

MINUTES

The Alabama Real Estate Commission met March 16, 2007, in the Commission Hearing Room of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Poole; Vice Chair Sheila Hodges; Commissioners Roy Bragg, Gordon Henderson, Bobby Hewes, Chester Mallory, Jan Morris and Dorothy Riggins; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Education Director Ryan Adair; Assistant Counsel Chris Booth; Investigators David Erfman, Chuck Kelly, and Phillip Bunch. Hearing Officer was Tori Adams. Commissioner Jewel Buford was absent with prior notice.

Chairman Poole recognized and welcomed visitor Susan Hawkins.

Commissioner Bragg moved approval of the February meeting minutes. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Chairman Poole called for the Public Hearing on proposed Education Rule amendments. The halls were sounded and no one was found to be present to offer public comment. Executive Director Philip Lasater reported that no written comments had been received to date.

The Financial statements for February were reviewed with fund balances noted. Expenditures were under projection and revenues exceeded projection. Comments and questions from Commissioners were responded to but there was no action taken.

Education Director Ryan Adair gave an update report on the work of the broker qualification task force with particular emphasis on the development of the pre-license course and recently released RFP for examination services.

Education Auditor Pam Oates gave a general report of classroom and school site findings and responded to Commissioner questions. Compliance Auditor Vicki Shackelford gave a general report of on site findings and responded to Commissioner questions.

Tab Bisignani, Denied Instructor Applicant, I-12,183

Hearing continued at the request of Mr. Bisignani and rescheduled for April 2007.

Nathan Huffman, Lapsed Temporary Salesperson License, I-12,243, Requesting Extension of Deadline for Obtaining Original Salesperson License, I-12,243

Upon discussion of Mr. Huffman's request for additional time for obtaining his original sales license, Hearing Commissioner Hodges moved to approve a 30 day extension for Mr. Huffman. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Kenneth D. Wall, Formal Complaint No. 2997

Upon discussion of the evidence and testimony presented in the matter of Kenneth D. Wall, Qualifying Broker, Ken Wall Properties, Inc., d/b/a Premier Resort Group, Orange Beach, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-31(j) in that Mr. Wall failed to notify the Commission within ten (10) days of the institution of criminal prosecution against him and Count 2: Section 34-27-36(a)23a. by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or crime involving moral turpitude, Hearing Commissioner Henderson moved to suspend Mr. Wall's license for 15 months. Commissioner Riggins seconded the motion and it passed unanimously 8-0.

Willie James Simmons, Denied Application for Temporary Salesperson's License, I-12,209

Upon review of the temporary salesperson's license application submitted by Mr. Simmons, Hearing Commissioner Hodges moved to approve the temporary sales license of Mr. Simmons. Commissioner Riggins seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Robert J. Fedder, Formal Complaint No. 2996

Hearing continued at the request of Mr. Fedder and granted by Hearing Officer Tori Adams.

Alabama Real Estate Commission vs. Arthur L. Cole, III, Formal Complaint No. 2995

Upon discussion of the evidence and testimony presented in the matter of Arthur L. Cole, III, Qualifying Broker, Cole Properties, Huntsville, 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 all funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama and by having a shortage of funds in the account, Hearing Commissioner Hodges moved to find Mr. Cole guilty and to reprimand him. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Jerald H. Gunter, Formal Complaint No. 2964

Upon discussion of the evidence and testimony presented in the matter of Jerald H. Gunter, Inactive Salesperson, Niceville, Florida, 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 Hewes moved to find Mr. Gunter guilty and to fine him \$250. Commissioner Bragg seconded the motion and it passed 6-1 with Commissioner Morris voting no and Commissioner Mallory abstaining.

NOT APPEARING

Kip Lamont Echols, Applicant for Determination of Licensing Eligibility, I-12,195

Upon consideration of the application for determination of licensing eligibility submitted by Mr. Echols, Commissioner Henderson moved to deny license eligibility for Mr. Echols. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Damon Shelton Napier, Applicant for Determination of Licensing Eligibility, I-12,143

Upon consideration of the application for determination of licensing eligibility submitted by Mr. Napier, Commissioner Hewes moved to deny the license eligibility of Mr. Napier. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Kaywanda D. Smoot, Lapsed Salespersons License, Request for Hardship Renewal, I-12,231

Upon discussion of Ms. Smoot's request for the Commission's consideration in her request for hardship renewal, Commissioner Hewes moved to deny the hardship renewal request of Ms. Smoot. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Karen M. Poss, Formal Complaint No. 2992

Upon review of the evidence and testimony presented in the matter of Karen M. Poss, Salesperson, Riverside Realty, Inc., Tuscumbia, 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 Bragg moved to find Ms. Poss guilty and to fine her \$250. Commissioner Morris seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. Paula D. Ryan, Formal Complaint No. 3001

Upon discussion of the evidence and testimony presented in the matter of Paula D. Ryan, Salesperson, Cyre Leike Realty, Inc., Cullman, 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 fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to find Ms. Ryan guilty and to fine her \$250. Commissioner Henderson seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. Lia Anne Muir, Formal Complaint No. 3002

Upon discussion of the evidence and testimony presented in the matter of Lia Anne Muir, Salesperson, Aronov Realty Brokerage, Inc., Prattville Branch, Prattville, 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 Hodges moved to find Ms. Muir guilty and to reprimand her. Commissioner Mallory seconded the motion and it passed 7-0 with Commissioner Bragg abstaining.

Alabama Real Estate Commission vs. Loretta Dunham Ables, Formal Complaint No. 3000

Upon discussion of the evidence and testimony presented in the matter of Loretta Dunham Ables, Inactive Salesperson, Seymour, Tennessee, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by submitting an on-line payment for her license renewal fees which was returned unpaid, and by having her license issued without having paid the required fees, Commissioner Bragg moved to find Ms. Ables guilty and to find her \$250. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Glenda Bass, Hardship Renewal of Lapsed Salesperson's License

Upon review of Ms. Basses request for the Commission's consideration for hardship renewal, Commissioner Morris moved to approve the hardship renewal request of Ms. Bass. Commissioner Riggins seconded the motion and it passed 8-0.

Yakinea Marie Duff, Applicant for Salesperson's License, I-12,339

Upon review of Ms. Duff's application for temporary salesperson's license, Commissioner Morris moved to deny the application of Ms. Duff. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

JoEllie Shawnlet Regan, Hardship Renewal Application

Upon discussion of Ms. Regan's hardship renewal request, Commissioner Henderson moved to approve the hardship renewal without penalty of Ms. Regan based on her service in Iraq and her duty papers. The motion further authorizes late renewal approval of any other licensee who so substantiates military service. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Upon review and discussion of the status on the request of an Attorney General's opinion on the question of compensation to Commissioner Dorothy Riggins, Commissioner Henderson moved that immediate communication be transmitted to the Attorney General encouraging the most expeditious ruling possible. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

There being no further business, the Commission adjourned at 11:55 a.m.

Done this 16th day of March, 2007.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary