

## MINUTES

A meeting of the Alabama Real Estate Commission was held January 24, 2013, at the offices of the Alabama Real Estate Commission. Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Jewel Buford, Steve Cawthon, Reid Cummings, Clif Miller, Dorothy Riggins-Allen, and Danny Sharp; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Phillip Bunch, and K. C. Baldwin and Auditor Vickie Shackelford. Tori Adams served as Hearing Officer. Commissioner Carole Harrison was absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Information Technology Manager Brett Scott, and IT Systems Specialist Steven Brown.

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

Commissioner Sharp made a motion to approve the November minutes as presented. Commissioner Wright seconded the motion and it passed unanimously 8-0.

In the Executive Director's Report and Financial Review, Mr. Lasater said the December financials would be posted at a later date and reviewed at the next meeting. Mr. Lasater referenced his written report to Commissioners regarding staffing matters of interest and the "red tape bill" that is expected to be introduced in this Legislative Session and its potential impact on the Commission's rulemaking process. Mr. Lasater asked Commissioners to turn in their forms to establish new passwords for access to the Commission's website. This is something required by ISD (Information Services Division).

General Counsel Chris Booth discussed Circuit Judge Reynolds' decision to overturn the Commission's decision on Mr. Klinner regarding a lapsed license and asked if Commissioners wanted to appeal. Mr. Booth made Commissioners aware of the pros and cons of moving forward with an appeal. Commissioner Sharp made a motion not to pursue an appeal in this case. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Commissioner Cawthon gave a report on the CE Task Force that met just prior to the Commission meeting. Commissioner Cawthon reported that, after thorough discussion, the task force decided to work within the framework that exists in the law and rules for course development and approval and not pursue a rule change to offer CE for attendance at Commission meetings that is not part of a course. CE instructors can develop and have approved a CE course that can be offered in conjunction with Commission meetings so that students attend a hearing as part of the course. The task force recommends a test trial at AAR's Summer meeting, evaluate from there, and decide how to move forward. Chairman Watts

asked staff to check with AAR (Alabama Association of REALTORS®) about meeting space and date for the June meeting. The Chairman also said he would be unable to attend that meeting.

Commissioner Cummings made a motion that Commissioners conduct hearing disposition discussions and decisions in open meeting. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

#### HEARINGS AND APPEARINGS

##### **Alabama Real Estate Commission vs. Rhonda Long, Formal Complaint No. 3281**

Upon discussion of the evidence and testimony presented in the matter of Rhonda Long, Qualifying Broker, The Phoenix Realty Group, Inc., Madison, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by failing to comply with the place of business requirements in the *Code of Alabama* 1975, as amended, Section 34-27-2(a)(11)b., Commissioner Cummings made a motion to dismiss the complaint and approve Ms. Long's original hardship request to operate her real estate business from her home. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

##### **Leann Ruff Davis, Hardship Application for Renewal of Lapsed Salesperson's License, I-14,014**

Upon discussion of the evidence and testimony presented by Ms. Davis regarding hardship renewal of her lapsed license, Commissioner Riggins-Allen made a motion to approve her request to renew her lapsed license provided all back and current fees are paid. Commissioner Buford seconded the motion and it passed unanimously 8-0.

##### **Alabama Real Estate Commission vs. Kenneth E. Harve, Formal Complaint No. 3295**

Upon discussion of the evidence and testimony presented in the matter of Kenneth E. Harve, Inactive Associate Broker, Birmingham, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Count 1: Section 34-27-36(a)(19) via the *Code of Alabama* 1975, as amended, Section 34-27-31(e)(6) by having a payment made from the Alabama Real Estate Recovery Fund toward the satisfaction of a judgment in a civil action for which Respondent's real estate license may be terminated; Count 2: Section 34-27-36(a)(26) by demonstrating dishonest dealings, bad faith or untrustworthiness during a real estate transaction; Count 3: Section 34-27-36(a)(19) via the *Code of Alabama* 1975, as amended, Section 34-27-2(a)(11)(b) by failing to maintain a place of business for his real estate company as required; the following action was taken.

