commissioner to graduate from ARELLO's Commissioner College. Commissioners also congratulated Commissioner Jan Morris on being presented the CRS Member of the Year award at the Annual Alabama Association of Realtors Leadership conference.

Vice-Chairman Buford introduced and Commissioners shared in welcoming to the meeting Dianne Salley, Lynn Doerr and Sandy Crowder from Commissioner Buford's office.

Mr. Lasater reviewed the November and December financial reports. He reported that the Commission remains under projections on expenditures and slightly under projections on revenue due to original applications but still nothing extraordinary to highlight.

Mr. Lasater recognized Anthony Griffin who has been recently hired as the Licensing Administrator. Mr. Lasater gave a brief bio on Mr. Griffin citing that he comes to us from the Department of Industrial Relations, has been licensed as a real estate salesperson since 1999, holds a B.S. in Business Administration from AUM and has completed the Certified Public Manager designation. Mr. Lasater, Commissioners and staff welcomed Mr. Griffin.

The next Commission meeting is currently scheduled to be held in Tuscaloosa on February 10 at 1:00 p.m. Commissioners will be invited to attend the ACRE Trustees meeting that morning and join Trustees for lunch at the University Club.

Commissioners were informed that we are going to evaluate preparing a RFP (Request for Proposal) for the professional services contract to secure the needed services for moving forward with plans for the AREC/ACRE real estate web portal development web site. More information will be provided at the February meeting.

Ms. Anderson and Commissioner Morris gave reports from the ARELLO Leadership meeting they attended in January. Ms. Anderson reported that those in attendance heard an overview of ARELLO's products and programs, participated in roundtables to discuss and develop a marketing plan for ARELLO's Strategic Plan objectives, met with workgroups to establish goals to begin work for the year and participated in the Board of Directors meeting. Commissioner Morris stated that she was appointed by President Gary Isom to serve on the program committee and accepted that invitation with the expectation that it would give insight as Alabama makes plans to host the Districts 2 and 3 Conference here in 2011. She said she enjoyed learning more about the process.

Commissioner Morris reported on the CAM (Community Association Management) task force has met several times and at each meeting the tasks change. There are two major issues: people who want documentation of association records and the licensure issue. The task force has draft legislation that will cover the licensing of community association managers. Several task force members were present along with Commissioners Morris, Miller, Buford, Cawthon and Watts. The discussion centered on what aspects of this huge issue will be tackled. Commissioner Morris stated that Commissioner Watts will contact the Law Institute and assess their interest in being involved with this issue. The next meeting of CAM will be in March in conjunction with Realtor Day. Chairman Hodges requested that Commissioners try to look at the draft legislation sometime in February in preparation for the March meeting of the task force. Commissioner Watts said the Commission can focus on the licensure part of this issue and other interested parties can focus on the other issues surrounding community association management. Commissioner Cawthon shared that Senator Butler has instructed the task force to send all proposed legislation to him as he has many interested constituents in Huntsville.

Chairman Hodges reported that she has set up a meeting that will be held in Orange Beach on January 26, 2009 that will be attended by real estate resort rental brokers. Commission General Counsel Charles Sowell will also attend. This meeting is to specifically discuss the contractual relationships with third parties such as Orbitz when consumers book reservations including who holds the trust money and how it flows. Chairman Hodges will give a report back to the Commission at the February meeting.

Commissioner Morris made a motion to conduct disciplinary hearing disposition discussions in open session. The motion was seconded by Commissioner Buford and it passed unanimously 9-0.

HEARINGS

Katelyn Jennings, Application for Determination of Licensing Eligibility, Investigative File I-13,263

Upon discussion of the evidence and testimony presented in the matter of Katelyn Jennings' eligibility for licensure, Commissioner Morris made a motion to approve Ms. Jennings' application. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Quentin Lamar Stinnett, Application for Determination of Licensing Eligibility, Investigative File I-13,258

Mr. Stinnett failed to appear for the hearing. Upon determining that proper notice had been given, a hearing was held in his absence. Upon discussion of the evidence and testimony presented in the matter of Quentin Lamar Stinnett's eligibility for licensure, Commissioner Morris made a motion to deny Mr. Stinnett's application. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Elizabeth Dunn and Fine Homes and Country Estates, LLC, Formal Complaint No. 3158

Upon discussion of the evidence and testimony presented in the matter of Elizabeth Dunn, Qualifying Broker, and Fine Homes and Country Estates, LLC, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Commission Rule 790-X-3-.03(5) via Section 34-27-36(a)(19) by failing to disburse to the law firm monies held in trust within seven days of the consummation of the transaction for which the funds were deposited; Count 2: Commission Rule 790-X-2-.07 via Section 34-27-36(a)(19) by failing to have a place of business sign setting out the name of the company as licensed; Count 3: Section 34-27-36(a)(28) and (29) by failing to produce a document or record or information in their possession concerning the transaction for inspection by the Commission or its personnel during an investigation, Commissioner Cawthon made a motion to find Ms. Dunn and Fine Homes and Country Estates, LLC guilty on all three counts and revoke their licenses. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Carmen Baker-Crutchter, Request for Hardship Renewal of Real Estate Salesperson's License, Investigative File I-13,270

Due to Ms. Baker-Crutchter's not being able to attend, the hearing was rescheduled.

NOT APPEARINGS

Amanda D. Hoot, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3161

Upon discussion of the evidence presented in the matter of Amanda D. Hoot, Inactive Broker, Harvest, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) in that Respondent presented 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 made a motion to find Ms. Hoot guilty and fine her \$250. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Doris Jean Deason, Request for Dismissal of Formal Complaint No. 3176

Upon discussion of Ms. Deason's request that the Commission dismiss Formal Complaint No. 3176, Commissioner Watts made a motion to dismiss the complaint. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Loretta Sherrell Beamon, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3162

Upon discussion of the evidence presented in the matter of Loretta Sherrell Beamon, Inactive Salesperson, Opelika, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) in that Respondent presented to the Alabama Real Estate Commission, for payment of a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Buford made a motion to find Ms. Beamon guilty and fine her \$250. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Judith L. Cotton, Request for Hardship Renewal of Lapsed Reciprocal Broker's License, Investigative File I-13,278

Upon review of Ms. Cotton's request for hardship renewal of her lapsed reciprocal broker's license, Commissioner Buford made a motion to grant the request. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

James H. Busby, Request for Extension of 90-Day Deadline for License Issuance, Investigative File I-13,279

Upon review of the request by Mr. Busby for an extension to the 90-day deadline for license issuance, Commissioner Riggins-Allen made a motion to grant the request. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Sandra Cutts, Request for Extension to Submit Application for Reciprocal Broker's License, Investigative File I-13,280

Upon review of the request by Ms. Cutts for Commission approval to submit late application for a reciprocal broker's license, Commissioner Morris made a motion to deny the request. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Angela L. Williams, Request for Extension of One Year for Completing Salesperson Pre-license Course, Investigative File I-13,282

Upon review of Ms. Williams' request for an extension to take the salespersons pre-license exam, Commissioner Buford made a motion to grant a 30-day extension. Commissioner Riggins-Allen seconded the motion and it passed 9-0.

Confirmation of Next Meeting Date and Location for the Record: February 10, 2010 at 1:00 p.m. in Tuscaloosa

Commissioner Watts made a motion to approve the next Commission meeting date and location for February 10, 2010 at 1:00 p.m. in Tuscaloosa, Alabama. Commissioner Morris seconded the motion and it passed unanimously 9-0.

There being no further discussion, the meeting adjourned at 2:40 p.m.

Done this 21st day of January, 2010.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary