

MINUTES

A meeting of the Alabama Real Estate Commission was held March 23, 2023 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. This meeting was also available by video teleconference (VTC).

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

Chairman Barran called the roll, and the following Commissioners indicated their presence with a spoken "present": Vice Chairman Terri May, Commissioners Jimmie Ann Campbell, Jim Dye, Betsy Echols, Joyce Harris, Randy McKinney, Susan Smith and Cerita Tucker Smith. A quorum was declared.

Commission staff members in attendance or participating via VTC for all or part of the meeting were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; Assistant General Counsel Zack Burr; Attorney Serena Cronier; Investigators David Erfman, K. C. Baldwin, Rickey Fennie and Marshall Simons; Auditors Denise Blevins, Anthony Brown and Vickie Shackelford; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; State Professional Trainee Jess Sparks; Education Director Ryan Adair; Education Specialist Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Molli Jones; Senior Accountant Becky Jackson; Staff Accountants Hattie Thomas and Jaci Ingersoll; Information Technology Director Brett Scott; Programmer Sarah Lopez; Licensing Director Anthony Griffin; Licensing Assistants Edward Arrington, Shy'kierra Knight, Price Sparks and Pam Taylor; and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Chairman Barran asked for a motion to approve the minutes from the February 16, 2023 Commission meeting. Commissioner Tucker Smith made a motion to approve the minutes from the February 16, 2023 meeting. Commissioner Echols seconded the motion and it passed unanimously 9-0.

EMPLOYEE RETIREMENT RECOGNITION – HATTIE C. THOMAS

Staff Accountant Hattie Thomas was recognized by Director Poe and presented a proclamation from Governor Kay Ivey congratulating her on her retirement, effective April 1, 2023, after 46 years of service to the State of Alabama. Mrs. Thomas received a standing ovation from everyone in attendance. Mrs. Thomas stated she has been looking forward to this day and expressed her appreciation to God, the great employees, and friends she has met along the way. She is looking forward to beginning another chapter in her life.

FINANCIAL REVIEW – MOLLI JONES, RETIRING ACCOUNTING & PERSONNEL DIRECTOR

Accounting & Personnel Director Molli Jones presented the February 2023 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. There have been no recovery fund payouts for the past 30 days. To date, the Commission has paid \$283,348.96 to other state agencies for services during fiscal year 2023.

In recognition of Mrs. Jones' upcoming retirement on April 1, 2023, Commissioner Barran expressed his appreciation to Ms. Jones for her work with the Commission. He stated she would be missed and that she did a great job. He also stated, "The ability for Commissioners to drive home and know that this place [the Commission] will show up next month with utilities and employees that are paid, it is comforting. Truthfully. So, thank you for all your years of service." Mrs. Jones stated she has been very happy and has truly enjoyed working at the Alabama Real Estate Commission. Mrs. Jones received a standing ovation from everyone in the audience.

EXECUTIVE DIRECTOR'S REPORT

Director Poe reported the Commission has issued 42,292 total licenses. There are 4,375 licensed companies and branches. During February there were 526 licenses issued: 217 Temporary, 258 Original Salesperson; and 51 Broker. The average rate of growth for February was 9.58 new license applications per day, or roughly 268 per month. Presently there are 12,359 inactive licenses. Currently, there are 36,660 unique individuals licensed.

Director Poe reported the Legal Division performed 15 desk audits and one real estate company assistance visit. The assistance visits will continue to be offered to new and established companies that have been in business for up to a year. Vice Chairman May asked how much time is spent on an assistance visit. Director Poe stated the time required depends on the size of the company, but not usually more than one day. There is no cost to companies for this service.

The Education Division reported there are 834 total education licensees: 828 active and 14 inactive. There were three education course audits performed during February.

Director Poe advised Coffee with the Commission was held on March 22, 2023 with Education Director Ryan Adair, Education Specialist Pam Oates and Director Poe co-hosting. They discussed the 2023 education license renewal year.

Director Poe reminded Commissioners that the Association of Real Estate License Law Officials (ARELLO®) Mid-year Conference is April 26-28, 2023.

Director Poe reminded Commissioners the April 20, 2023 Commission meeting will be held in Huntsville. The Huntsville Area Association of REALTORS® will host this event at their office. The hotel information will be emailed to everyone the week of March 27, 2023.

Director Poe reminded everyone the Statement of Economic Interests filing is due by April 30, 2023 to the Ethics Commission. A link has been emailed to everyone.

Director Poe discussed the Commission's outreach platforms: Briefly Legal, held quarterly; Coffee with the Commission, held monthly the day before the Commission meeting; and social media sites YouTube, Twitter, Instagram and Facebook. The handle for all Commission social media sites is @arecalabamagov.

Chairman Barran recognized former Commission Chairman and Commissioner Carole Harrison from Auburn who was in attendance.

COMMISSIONER DISCUSSION

None

HEARINGS – 9:30 Docket

Tristan Guffey, Application for Determination of Licensing Eligibility, Investigative File I-23-106

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Guffey's application for determination of licensing eligibility, Commissioner Smith made a motion to approve his application. Vice Chairman May seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Tisha Chalkley Burns, Formal Complaint No. 3675

This hearing was continued until April 20, 2023.

Helena M. Johnson, Request for Extension of Deadline to Submit Real Estate Salesperson Temporary License Application after Passing the Examination, Licensing File LC2023-003

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Johnson's request for an extension of the deadline to submit her real estate salesperson temporary license application after passing the examination, Commissioner Dye made a motion to approve her request and grant an extension of 30 days from notification. Vice Chairman May seconded the motion and it passed unanimously 9-0.

