

MINUTES

A meeting of the Alabama Real Estate Commission was held June 25, 2020, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. This meeting was also available by video teleconference.

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

Those present were Chairman Danny Sharp; Vice Chairman Carole Harrison; Commissioners Emmette Barran, Melody Davis, Joyce Harris, Terri May and Susan Smith; Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Van Steenis, Commission Counsel Mandy Speirs; Investigators K.C. Baldwin, Rickey Fennie and Marshall Simons; Auditor Anthony Brown and Licensing Director Anthony Griffin. The Hearing Officer was Jim Hampton. Commissioners Reid Cummings and Bill Watts attended via teleconference but did not actively participate in any discussions or vote on any matter.

Other staff members in attendance in-person or participated through video teleconference for all or part of the meeting were Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Public Relations Intern Jess Sparks; Education Director Ryan Adair; Investigator David Erfman; Accounting and Personnel Director Molli Jones; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Information Technology Programmer Analyst Eric Aldridge; Licensing Assistant Edward Arrington and Executive Assistant Barbi Lee.

Members of the public also attended via video teleconference.

Commissioner Barran made a motion to approve the minutes from the May 21, 2020 Commission meeting. Vice Chairman Harrison seconded the motion and it passed unanimously 7-0.

Executive Director Vaughn Poe expressed his appreciation to Commissioners for coming to Montgomery to participate in the meeting and allowing Commission staff to present cases that require the Commissioners' in-person attendance. He presented the May 2020 financial report and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts.

Mr. Poe advised Commissioners that the license renewal cycle has begun. There have been 1,800 renewals processed and only four of those were processed manually by Commission staff. The rest were online renewals.

Director Poe advised Commissioners that the Commission has received COVID-19 funds reimbursement from the Alabama Department of Finance. Additional purchases, including PPE, have been made with those funds to continue day-to-day operations of the commission.

Mr. Poe announced two additional staff members have joined or will be joining the Commission staff. Jess Sparks is an intern in the Public Relations Division and a new Welcome Center attendant, La'Tanya Knight, has been hired and will start July 1.

Mr. Poe asked Commissioners to consider alternating their meeting schedule between in-person meetings and video teleconferences to allow licensees to have their cases heard in a timely manner and prevent a backlog.

Assistant Executive Director Teresa Hoffman expressed appreciation to the Public Relations Division for their hard work while preparing for this meeting.

COMMISSIONER DISCUSSION

Public Hearing Rule Change 790-X-1-.11 Course Content for Continuing Education

Education Director Ryan Adair informed Commissioners that no written comments had been received, so far, regarding the proposed rule change. The deadline is Friday, July 3, 2020. A call was made for anyone in attendance to speak regarding the rule change in question. There was no response to be recognized for the Public Hearing. The rule change is scheduled for adoption at the July 23, 2020 meeting.

Chairman Sharp asked Mr. Adair for an update on exam sites and testing. Mr. Adair stated exam sites are now open six days each week for testing. Assistant Executive Director Teresa Hoffman further acknowledged that exam sites are still operating below capacity. However, she stated that she had talked with a representative of PSI and was advised that PSI was adjusting for employees not returning to work in fear of COVID-19. PSI has hired and trained additional staff and, currently, the next scheduled testing date for examinees is July 30, 2020.

Set Salary for Executive Director and Assistant Executive Assistant Director

Executive Director Poe explained to Commissioners that salary ranges for Commission executives have never been established. Commission staff have been in negotiations with the Alabama State Personnel Department to establish the salary ranges. Director Poe announced that salary range 88 for the Executive Director position and salary range 86 for the Assistant Executive Director position have been agreed to by all parties. With the Commission's approval, this request will be presented to the State Personnel Board at its July meeting. Commissioner Smith made a motion to approve salary range 88 for the Executive Director position and salary range 86 for the Assistant Executive Director position. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Commissioner Smith made a motion that Commissioners conduct disciplinary hearing disposition discussions in an open meeting. Commissioner Barran seconded the motion and it passed unanimously 7-0.

