

## MINUTES

The Alabama Real Estate Commission met March 10, 2008, at the Alabama Real Estate Commission building, 1201 Carmichael Way, Montgomery, Alabama.

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

The meeting having been duly noticed in accordance with the Open Meetings Act, Chairman Henderson declared a quorum and called the meeting to order at 9:00 a.m.

The February financial statements were reviewed with down turn in temporary license issuance and transfer fees noted. No action was taken.

Executive Director Philip Lasater reported Staff Accountant Cullene Sanders would be retiring March 31 and then introduced Shontrail Hughes, a recent University of Alabama graduate, who sought a governmental accounting opportunity for which we were glad to offer her. Mr. Lasater further reported the Commission was engaged in a pilot program for the implementation of Voice over Internet Protocol VOIP and that among other feature use enhancements the system would allow full use of 12 rollover lines, unified messaging and call bundling benefits. An update was provided on HB 331 and clarification for the transmission of fees receipted for ACRE was cited. In a review conversation with Commissioners, it was affirmed that the continued development and promotion of written communication would be transmitted electronically by ongoing enhancement of the Commissioners webpage.

Pat Anderson, Assistant Executive Director, was recognized to review out-of-state travel plans and program participation for AAR's Summer Splash in Florida the first of June.

## HEARINGS

### **Alabama Real Estate Commission vs. Alean W. Middleton, Formal Complaint No. 3045**

Upon discussion of the evidence and testimony presented in the matter of Alean W. Middleton, Qualifying Broker, A. Middleton Real Estate, Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing within a reasonable time to properly account for money coming into her possession that belonged to others and 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, Commissioner Hodges moved to find Ms. Middleton guilty and to fine her \$1000. Commissioner Hewes seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

### **Alabama Real Estate Commission vs. Bradley A. Beasley, Formal Complaint No. 3025**

Upon discussion of the evidence and testimony presented in the matter of Bradley A. Beasley, Qualifying Broker, Beasley Elite Realty, Inc., Mobile, 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, in lieu of a hearing Mr. Beasley waived his right to a hearing and pled guilty. Commissioner Morris moved to accept his guilty plea and to fine him \$250. Commissioner Hodges seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

### **Lucheany White, Applicant for Original Salesperson's License, I-12,647**

Upon discussion of Mr. White's request that he be granted additional time for original salesperson license issuance, Commissioner Cawthon moved to allow a 45 day extension for the

completion of the online post license course. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Donna C. White, Formal Complaint No. 3056**

CONTINUED at the direction of the Commission.

**G. Robertson Langford, Applicant for Determination of Qualifying Broker Status, I-12,610**

Upon discussion of Mr. Langford's request that he be permitted to act as qualifying broker for a company located in Alabama even though he resides in Tallahassee, Florida, Commissioner Hewes moved to deny the request of Mr. Langford. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Kesha Baltimore, Formal Complaint No. 3031**

Upon discussion of the evidence and testimony presented in the matter of Kesha Baltimore, Salesperson, RealtySouth Highway 280 South Branch, Birmingham, 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. Baltimore guilty and to revoke her license. Commissioner Morris seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Shawn Pinion, Formal Complaint No. 3058**

Upon discussion of the evidence and testimony presented in the matter of Shawn Pinion, Associate Broker, Executive Referral Company, Tuscaloosa, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) via Section 34-27-31(j), by failing to report within ten days that he and the company for which he served as qualifying broker had been served with a civil suit; Count 2: Section 34-27-36(a)(19) via Section 34-27-31(k), by failing to report within ten days that a judgment had been rendered in the civil suit; Count 3: Section 34-27-36(a)(23)b. by having a final money judgment entered against him and the company for which he served as qualifying broker, Commissioner Watts moved to find Mr. Pinion guilty. Commissioner Mallory seconded the motion and it passed unanimously 8-0. Commissioner Watts moved to reprimand Mr. Pinion. Commissioner Hodges seconded the motion and it passed 5-3 with Commissioners Cawthon, Morris and Buford voting no.