Hai Ho, Application for Real Estate Salesperson Reciprocal License, Investigative File I-23-078

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Ho's application for a real estate salesperson reciprocal license, Commissioner Smith made a motion to approve his application. Commissioner Campbell seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Kimberly Maria Goldsby, Formal Complaint No. 3671

Assistant General Counsel Zack Burr advised Commissioners that Kimberly Maria Goldsby submitted an executed Consent Decree after the March agenda deadline and was moved to the Consent Decree Docket.

Kimberly Dawn Johnson, Application for Real Estate Salesperson Temporary License, Investigative File I-23-104

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Johnson's application for a real estate salesperson temporary license, Commissioner Dye made a motion to deny her application. Commissioner Echols seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Shawntee Deon (Shawn) Marrow, Formal Complaint No. 3666

Shawntee Deon (Shawn) Marrow, Inactive Salesperson, Madison, Alabama was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Smith made a motion to find Ms. Marrow guilty. Vice Chairman May seconded the motion and it passed unanimously 9-0. Commissioner Tucker Smith made a motion fine her \$250. Commissioner Dye seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Judith L. Hamil, Formal Complaint No. 3672

Judith L. Hamil, Salesperson, Gadsden, Alabama was charged with violating 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Campbell made a motion to find Ms. Hamil guilty. Vice Chairman May seconded the motion and it passed 8-1 with Commissioner Dye voting against the motion. Commissioner Campbell made a motion to fine her \$100. Vice Chairman May seconded the motion and it passed 6-3 with Commissioners Dye, Harris and Smith voting against the motion.

Stephanie J. Hicks, Application for Real Estate Salesperson Temporary License, Investigative File I-23-098

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Hicks' application for a real estate salesperson temporary license, Commissioner Echols made a

motion to deny her application. Commissioner Dye seconded the motion and it passed 8-1 with Commissioner Smith voting against the motion.

Alabama Real Estate Commission VS. Vianna Lakevia Dooley, Formal Complaint No. 3667

Assistant General Counsel Zack Burr advised Commissioners that Vianna Lakevia Dooley submitted an executed Consent Decree after the March agenda deadline and was moved to the Consent Decree Docket.

Steven Honour Stewart, Request for Extension of Deadline to Apply for Original Salesperson License, Licensing File LC2023-004

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Stewart's request for extension of the deadline to apply for an original salesperson license, Commissioner Dye made a motion to deny his request. Commissioner Campbell seconded the motion and it passed 8-1 with Commissioner Tucker Smith voting against the motion.

Vice Chairman May discussed the Commission's focus on Qualifying Broker supervision and found it frustrating that the Qualifying Broker was not present to attest to the activities, as well as answer to his responsibility as the Qualifying Broker in the case. She requested that Qualifying Brokers be required to be present for similar cases.

NOT APPEARINGS

None

CONSENT DECREE SUBMISSIONS

1. **Alabama Real Estate Commission VS. Jeffery E. Bryant, Formal Complaint No. 3669**
2. **Alabama Real Estate Commission VS. Erica Lane Thomas, Formal Complaint No. 3673**
3. **Alabama Real Estate Commission VS. Brian Josh Williamson, Formal Complaint No. 3664**
4. **Alabama Real Estate Commission VS. Kimberly Maria Goldsby, Formal Complaint No. 3671**
5. **Alabama Real Estate Commission VS. Vianna Lakevia Dooley, Formal Complaint No. 3667**

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

At 11:24 a.m. Hearing Officer Jim Hampton advised Chairman Barran that the 9:30 a.m. docket and Not Appearings requests were concluded. Considering that the 9:30 a.m. docket and

Not Appearings requests were complete, Chairman Barran asked for a motion to stay in open session or go into executive session for approximately 25 minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Vice Chairman May made a motion that Commissioners go into executive session in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9) for approximately 25 minutes. Commissioner Campbell seconded the motion and it passed unanimously 9-0.

At 12:11 p.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman Barran asked for a motion to return to open session. Vice Chairman May made a motion to return to open session. Commissioner Smith seconded the motion and it passed unanimously 9-0.

Director Poe introduced new team member, Jacci Ingersoll, Staff Accountant in the Accounting and Personnel Division. Chairman Barran welcomed her to the Commission.

Director Poe announced that a workshop will be held with Alabama Interactive on Wednesday, May 24, 2023. The meeting format will be in-person and/or hybrid. This meeting will give Commissioners and staff members the opportunity to dialogue directly with individuals from Alabama Interactive and learn about the technological side of payment processing .

Confirm May 2023 Meeting Date and Location for the Record: May 25, 2023, 9:00 a.m. in Montgomery, Alabama

Commissioner Smith made a motion to confirm the May 2023 meeting for May 25, 2023, at 9:00 a.m. in Montgomery, Alabama. Vice Chairman May seconded the motion and it passed unanimously 9-0.

Next Commission Meeting: Thursday, April 20, 2023, 9:00 a.m. at the offices of the Huntsville Area Association of REALTORS® located at 535 Monroe Street NW, Huntsville, Alabama 35801.

There being no further business, Commissioner Smith made a motion to adjourn the meeting at 12:24 p.m. Vice Chairman May seconded the motion and it passed unanimously 9-0.

Done this 23rd day of March 2023.

Emmette Barran, Chairman

Barbi Lee, Recording Secretary