

## MINUTES

A meeting of the Alabama Real Estate Commission was held July 25, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Danny Sharp; Commissioners Emmette Barran, Cindy Denney, Joyce Harris, Carole Harrison, Vaughn Poe, and Susan Smith; Executive Director Patricia Anderson; General Counsel Mandy Speirs; Investigators David Erfman, K.C. Baldwin, Rickey Fennie, Marshall Simons and Auditor Vickie Shackleford. The Hearing Officer was Jim Hampton. Commissioner Reid Cummings was absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Director Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Education Specialist Julie Norris; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown and Executive Assistant Barbi Lee.

The meeting having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:00 a.m. and a quorum was declared.

Vice Chairman Sharp made a motion to approve the minutes from the June 20, 2019 meeting. Commissioner Denney seconded the motion and it passed unanimously 8-0.

Executive Director Patricia Anderson presented the June 2019 financial report. She gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts.

Ms. Anderson advised Commissioners that the New Commissioner Orientation is scheduled for Wednesday, August 21, 2019 at 1:00 p.m. She invited all Commissioners to participate in the Commissioner Perspective session beginning at 4:00 p.m. There was also discussion of a RECAD Task Force meeting for August 21 at 1:00 p.m.

Ms. Anderson reminded Commissioners that the Sunset Review meeting with House and Senate members of the Sunset Committee will be Thursday, August 22, 2019 at 11:00 a.m. Commissioners are to meet at the Commission office at 9:30 a.m.

Ms. Anderson reported that the FBI would be at the Commission office on Thursday, August 8, 2019 to perform their Technology Security Audit with the Information Technology Division.

Commissioners were reminded of the 2019 ARELLO® Annual Conference September 18-21, 2019 in Denver, Colorado.

General Counsel Mandy Speirs provided an appeals update.

## COMMISSIONER DISCUSSION

Commissioners were provided an updated calendar with proposed Commission meeting dates for 2020. After discussion of the proposed dates, Commissioner Barran made a motion to accept the proposed dates with one date change for the March 2020 meeting. Commissioner Harrison seconded the motion and it passed unanimously 8-0. The Commission meeting dates for 2020 are: January 23, February 20, March 19, April 23, May 21, June 25, July 23, August 20, September 17, October 22 and November 19.

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

## HEARINGS

### **Kenneth Lamont Clay, Application for Determination of Licensing Eligibility, Investigative File I-15,563**

Upon discussion of the evidence and testimony presented in the matter regarding his application for determination of licensing eligibility, Commissioner Harrison made a motion to approve his application. Commissioner Denney seconded the motion and it passed unanimously 8-0.

### **Alabama Real Estate Commission vs. Jennifer Kathleen (Katie) Hartman, Formal Complaint No. 3487**

Jennifer Kathleen (Katie) Hartman, Qualifying Broker, Katie Hartman Real Estate LLC, Guntersville, Alabama, was charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(22) by failing to comply with Commission Rule 790-X-3-.04 in that the company files did not contain estimated closing statements and failing to inform buyers or sellers at the time the offer is presented.

Ms. Hartman was also charged on **Count 2** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(31) by failing to keep in their files copies of all contracts, leases, listings, and other records (estimated closing statement) pertinent to real estate transactions for a period of three years.

Regarding **Count 1**, Commissioner Denney made a motion to find Ms. Hartman guilty and to fine her \$1,000. Commissioner Barran seconded the motion and it passed 7-1 with Vice Chairman Sharp voting against the motion.

Regarding **Count 2**, Commissioner Barran made a motion to find Ms. Hartman guilty with a fine of \$1,000 and a follow-up audit in six months. Commissioner Harris seconded the motion and it passed unanimously 8-0.

**Jason Cockrell, Application for Determination of Licensing Eligibility, Investigative File I-15,558**

Upon discussion of the evidence and testimony presented in the matter regarding his application for real estate salesperson reciprocal license, Commissioner Barran made a motion to approve his application. Commissioner Poe seconded the motion and it passed unanimously 8-0.

**NOT APPEARINGS**

**Angela Mitchell and Mitchell Henson Real Estate Services LLC, Surrender of Licenses in Lieu of Formal Complaint, Investigative File I-15,595**

Upon review of the affidavit of license surrender submitted by Ms. Mitchell, Vice Chairman Sharp made a motion to accept the surrender of Ms. Mitchell's broker license and her company license. Commissioner Barran seconded the motion and it passed unanimously 8-0.

**Lauren Berzette, Request for Extension of Deadline to Pass Salesperson License Examination, Education File ED2019-019**

Upon review of the request from Ms. Berzette for an extension of the deadline to pass the salesperson license examination, Commissioner Barran made a motion to grant her a 30-day extension from date of service. Vice Chairman Sharp seconded the motion and it passed unanimously 8-0.

**Confirm September Meeting Date and Location for the Record:** September 26, 2019, 9:00 a.m. in Montgomery, Alabama

Vice Chairman Sharp made a motion to confirm the September meeting for September 26, 2019 at 9:00 a.m. in Montgomery, Alabama. Commissioner Smith seconded the motion and it passed unanimously 8-0.

**Next Commission Meeting:** Thursday, August 22, 2019, 1:00 p.m. in Montgomery, Alabama

Chairman Watts called for an executive session for advice of counsel. Vice Chairman Sharp made a motion that Commissioners enter an executive session at 10:45 a.m. for 15 minutes, with the intention to reconvene in an open meeting following the executive session, to receive advice of counsel. General Counsel Mandy Speirs verified the reason for executive session was applicable to the planned discussion. Commissioner Barran seconded the motion and it passed unanimously 8-0. Commissioners reconvened in open session at 10:56 a.m. with all Commissioners present.

There being no further business, the meeting adjourned at 10:57 a.m.

Done this 25<sup>th</sup> day of July 2019.

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Bill Watts, Chairman

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Barbi Lee, Recording Secretary