

MINUTES

A meeting of the Alabama Real Estate Commission was held January 21, 2021 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. This meeting was also available by video teleconference (VTC).

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order by Chairman Carole Harrison at 9:00 a.m.

Chairman Harrison called the roll and the following Commissioners indicated their presence with a spoken "present": Commissioners Emmette Barran, Jimmie Ann Campbell, Reid Cummings, Terri May, Susan Smith and Bill Watts. A quorum was declared. Commissioner Joyce Harris was having technical difficulties and joined the meeting at 9:12 a.m. The seat from the Seventh Congressional District is currently vacant.

Commission staff members in attendance or participating via VTC were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Van Steenis; Assistant General Counsel Zack Burr; Investigators K.C. Baldwin, David Erfman, Rickey Fennie and Marshall Simons; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Lori Moneyham; Communications and Public Relations Intern Jess Sparks; Education Director Ryan Adair; Education Specialist Pam Oates; Accounting and Personnel Director Molli Jones; Auditors Denise Blevins, Anthony Brown and Vickie Shackelford; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Commissioner Campbell made a motion to approve the minutes from the November 19, 2020 Commission meeting. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Assistant Executive Director Teresa Hoffman presented the Director's report for Executive Director Vaughn Poe.

Ms. Hoffman presented the legislative report which, at this time, consists of the Sunset review, solely. She stated the Commission remains compliant and confident and is unaware of any surprises with that bill.

Assistant Director Hoffman presented the November and December 2020 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. To date, the Commission has submitted and has been approved for eight claims and taken advantage of \$96,000 in COVID-19 reimbursements. The COVID-19

reimbursement program ended December 31, 2020. There have been no additional payouts from the Recovery Fund.

Ms. Hoffman advised Commissioners that approximately 18% of licensees have not renewed. This figure is consistent with previous renewal cycles.

Assistant Director Hoffman asked for Point of Privilege for some acknowledgements. First, she expressed appreciation to Chairman Carole Harrison for her five years of service on the ARELLO® (Association of Real Estate License Law Officials) Board of Directors and, during 2020, as the District Vice President. She stated that Chairman Harrison served and represented the Commission and the state of Alabama beautifully. Chairman Harrison expressed her appreciation for the acknowledgement and encouraged other Commissioners to get involved in ARELLO®.

Ms. Hoffman expressed appreciation to Commission staff members Julie Norris and Pam Garner for their tireless work on the State Combined Campaign Drive. Once again obtaining 100% staff participation along with exceeding an established monetary goal for the Commission. Appreciation was also expressed to Lori Moneyham for chairing the Christmas committee and working diligently to include all staff members (in-office and teleworking) with different activities during the holidays culminating in a contribution to the Montgomery Area Food Bank.

COMMISSIONER DISCUSSION

Assistant Executive Director Hoffman presented the request for license examination deadline extensions relating only to those who have a doctor's order to quarantine due to COVID-19.

Upon discussion of extending an examination deadline based on COVID-19 restrictions requiring quarantine and supported by proper medical documentation, Vice Chairman Cummings made a motion to grant extensions beyond the six-month exam period. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

Commissioner Barran made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

HEARINGS

Sherry Lambert, Application for Determination of Licensing Eligibility, Investigative File I-20,194

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Lambert's application for determination of licensing eligibility, Vice Chairman Cummings made

a motion to approve her application. Commissioner Campbell seconded the motion and it passed 7-1 with Commissioner May voting against the motion.

Alabama Real Estate Commission VS. Kendra Nix, Formal Complaint No. 3528

Assistant General Counsel Zack Burr advised Commissioners that Ms. Nix has submitted an executed Not Appearing waiver and has entered a guilty plea. The facts of the case were presented, and the waiver was read by Mr. Burr.