**William M. Pettey, Applicant for Determination of Licensing Eligibility, I-12,552**

Upon discussion of Mr. Pettey's eligibility for licensure, Commissioner Hodges moved to approve the license eligibility of Mr. Pettey. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Robert D. Spaeth, Jr. and Gold Star Realty, LLC, Formal Complaint No. 3059**

Upon discussion of the evidence and testimony presented in the matter of Robert D. Spaeth, Jr. Qualifying Broker, Gold Star Realty, Montgomery, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b., by failing within a reasonable time, to deposit and account for funds belonging to others in a separate federally insured account or accounts located in Alabama, and by failing to properly account for at all times all funds coming into their possession that belonged to others, Commissioner Cawthon moved to find Mr. Spaeth guilty and to revoke his license. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Randy L. Horn, Applicant Original Salesperson license I-12,588**

Upon discussion of Mr. Horn's request for additional time for meeting licensing requirements for the original salesperson's license, Commissioner Cawthon moved to approve the request for extension for the issuance of Mr. Horn's original salesperson license. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**James H. Belcher, Denied Application for Real Estate Continuing Education Instructor Status, I-12,634**

Upon discussion of Mr. Belcher's request that the Commission reconsider his application for real estate continuing education instructor after previously being denied, Commissioner Hewes moved to approve the CE Instructor approval of Mr. Belcher. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

NOT APPEARING ITEMS FOR RULING

**Nicole Shields, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3061**

Upon review and discussion of the evidence presented in the matter of Nicole Shields, Salesperson, Century 21 Brandt Wright Realty, Inc., Montgomery, 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 Morris moved to find Ms. Shields guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

**Crystal Elaine King, Determination of Licensing Eligibility, I-12,609**

Upon discussion of Ms. King's eligibility for licensure, Commissioner Watts moved to deny the license eligibility of Ms. King. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**James Christopher George, Determination of Licensing Eligibility, I-12,640**

Upon discussion of Mr. George's eligibility for licensure, Commissioner Hewes moved to deny the license eligibility of Mr. George. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Walter Edward Berry, Applicant for Timeshare Salesperson's License, I-12,632**

Upon discussion of Mr. Berry's eligibility for timeshare licensure, Commissioner Morris moved to deny the timeshare salesperson application of Mr. Berry. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

**Tommy Ray Bozeman, Request to Complete 60 Hour Broker Pre-license Course Within 90 Days of Online Availability and Allow Current Score to Stand, I-12,645**

Upon review of Mr. Bozeman's request to complete the 60 hour broker pre-license course required for obtaining a broker's license without having to retake the broker exam, Commissioner Mallory moved to allow a 6 month extension. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

**Tamara Franklin, Request for Extension to File Application for Original Salesperson's License, I-12,646**

Upon review of Ms. Franklin's request for an extension to the one year deadline for taking the 30 hour pre-license course and applying for the original salesperson's license, Commissioner Hodges moved to deny the original salesperson application of Ms. Franklin. Commissioner Cawthon seconded the motion and it passed 7-1 with Commissioner Morris voting no.

**Darmita Flood, Request for 90-day Extension to Complete Salesperson Pre-license Course, I-12,650**

Upon review of Ms. Flood's request for a 90 day extension to the one year deadline for completing the pre-license course and applying for the temporary salesperson's license,

Commissioner Hewes moved to approve a 90 day extension for Ms. Flood. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

**Betty Spradley Kimber, waiver of hearing and Guilty Plea, Formal Complaint #3064**

Upon review of Ms. Kimber's submission of a guilty plea and having presented a check that was returned unpaid to the Commission, Commissioner Watts moved to find Ms. Kimber guilty and to fine her \$250. Commissioner Cawthon seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

There being no further business, the Commission adjourned at 1:20 p.m.

Done this 10<sup>th</sup> day of March, 2008.

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Gordon Henderson, Chairman

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Philip Lasater, Recording Secretary