

MINUTES

A meeting of the Alabama Real Estate Commission was held March 21, 2024 at the office of Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

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

Chairman Smith called the roll and the following Commissioners indicated their presence with a spoken "present": Vice Chairman Jimmie Ann Campbell, Commissioners Betsy Echols, Randy McKinney, and Deborah Lucas Robinson. A quorum was declared. Commissioners Em Barran, Jim Dye, Cerita Tucker Smith, and Terri May were absent with notice.

Commission staff members in attendance for all or part of the meeting were Assistant Executive Director Teresa Hoffman; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigators K.C. Baldwin, Rickey Fennie and Marshall Simons; Auditor Vickie Shackelford; Legal Assistant Angie Kidd; Communications and Public Relations Director Lori Moneyham; Education Director Ryan Adair; Education Specialist Pam Oates; Information Technology Director Eric Aldridge; Information Technology Programmer Chris Prestridge, Licensing Administrator Anthony Griffin; and Accounting and Personnel Director Barbi Lee. The Hearing Officer was Jim Hampton.

APPROVAL OF THE MINUTES

Chairman Smith asked for a motion to approve the minutes from the February 22, 2024 Commission meeting. Commissioner Campbell made a motion to approve the minutes from the February 22 meeting. Commissioner Echols seconded the motion and it passed 5-0.

ASSISTANT EXECUTIVE DIRECTOR'S REPORT

Assistant Executive Director Hoffman provided an update on the roof for the Commission building. The Department of Risk Management has hired different engineer and architect firms to inspect the roof and building for the insurance claim. Both will be onsite the week of March 24 and will submit their findings for comparison. We will be advised of our next steps in the repair process and of the costs to the Commission.

Assistant Director Hoffman presented the February financial report and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. The Commission remains below projected expenditures and slightly above projected revenues. Thus far, the Commission has paid \$220,432 to other state agencies and there have been no recovery fund payouts in the past 30 days.

Assistant Director Hoffman reported the Commission has issued 41,795 total licenses and there are currently 36,229 unique individuals licensed. The growth rate for February 2024 was 8.83 new license applications per day.

There are currently 763 active education approvals, consisting of instructors, administrator, and schools. There were five education audits during the month of February: two salesperson prelicense courses, one continuing education course, and two schools.

The auditors performed 15 company audits in February and one assistance visit. The Commission continues to prioritize and schedule those companies that have not been audited in over three years.

Coffee With the Commission was held on March 20, 2024. Education Director Ryan Adair and Licensing Director Anthony Griffin co-hosted. They provided an overview of license renewals and renewal deadlines. There will not be a Coffee With the Commission in April 2024 due to the Commission meeting being held April 25 in Robertsdale, Alabama. General Counsel Starla Leverette hosted Briefly Legal on Microsoft Teams on March 7 and fielded legal questions from licensees. The next Briefly Legal will be held in July 2024.

Assistant Director Hoffman reminded Commissioners of several upcoming deadlines. The deadline is March 26 to reserve hotel rooms for the April 25 Commission meeting in Robertsdale, Alabama. Commissioners attending the 2024 Association of Real Estate License Law Officials (ARELLO) Mid-Year Meeting, April 16-18, must submit travel information to Accounting/Personnel Director Barbi Lee. She also reminded them that the Statement of Economic Interests filing to the Alabama Ethics Commission was due on or before April 30, 2024.

General Counsel Starla Leverette addressed Commissioners regarding the fact that only five Commissioners were present. The five constituted a forum; however, votes have to be unanimous. If one person recuses there will no longer be a quorum and the affected case would be continued to a future date. Chairman Smith asked if any Commissioners needed to recuse themselves and no one stated they needed to recuse.

Assistant Director Hoffman announced that Information and Technology Manager Brett Scott retired. IT team member Eric Aldridge was announced as the new IT Manager. Ms. Hoffman, Mr. Aldridge, and IT programmer Will Perkins will be interviewing programmers the week of March 26, 2024. There are a substantial number of interviews that will, hopefully, yield strong candidates.

