

MINUTES

A meeting of the Alabama Real Estate Commission was held June 12, 2012, at the Perdido Beach Resort, Orange Beach, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Steve Cawthon; Commissioners Jewel Buford, Reid Cummings, Carole Harrison, Clif Miller, Dorothy Riggins-Allen, Danny Sharp and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Education Director Ryan Adair; Investigators David Erfman and K.C. Baldwin; and Auditor Denise Blevins. Tori Adams served as Hearing Officer.

Other staff members in attendance were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham and Information Technology Manager Brett Scott.

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. He welcomed all guests and introduced each Commission member.

Commissioner Sharp made a motion to approve the May minutes as presented. Commissioner Buford seconded the motion and it passed unanimously 9-0.

In the Financial Report for May, Mr. Lasater shared that while revenues remain under projection, expenditures are also under projection. He called attention to a reduction in employee benefits due to retirements this year and to a reduction in out of state travel.

In the Executive Director's report, Mr. Lasater talked about the Commission's new branding effort and listening sessions that have been held with REALTORS® and technical users to obtain input from those who will be using the newly designed website. The new website is designed to be interactive and friendly to mobile applications. It will allow the Commission to exchange and provide information in the most current way.

Ms. Anderson gave a report from her attendance at the ARELLO District 2/3 meeting. She shared that it was structured much like the conference Alabama hosted last year. There were many good speakers including Doug Devitre who conducted a session on Risk Management Using Social Media with Alabama and Georgia having an opportunity to share what each does with social media with the other jurisdictions there. Mr. Devitre projected that by 2013, 90% of all online communication will be by video. Another good speaker was Alison Howard from Rice Insurance Company who talked about the areas of real estate from which the most E&O claims come with the top five being contract language that is written in by licensees, recommending third parties to buyers, licensees selling their own property, dual agency and failure to disclose. Ms. Anderson brought back copies of the Jurisdiction Reports that will be posted to the Commissioner website. She shared some of the significant issues and

matters of interest from other jurisdictions which are contained in the report. It was a good networking meeting with a beneficial exchange of information.

Mr. Lasater recognized Charles Sowell on his upcoming retirement set for August 1 and commended his 27 years of service to the Alabama Real Estate Commission and the State of Alabama. Mr. Lasater expressed sincere appreciation for Charles' solid legal leadership for the Commission and real estate industry. Mr. Lasater invited everyone there to join in congratulating Charles on his well-earned retirement.

Mr. Adair reviewed proposed changes to Rules 790-X-1-.15, 790-X-1-.17, 790-X-1-.21 and 790-X-2-.13. Ms. Anderson reviewed the rationale for a request to repeal Rule 790-X-2-.06. Mr. Sowell reviewed proposed new rules 790-X-2-.24 and 790-X-2-.25. Mr. Adair clarified the timeline for the rules. Commissioner Cawthon made a motion to move the proposed rules forward by filing them with Legislative Reference Service and setting them for public hearing in July. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Commissioner Riggins-Allen made a motion that Commissioners conduct hearing disposition discussions and decisions in an open meeting. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Due to the number of people observing the Commission meeting, Hearing Officer Tori Adams explained the hearing process to guests.

HEARINGS

Alabama Real Estate Commission vs. Gary D. Skipper AND Skipper Realty, LLC, Formal Complaint No. 3264

Upon discussion of the evidence and testimony presented in the matter of Gary D. Skipper, Qualifying Broker for Skipper Realty, LLC AND Skipper Realty, LLC, Loxley, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)b. by failing to deposit and 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 located in Alabama, by having a shortage of funds, Commissioner Cummings made a motion to find Respondents Gary Skipper and Skipper Realty LLC guilty, reprimand them and fine respondents a total of \$2,500. Commissioner Riggins-Allen seconded the motion. After discussion, Commissioner Cummings withdrew his motion and Commissioner Riggins-Allen withdrew her second. Commissioner Cummings then made a motion to find both respondents guilty, reprimand them, fine them a total sum of \$2,500 and suspend Respondents' licenses for 9 months, but stay the suspension for 9 months during which time Mr. Skipper is ordered to complete the soon to be developed Tier 1 and Tier II Risk Management courses. If the courses are completed as ordered, the suspension will be permanently stayed. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

Yvonne K. Montgomery, Hardship Request to Renew Lapsed Salesperson’s License, I-13,868

Upon discussion of the evidence presented by Ms. Montgomery regarding her request to renew her lapsed salesperson’s license, Commissioner Buford made a motion to approve her request as long as she has it issued within the next 90 days. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

NOT APPEARINGS

Mary Harmon Young, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3268

Upon review of the evidence and testimony presented in the matter of Mary Harmon Young, Associate Broker, Prudential Pritchett-Moore Realty, Tuscaloosa, 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 Cawthon made a motion to find Ms. Young guilty and fine her \$250. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Robert C. Moss, Hardship Request to Have Temporary License Issued, I-13,872

Upon review of the hardship request for temporary license issuance submitted by Mr. Moss, Commissioner Buford made a motion to deny Mr. Moss’ request. Commissioner Miller seconded the motion and it passed 8-1 with Commissioner Riggins-Allen voting no.

Confirm Next Meeting Date and Location for the Record: July 26, 2012, 9:00 a.m., Morgan County Association of REALTORS®, Decatur, Alabama

Commissioner Wright made a motion to approve the next Commission meeting date and location for July 26, 2012, at 9:00 a.m. in Decatur, Alabama. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 2:35 p.m.

Done this 12th day of June, 2012.

Bill Watts, Chairman

Patricia Anderson, Recording Secretary