Kendra Nix, Salesperson, Opelika, Alabama, was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to accept Ms. Nix's guilty plea and fine her \$250. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Kwame Agyeman-Budu, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-21,001

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Agyeman-Budu's request for approval to hold a real estate license after license was previously revoked, Vice Chairman Cummings made a motion to approve his request. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Kimberly Caruso, Formal Complaint No. 3529

Kimberly Caruso, Salesperson, Helena, Alabama, was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Barran made a motion to find her guilty and fine her \$250. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Robert James Henderson III and Bay Realty Group d/b/a Realty Executives Bay Group, Formal Complaint No. 3530

Robert James Henderson, III, Qualifying Broker, Bay Realty Group d/b/a Realty Executives Bay Group and Bay Realty Group d/b/a Realty Executives Bay Group, Saraland, Alabama, in their positions as qualifying broker and real estate company were charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. by failing to deposit

and properly account for at all times funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution in Alabama and by comingling funds from the company operating account and a savings account with trust funds belonging to others and to make whole the funds in the trust accounts.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to find Mr. Henderson and Bay Realty Group d/b/a Realty Executives Bay Group guilty. Commissioner May seconded the motion and it passed unanimously 8-0. Commissioner Barran made a motion to fine Mr. Henderson and Bay Realty Group d/b/a Realty Executives Bay Group \$2,500 each. Commissioner May seconded the motion and it passed unanimously 8-0.

Marcus Wayne Cannon, Request for an Extension to Apply for a Salesperson License, Licensing File LC2021-001

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Cannon's request for an extension to apply for a salesperson license, Vice Chairman Cummings made a motion to approve his request and grant a 30-day extension. Commissioner Barran seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Alabama Real Estate Commission VS. Christy L. Knight, Formal Complaint No. 3519

General Counsel Starla Van-Steenis informed Commissioners that Ms. Knight has surrendered her license in lieu of appearing before them.

Christy L. Knight, Qualifying Broker, Partridge Realty Inc., and Christy L. Knight, Inactive Associate Broker, Millbrook, Alabama, in her position as qualifying broker is charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(23)b. by having a final money judgement(s) rendered against her which resulted from an act or omission occurring in the pursuit of her real estate business or involved the goodwill of an existing real estate business. She is charged on **Count 2** with violating *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) via Section 34-27-31(e)(6) by causing the Alabama Real Estate Commission Recovery Fund to pay towards the satisfaction of judgments.

Upon review and discussion of the evidence presented, Vice Chairman Cummings made a motion to accept Ms. Knight's surrender of license. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Rolletha Lowe, Application for Real Estate Salesperson's Temporary License, Investigative File I-20-223

Upon review of Ms. Lowe's application for real estate salesperson's temporary license, Commissioner Barran made a motion to approve her request. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Danielle Daniel, Application for Real Estate Salesperson's Temporary License, Investigative File I-20-222

Upon review of Ms. Daniel's application for real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve her request. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Tanner Mason, Application for Real Estate Salesperson's Temporary License, Investigative File I-20-224

Upon review of Mr. Mason's application for real estate salesperson's temporary license, Commissioner Watts made a motion to approve his request pending completion of his probation. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Kimi Pugh, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-013

Upon review of Ms. Pugh's application for real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve her request. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

Nathan Gillespie, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-014

Upon review of Mr. Gillespie's application for real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve his request. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Alissa Striegel, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-029

Upon review of Ms. Striegel's application for real estate salesperson's temporary license, Commissioner Campbell made a motion to approve her request. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Arleathia Davis, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-015

Upon review of Ms. Davis' application for real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve her request. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Request for Declaratory Ruling – Mortgage Broker Referral Payments

No motion was offered.

Confirm March Meeting Date and Location for the Record: March 18, 2021, 9:00 a.m. in Montgomery, Alabama

Commissioner Watts made a motion to confirm the March meeting for March 18, 2021 at 9:00 a.m. in Montgomery, Alabama. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0. A determination will be made as to an in-person meeting or video teleconference.

Next Commission Meeting: Thursday, February 18, 2021, 9:00 a.m. in Montgomery.

There being no further business, Vice Chairman Cummings made a motion to adjourn the meeting at 12:14 p.m. Commissioner Watts seconded the motion and it passed unanimously 8-0.

Done this 21st day of January 2021.

Carole Harrison, Chairman

Barbi Lee, Recording Secretary