Assistant Director Hoffman advised Commissioners that Commissioner Campbell was recognized by the Alabama Association of REALTORS® (AAR) as one of their first five female presidents in recognition of International Women’s Day. Commissioner Campbell served as AAR’s fifth female president.

COMMISSIONER DISCUSSION

Request to Approve Extension of 90-day Filing Deadline for June Broker, Reciprocal Broker and Reciprocal Salesperson Examinees to October 1, 2024.

The request was not made for June Temporary Salesperson examinees because Temporary Salesperson licenses are not renewed.

Each renewal year, since 2002, Commissioners have approved allowing June examinees the option to have their license issued on October 1, if they so choose. The reason this request for

approval is made each renewal year is that June examinees will have 90 days to submit their application for licensure and their 90-day expiration day can be anywhere from September 1-September 30, depending on which day in June the exam was passed. Without this extension, June examinees will pay a full year license fee for less than a month and must turn around and pay again to renew it. The Commission gives notice to all broker and reciprocal examinees in July, August and September that they have the option to have their license issued and renew it prior to October 1 or wait and have their license issued on October 1; thereby, having a 2025-2026 license issued.

Commissioner Campbell made a motion to approve the extension of the 90-day filing deadline for June Broker, Reciprocal Broker and Reciprocal Salesperson examinees to October 1, 2024. Commissioner Echols seconded the motion and it passed unanimously 5-0.

HEARINGS – 9:30 a.m. Docket

Robert Ellis Steffens - Application for Real Estate Salesperson Reciprocal License, Investigative File 24-051

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to approve Mr. Steffens' application. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Alabama Real Estate Commission VS. Lennar Homes Coastal Realty LLC-Company, Lennar Homes Coastal Realty LLC-Branch, Mark Christopher Berry, Jeannie Laura Brown, Matthew William Figlesthaller, Barbara S. Breland, Clinton Dean Nel, and Reid Hill, Formal Complaint #24-062

Lennar Homes Coastal Realty LLC, Company, Pensacola, Florida; Lennar Homes Coastal Realty LLC, Branch, Huntsville, Alabama; Mark Christopher Berry, Qualifying Broker, Lennar Homes Coastal Realty LLC, Pensacola, Florida; and Matthew William Figlesthaller, Qualifying Broker, Lennar Homes Coastal Realty LLC, Branch, Huntsville, Alabama were charged on **Count 1** of violating Code of Alabama, 1975 Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(a) by failing to keep and publicly display at the branch office each license certificate of the licensees licensed under Lennar Homes Coastal Realty LLC-Branch and charged on **Count 2** of violating Code of Alabama, 1975 Section 34-27-36(a)(19) by failing to comply with Section 34-27-83 by failing to retain a signed acknowledgement from each licensee of the RECAD Office Policy.

Clinton Dean Nell, Unlicensed Person, Pensacola, Florida and Reid Hill, Unlicensed Person, Madison, Alabama were charged on **Count 3** of violating Code of Alabama, 1975 Sections 34-27-36(c)(2) and 34-27-30 by receiving valuable consideration for conducting, without a license, activity requiring a real estate license.

Lennar Homes Coastal Realty LLC, Company, Pensacola, Florida and Lennar Homes Coastal Realty LLC, Branch, Huntsville, Alabama were charged on **Count 4** of violating Code of Alabama, 1975 Sections 34-27-36(a)(17) by establishing an association, by employment or otherwise, with an unlicensed employee or employees of the builder who conducted activity requiring a real estate license.

Mark Christopher Berry, Qualifying Broker, Lennar Homes Coastal Realty LLC, Pensacola, Florida; Jeannie Laura Brown, Associate Broker, Better Homes and Gardens Real Estate Main Street, Pensacola, Florida; Matthew William Figlesthler, Qualifying Broker, Lennar Homes Coastal Realty LLC, Branch, Huntsville, Alabama; and Barbara S. Breland, Qualifying Broker, Breland Homes LLC, Huntsville, Alabama were charged on **Count 5** of violating Code of Alabama, 1975 Section 34-27-36(a)(19) by allowing a person or persons not licensed to engage in activities requiring a license on behalf of the broker or brokerage firm in violation of Rule 790-X-3-.15(2).

