

## MINUTES

The Alabama Real Estate Commission met July 23, 2010, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice-Chair 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; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer.

Other staff in attendance was Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Accounting and Personnel Manager Molli Jones, Information Technology Manager Nancy Barfield, Assistant Information Manager Brett Scott and Programmer Analyst Matt Davis.

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

Commissioner Watts made a motion to approve the June minutes as presented. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater reported on the June financial statement and that there are no new trends. Mr. Lasater then discussed the meeting format and agenda items and made note of the various times and medium used to convey current information to Commissioners. He asked that Commissioners use the Executive Director's report time to make comments, give direction and ask questions. Chairman Hodges expressed interest for Commissioners getting together in the fall to review meeting format and agenda flow items.

Commissioner Morris reported on the recently held ARELLO District meeting in Des Moines. She referenced the items on the Alabama report as well as other jurisdictional reports. She shared that Karen Crowson, Commissioner from Arkansas, has been nominated as the new District Vice President from District 2. Chairman Hodges also reported on the district meeting specifically as it relates to BP, the oil spill in the Gulf and how federal involvement will factor in the coming months.

Chairman Hodges reported on a conference call about CAM (Community Association Management) that she, Mr. Lasater and Mr. Booth had with Mr. Bob McCurley, Director of the Alabama Law Institute. She learned that the Alabama Law Institute is not prepared to address the licensing issue as it relates to CAMs and the Commission will need to look at this in the fall. Mr. Booth will attend meetings of the Law Institute as it relates to CAMs and condominium law and report to Commissioners on their progress.

Commissioner Watts made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open meeting. Commissioner Morris seconded the motion and it passed unanimously 9-0.

## **HEARINGS AND APPEARINGS**

### **Jason Center, Application for Determination of Licensing Eligibility, I-13,381**

Mr. Center failed to appear and gave no notice. Therefore, no hearing was held.

### **Alabama Real Estate Commission vs. Terry Ponder and Ponder Properties Commercial Real Estate, Formal Complaint No. 3192**

Commissioner Watts recused himself from participating and voting in this hearing. Upon discussion of the evidence and testimony presented in the matter of Terry Ponder and Ponder Properties Commercial Real Estate, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Sections 34-27-36(a)(8)a. and 34-27-36(a)(8)b. by failing, within a reasonable time, to properly account for or remit money coming into their possession which belonged to others, or commingling money belonging to others with his own funds and failing to deposit and account for all funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama by having shortages of funds in two trust accounts, Commissioner Morris made a motion to find Terry Ponder and Ponder Properties Commercial Real Estate guilty and fine them a total of \$500. Commissioner Hewes seconded the motion and it passed 6-2 with Commissioners Hodges and Buford voting no. Commissioner Watts did not vote because he had earlier recused himself.

### **Charles A. Trexler, Hardship Application to Obtain Original Salesperson's License After Temporary License Lapsed, I-13,426**

Upon discussion of the hardship application request presented by Mr. Trexler for obtaining an original salesperson's license, Commissioner Cawthon made a motion to approve Mr. Trexler's request to have his original salesperson's license issued. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

### **Delilah Jane Watson, Hardship Application to Obtain Original Salesperson's License After Temporary License Lapsed, I-13,427**

Upon discussion of the hardship circumstances presented by Ms. Watson for obtaining an original salesperson's license, Commissioner Hewes made a motion to approve Ms. Watson's request to have her original salesperson's license issued. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Michelle J. Humphrey and Century 21 Town-N-Country Realty, Formal Complaint No. 3194**

Formal complaint No. 3194 was continued due to Ms. Humphrey having emergency surgery.

**Alabama Real Estate Commission vs. Monical Travis and Alonzo L. McCants, Formal Complaint No. 3195**

Upon discussion of the evidence and testimony presented in the matter of Monical Travis, Salesperson, and Alonzo L. McCants, Qualifying Broker, Mobile, Alabama, and the alleged violations of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-3-.03(2) in that Ms. Travis failed to pay over to qualifying broker the earnest money payment coming into her possession in trust for other parties immediately upon receipt of same; Count 2: Section 34-27-36(a)(10) in that Ms. Travis failed to voluntarily furnish, with reasonable promptness, the purchaser with a copy of the contract she signed; Count 3: Section 34-27-36(a)(19) in that Ms. Travis failed to comply with Rule 790-X-3-.04 in her failure to prepare and furnish the purchaser with an estimated closing statement at the time she signed the written offer to purchase the property; Count 4: Section 34-27-36(a)(19) in that Mr. McCants failed to comply with Section 34-27-34(a)(2) in that he failed to see that the transactions performed by Ms. Travis were in compliance with Alabama Real Estate License Law, Commissioner Morris made a motion to find Ms. Travis guilty on Counts 1, 2 and 3 and accept the surrender of her license and to dismiss Count 4 against Mr. McCants. Commissioner Buford seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Ginger Fountain, Formal Complaint No. 3196**

Upon receiving a report that there was a conflict of interest on the part of the Respondent attorneys, Commissioner Morris made a motion to continue the hearing. Commissioner Hewes seconded the motion and it passed unanimously 8-0. (Note: Commissioner Riggins-Allen left the meeting prior to the vote due to illness.)

**NOT APPEARING ITEMS FOR RULING**

**Claudia Antoinette Baker, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3169**

Upon discussion of the evidence presented in the matter of Claudia Antoinette Baker, Inactive Salesperson, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-35(a)(16) by presenting to the Alabama Real Estate Commission, as payment for a fee or fine, an electronic check payment in the amount of \$25 which was returned unpaid by the bank upon which it was drawn, Commissioner Morris made a motion to find Ms. Baker guilty and fine her \$250. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Approval of 2011 Commission Calendar**

Commissioner Watts made a motion to approve the proposed calendar of meeting dates for 2011 noting that meetings are subject to change as needed. Commissioner Morris seconded the motion and it passed unanimously 9-0.

**Confirm Next Meeting Date and Location for the Record: August 27, 2010, 9:00 a.m.,  
Montgomery, Alabama**

Commissioner Miller made a motion to approve the next Commission meeting date and location for August 27, 2010 at 9:00 a.m. in Montgomery, Alabama. Commissioner Morris seconded the motion and it passed unanimously 9-0.

There being no further business, the Commission adjourned at 12:05 p.m.

Done this 23<sup>rd</sup> day of July, 2010.

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Sheila Hodges, Chairman

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Patricia Anderson, Recording Secretary