On Count 1, Commissioner Cawthon made a motion to find Mr. Harve guilty and revoke his license. Commissioner Buford seconded the motion and it passed unanimously 8-0.

On Count 2, Commissioner Buford made a motion to find Mr. Harve guilty. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

On Count 3, Commissioner Buford made a motion to find Mr. Harve guilty. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

**Angie Williamson, Hardship Request for Renewal of Lapsed License, I-14,022**

Upon discussion of the evidence and testimony presented by Ms. Williamson regarding hardship renewal for her lapsed license, Commissioner Buford made a motion to approve her request to renew her lapsed license provided all back and current fees are paid. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

NOT APPEARING ITEMS FOR RULING

**Anne Miller, Waiver of Hearing and Guilty Plea, Formal Complaint No 3285**

Upon review of the evidence and testimony presented in the matter of Anne Miller, Inactive Salesperson, Trussville, 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 Buford made a motion to find her guilty and fine her \$250. Commissioner Wright seconded the motion and it passed unanimously 8-0.

**Andrea and William Lloyd Whitworth, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3290**

Upon review of the evidence and testimony presented in the matter of Andrea Leigh Whitworth, Inactive Salesperson, and her husband William Lloyd Whitworth, Active Salesperson, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) in that Ms. Whitworth submitted an e-check via Alabama Interactive for payment of Mr. Whitworth's renewal fee which was returned unpaid, and by Mr. Whitworth failing to see that his fees were properly remitted, Commissioner Buford made a motion to find both Mr. and Mrs. Whitworth guilty and fine them a total sum of \$250. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

**Marlon Jermaine King, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3291**

Upon review of the evidence and testimony presented in the matter of Marlon Jermaine King, Salesperson, Birmingham, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16), as amended, by submitting an electronic check, as payment for real estate license renewal fees, which was returned unpaid, Commissioner Buford made a motion to find him guilty and fine him \$250. Commissioner Miller seconded the motion and it passed unanimously 8-0.

**Kanaa Aaliya Zaina Amani, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3293**

Upon review of the evidence and testimony presented in the matter of Kanaa Aaliya Zaina Amani, Salesperson, 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 Buford made a motion to find her guilty and fine her \$250. Commissioner Miller seconded the motion and it passed unanimously 8-0.

**Stacy Ward, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3294**

Upon review of the evidence and testimony presented in the matter of Stacy Ward, Salesperson, Huntsville, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16), by submitting an electronic check as payment for real estate renewal fees which was returned unpaid, Commissioner Buford made a motion to find her guilty and fine her \$250. Commissioner Sharp seconded the motion and it passed 6-0 with Commissioners Miller and Cawthon recusing themselves.

Chairman Watts asked Vice Chair Nancy Wright to preside over the remainder of the meeting.

**Todd F. Blanton, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3298**

Upon review of the evidence and testimony presented in the matter of Todd F. Blanton, Qualifying Broker, Memphis, Tennessee, 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 Cawthon made a motion to find him guilty and fine him \$250. Commissioner Buford seconded the motion and it passed 7-0 with Commissioner Watts recusing himself.

**Justin Marque Thomas, Application for Determination of License Eligibility, I-14,003**

Upon review of the application for determination of licensing eligibility submitted by Mr. Thomas, Commissioner Cawthon made a motion to deny his application for determination of licensing eligibility. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

**Joshua Alan Lockhart, Application for Determination of Licensing Eligibility, I-14,004**

Upon review of the application for determination of licensing eligibility submitted by Mr. Lockhart, Commissioner Riggins-Allen made a motion to approve his application for determination of licensing eligibility. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

**Confirm Next Meeting Date and Location for the Record: February 21, 2013, 9:00 a.m. –  
Montgomery**

Commissioner Watts made a motion to approve the next Commission meeting date and location for February 21, 2013, at 9:00 a.m. in Montgomery, Alabama. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

There being no further business, the Commission adjourned at 3:10 p.m.

Done this 24th day of January, 2013.

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Bill Watts, Chairman

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Patricia Anderson, Recording Secretary