Lennar Homes Coastal Realty LLC, Company, Pensacola, Florida; Lennar Homes Coastal Realty LLC, Branch, Huntsville, Alabama; Mark Christopher Berry, Qualifying Broker, Lennar Homes Coastal Realty LLC, Pensacola, Florida; Jeannie Laura Brown, Associate Broker, Better Homes and Gardens Real Estate Main Street, Pensacola, Florida; Matthew William Figlesthler, Qualifying Broker, Lennar Homes Coastal Realty LLC, Branch, Huntsville, Alabama; and Barbara S. Breland, Qualifying Broker, Breland Homes LLC, Huntsville, Alabama were charged on **Count 6** for violating Code of Alabama, 1975 Section 34-27-36(a)(19) by disregarding Section 34-27-36(a)(14) which prohibits licensees from being paid by anyone other than their Qualifying Broker for licensed activity.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Campbell made a motion to find Lennar Homes Coastal Realty-Company guilty on **Count 1**. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Lennar Homes Coastal Realty-Company \$2,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to find Lennar Homes-Branch guilty on **Count 1**. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Lennar Homes-Branch \$2,500. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to find Mark Berry guilty on **Count 1**. Commissioner McKinney seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Mr. Berry \$2,500. Commissioner Campbell seconded the motion and it passed 5-0. Commissioner Lucas Robinson made a motion to find William Figlesthler guilty on **Count 1**. Commissioner McKinney seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Mr. Figlesthler \$2,500. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Commissioner Campbell made a motion to find Lennar Homes-Company guilty on **Count 2**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to fine Lennar Homes-Company \$2,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Lennar Homes-Branch guilty on **Count 2**. Commissioner Campbell seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Lennar Homes-Branch \$2,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Mark Berry guilty on **Count 2**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to fine Mr. Berry \$2,500. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find William Figlesthler guilty on **Count 2**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Mr. Figlesthler \$2,500. Commissioner Echols seconded the motion and it passed unanimously 5-0.

Commissioner Campbell made a motion to find Clinton Nel not guilty on **Count 3**. Commissioner Echols seconded the motion and it passed 4-1 with Commissioner Lucas Robinson voting against the motion.

Commissioner Lucas Robinson made a motion to find Lennar Homes-Company guilty on **Count 4**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Lennar Homes-Company \$2,500. Commissioner Campbell seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Lennar Homes-Branch guilty on **Count 4**. Commissioner Campbell seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Lennar Homes-Branch \$2,500. Commissioner Echols seconded the motion and it passed unanimously 5-0.

Jeannie Laura Brown was dismissed from **Count 5**. Commissioner Campbell made a motion to find Mark Berry guilty on **Count 5**. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to fine Mr. Berry \$1,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find William Figelsthaler guilty on **Count 5**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Mr. Figelsthaler \$1,500. Commissioner Campbell seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Barbara Breland guilty on **Count 5**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Ms. Breland \$1,500. Commissioner Campbell seconded the motion and it passed 5-0.

Commissioner Lucas Robinson made a motion to find Lennar Homes-Company guilty on **Count 6**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Lennar Homes-Company \$2,500. Commissioner Campbell seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to find Lennar Homes-Branch guilty on **Count 6**. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Lennar Homes-Branch \$2,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Mark Berry guilty on **Count 6**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to fine Mr. Berry \$1,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Jeannie Brown guilty on **Count 6**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Ms. Brown \$1,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find William Figelsthaler guilty on **Count 6**. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to fine Mr. Figelsthaler \$1,500. Commissioner Echols seconded the motion and it passed unanimously 5-0. Commissioner Lucas Robinson made a motion to find Barbara Breland guilty on **Count 6**. Commissioner Campbell seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to fine Ms. Breland \$1,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0.