General Counsel Van Steenis asked to speak before Commission Members began deliberating on investigative matters and formal complaints. The following was stated:

Ms. Van Steenis: “Yes sir, just a moment of you all’s time. I just want to go over address a matter before you start deliberating on the first one on the agenda that case against Mr. Trey Garner. Um, in full disclosure so that everyone knows this before beginning deliberations, um Mr. Wallace, who testified on behalf of Wallace and Moody, he actually testified that he is a personal friend of Ms. Speirs. Um, this case initially came to us in December when Mr. Garner had asked us to look in to relicensing his relicensing. And at that time, ah Ms. Speirs took on the case. She was the one who initially prosecuted it. Additionally, at that time, I disclosed to Ms. Speirs that I have a personal relationship, not a close personal relationship, but close enough that I think I could not have presented this case in an unbiased manner on behalf of the Real Estate Commission, so Ms. Speirs was obviously going to keep the case.

In the interim, because so much time has elapsed due to COVID, and getting Mr. Garner in here in front of you all, we thought it was better for you all of our cases coming before you live; not obviously not the Not Appearing, Ms. Speirs has listed her home, her personal home for sale and the listing agent is Mr. ah Mr. ah Wallace, and that is through their personal friendship, so I just wanted you all to know of that connection, ah, although this was not disclosing before the case was presented, ah, just so you know.

Vice Chairman Harrison: “and who do you have a personal relationship?”

Ms. Van Steenis: I have a personal relationship with Mr. Garner. Right, actually, it is more that my family does, but I would not be able to present this case to you in an unbiased manner at all.”

HEARINGS

Howard Patterson (Trey) Garner, III, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-20,020

Commissioner Harris recused herself.

Upon discussion of the evidence and testimony presented in the matter regarding his request for approval to hold a real estate license after license was previously revoked, Commissioner Davis made a motion to approve his request. Commissioner Smith seconded the motion, and it passed 5-1 with Vice Chairman Harrison voting against the motion.

Frank McGough, Application for Real Estate Salesperson Temporary License, I-20,065

Upon discussion of the evidence and testimony presented in the matter regarding his application for real estate salesperson temporary license, Commissioner Smith made a motion

to approve his application. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Dustin Woodley and Camelot Properties LLC and Camelot Properties II, Formal Complaint No. 3513

Commission Counsel Mandy Speirs asked that Camelot Properties LLC be dismissed from this Formal Complaint. Mr. Hampton approved her request.

Dustin Woodley, Qualifying Broker, and Camelot Properties II were charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)(b), by failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution as shown by the \$14,480.45 shortage in the rents trust account for the 2019 audit and \$2,395.95 for the 2018 audit.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Smith made a motion to find Mr. Woodley and Camelot Properties II guilty. Commissioner May seconded the motion and it passed unanimously 7-0. Commissioner Barran made a motion to fine Mr. Woodley and Camelot Properties \$2,500 each. Commissioner May seconded the motion and it passed unanimously 7-0.

Shannon Patterson Keith, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-20,081

Upon discussion of the evidence and testimony presented in the matter regarding her request for approval to hold a real estate license after license was previously revoked, Commissioner Barran made a motion to deny her application. Commissioner May seconded the motion, and it passed unanimously 7-0.

Brandon Chase Flowers, Application for Temporary Salesperson License, Investigative File I-19,107

Upon discussion of the evidence and testimony presented in the matter regarding his application for temporary salesperson license, Commissioner Smith made a motion to approve his application upon payment of all restitution in Arizona and Alabama. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Bradley Chambers, Formal Complaint No. 3516

This case was continued.

Candice Maxwell, Application for Determination of Licensing Eligibility, I-20,038

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Barran made a motion to approve her application upon her discharge from supervised release. Commissioner Davis seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

Amanda Webster Hays, Hardship Request for Extension to Submit Application for Broker's License, Licensing File LC2020-015

Commissioner Smith recused herself.

Upon review of the hardship request from Ms. Hays for an extension to submit her application for a broker's license, Commissioner Barran made a motion to approve her request. Commissioner Davis seconded the motion and it passed unanimously 6-0.

Confirm August Meeting Date and Location for the Record: August 20, 2020, 9:00 a.m. in Montgomery, Alabama

Commissioner Barran made a motion to confirm the August meeting for August 20, 2020 at 9:00 a.m. based in Montgomery, Alabama. Commissioner Smith seconded the motion and it passed unanimously 7-0. A determination will be made as to an in-person meeting or video teleconference.

Next Commission Meeting: Thursday, July 23, 2020, 9:00 a.m. will be in video teleconference format only.

There being no further business, Commissioner Smith made a motion to adjourn the meeting at 1:26 p.m. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Done this 25th day of June 2020.

Danny Sharp, Chairman

Barbi Lee, Recording Secretary