Jessica Linsey Salcido - Application for Real Estate Salesperson Temporary License, Investigative File 24-100

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to approve Ms. Salcido's application. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Lindra Hill - Application for Real Estate Salesperson Temporary License, Investigative File 24-155

Upon discussion of the evidence and testimony presented in this matter, Commissioner Campbell made a motion to approve Ms. Hill's application. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0.

Alabama Real Estate Commission VS. Pamela Bass and Virtuous Realty Group, Formal Complaint #24-171

Upon discussion of the evidence and testimony presented in this matter, Commissioner Campbell made a motion to find Pamela Bass guilty. Commissioner Lucas Robinson seconded the motion and it passed 5-0. Commissioner Campbell made a motion to fine Ms. Bass \$1,000. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to find Virtuous Realty guilty. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to fine Virtuous Realty \$1,000. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0.

William Brandon Smith - Application for Determination of Licensing Eligibility, Investigative File 24-129

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to approve Mr. Smith's application. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Avee-Ashanti Shabazz - Application for Real Estate Salesperson Temporary License, Investigative File 24-053

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to approve Mr. Shabazz's application. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Pamela L. Bass - Application for Real Estate Salesperson Temporary License, Investigative File 24-105

Upon discussion of the evidence and testimony presented in this matter, Commissioner Lucas Robinson made a motion to approve Ms. Bass' application. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Alabama Real Estate Commission VS. Robin Hines Foy, Formal Complaint #I-23-371

Commission General Counsel Starla Leverette informed Commissioners that Ms. Foy’s hearing had been dismissed. Ms. Foy was able to provide a letter from her bank explaining the reason her check was returned to the Commission unpaid.

Alabama Real Estate Commission VS. Alford T. Norman and Renters Warehouse Alabama LLC, Formal Complaint #I-24-59

Upon discussion of the evidence and testimony presented in this matter, Commissioner Campbell made a motion to find Mr. Norman guilty. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Campbell made a motion to fine Mr. Norman \$1,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0. Commissioner Echols made a motion to find Renters Warehouse guilty. Commissioner Campbell seconded the motion and it passed 5-0. Commissioner Echols made a motion to fine Renters Warehouse \$1,500. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

CONSENT DECREES

Alabama Real Estate Commission VS. Crystal Shuntae White, Formal Complaint #24-002

Alabama Real Estate Commission VS. Cynthia Carroll Bentley, Formal Complaint #23-370

Chairman Smith stated the Commission accepted the above Consent Decree submissions in accordance with Commission Policy Number 2 and the agreed upon disciplinary action in each.

The Commission will determine whether it conducts its disciplinary hearing disposition discussions and decisions in an Open Meeting or call an Executive Session.

Chairman Smith asked for a motion to remain in open session or go into executive session for approximately thirty minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama 36-25A-7(a)(9)*. Commissioner Lucas Robinson made a motion that Commissioners go into executive session at 2:58 p.m. until approximately 3:30 p.m. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

At 3:30 p.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman Smith asked for a motion to return to open session. Commissioner Echols made a motion to return to open session. Commissioner Campbell seconded the motion and it passed unanimously 5-0.

Confirm May 23, 2024 Meeting Date and Location for the Record: Thursday, May 23, 2024, 9:00 a.m. in Montgomery, Alabama

Commissioner Campbell made a motion to confirm the May meeting for May 23, 2024 at 9:00 a.m. in Montgomery, Alabama. Commissioner Lucas Robinson seconded the motion and it passed 5-0.

Next Commission Meeting: Thursday, April 25, 2024, 9:00 a.m., at the Baldwin REALTORS® office at 23280 Co. Rd. 65 in Robertsdale, Alabama.

There being no further business, Commissioner McKinney made a motion to adjourn the meeting at 3:52 p.m. Commissioner Lucas Robinson seconded the motion and it passed unanimously 5-0.

Done this 25th day of April 2024.

Susan T. Smith, Chairman

Lori Moneyham, Recording Secretary