

## MINUTES

A meeting of the Alabama Real Estate Commission was held March 24, 2022, 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, Betsy Echols, Joyce Harris, Randy McKinney and Cerita Tucker Smith. A quorum was declared. Commissioner Susan Smith was absent with notice. The seat for the Sixth District is currently vacant.

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; General Counsel Starla Van Steenis; Assistant General Counsel Zack Burr; Investigators K.C. Baldwin, David Erfman, Rickey Fennie and Marshall Simons; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; State Professional Trainee Jess Sparks; Communications and Public Relations Intern Taylar Hooks; Education Director Ryan Adair; Education Specialists David Bowen, Julie Norris and Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Molli Jones; Auditors Denise Blevins, Anthony Brown and Vickie Shackelford; Senior Accountant Pam Garner; Account Clerk Amber Green; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin; Licensing Assistants Shy'kierra Knight and Pam Taylor; and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Commissioner Campbell made a motion to approve the minutes from the February 17, 2022, Commission meeting. Vice Chairman May seconded the motion and it passed unanimously 7-0.

At 9:01 a.m. Chairman Barran called for the Public Hearing for Rule Amendment 790-X-1-.11 Course Content for Continuing Education. Chairman Barran called for anyone who would like to speak on the proposed rule change. There was no response from anyone in person or through VTC. The deadline for written comments is April 8, 2022. The final rule will be presented for adoption at the April 21, 2022 Commission meeting.

IT Director Brett Scott provided Commissioners an update regarding the transition from the current database, AREC Central, that has been in use for 22 years to the newly developed system, ELIAS. Mr. Scott explained this project has been in the works since 2016 and one major

benefit of the new database is that the Commission owns the code that was developed by the contractor, which allows for growth and changes in the future. The rollout date is scheduled for Monday, April 11, 2022. The 2022 renewal cycle begins on June 15; therefore, this allows just over two months to prepare with the new system.

## **EXECUTIVE DIRECTOR'S REPORT**

Director Vaughn Poe expressed his appreciation to Mr. Scott and his team for their work on the new ELIAS system.

Director Poe presented the February 2022 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. He stated the Commission anticipates legislation that will give state employees a 4% percent pay increase and the budget allows for this expenditure with no concerns. The Commission has paid \$301,623.54 to other state agencies for services for fiscal year 2022.

Director Poe reported the Commission has issued 38,454 total licenses. There are 4,662 licensed companies and branches. During February there were 624 licenses issued: 228 Temporary, 336 Original Salesperson and 60 Brokers. The average rate of growth is still 9.3 new license applications per day, or roughly 278 per month. With the current growth rate and 2022 being a renewal year, there is an expectation of a 10% percent increase in the total number of licensees. Presently there are 8,848 inactive licenses.

He stated that the Accounting Division reported that 26 desk audits and nine assistance visits were completed since the last Commission meeting.

The Education Division reported there are 735 total education licenses. Education staff performed five audits during February. These audits are conducted for in-person and virtual education courses.

Director Poe gave an update on the Prelicense and Post License Task Force. The task force is entering its final phase and stages of completion. He stated Alabama is the only jurisdiction taking this approach to education and we want to get it right. Other jurisdictions are already taking note and anticipate the end result. The next meeting will be March 31, 2022.

Director Poe shared that Education Director Ryan Adair and Education Specialist Pam Oates hosted Coffee with the Commission on Wednesday, March 23. They discussed the renewal process as it relates to continuing education completion and submission.

Director Poe stated he was looking forward to having everyone at the ARELLO® Mid-Year Meeting in Savannah, Georgia April 6-8, 2022. He reminded Commissioners that ARELLO® is the only professional development association for real estate regulators.

He reminded Commissioners of the reference email sent to them concerning the Alabama Ethics Commission's required filing of the Statement of Economic Interests that is due by April 30, 2022. He also reminded them that the required training for the Examiners of Public Accounts should be completed on or before May 1, 2022.

Director Poe announced one rule amendment and one new rule became effective on March 17, 2022: 790-X-2-.02 Applications for Examination and Licensure and 790-X-3-.15 Broker Supervision.

Director Poe reminded Commissioners that the five-year strategic planning session will be held in April.

Chairman Barran recognized and welcomed Marcus Brown, Regional Vice President of National Association of Real Estate Brokers (NAREB). Mr. Brown expressed his appreciation to Chairman Barran and the Commission for the opportunity to give an update to Commissioners relating to the successes of NAREB.

Mr. Brown provided an overview of the organization and key events that have shaped and provided success to its members. NAREB was founded in 1947 in Tampa, Florida by 12 individuals from across the United States, including W. H. Hollis from Birmingham, Alabama, during a time when Black real estate practitioners could not join the National Association of REALTORS® nor use the term REALTOR® because it was trademarked. NAREB was formed under the motto of "Democracy in Housing" and its members are known as Realtists.

He discussed the Five Pillars of NAREB: (1) Women Investing in Real Estate (W.I.R.E), (2) Generational Wealth Building, (3) Faith Based & Community Engagement, (4) Diversity & Inclusion/Small Business and (5) Government Relations and Advocacy. He also discussed current policy initiatives the organization is developing.

Mr. Brown provided Commissioners with upcoming events for NAREB:

- April 3-9, 2022 – Realtists Week in Birmingham, Alabama
- June 9-11, 2022 – NAREB Regional Conference (Alabama, Georgia and Florida) in Birmingham, Alabama and
- August 2-6, 2022 – Celebrating the 75th Anniversary of NAREB in Tampa, Florida.

Commissioner Tucker Smith stated the first Black Commissioner was appointed to serve on the Alabama Real Estate Commission due to the efforts of NAREB. It was also due to the efforts of the local Birmingham chapter that she now serves as a Commissioner. She stated that NAREB is about making changes and for Mr. Brown to be present before the Commission for the first time in history was remarkable.

Commissioner Harris echoed Commissioner Tucker Smith's remarks and thanked NAREB for their work in getting legislation passed in 1987 requiring a Black individual to serve on the Commission.

Vice Chairman May discussed her concern with problems related to heir properties and the lack of proper documentation being passed down from generation to generation. She encouraged Mr. Brown and NAREB to provide educational opportunities to inform owners, buyers and sellers regarding this important topic especially during natural disasters. Mr. Brown explained NAREB's Political Action Committee held a workshop in Birmingham for that specific purpose and attendees were unaware of the many outlets of assistance available to them when proper documentation is available.

Chairman Barran thanked Mr. Brown for the informative update and the great work that he and NAREB are doing for the real estate industry.

## **COMMISSIONER DISCUSSION**

### **1. Approve for Filing Proposed Rule Amendments with the Legislative Services Agency.**

a. Rule Amendment 790-X-1-.03 License Requirements. General Counsel Starla Van Steenis reminded Commissioners this rule was tabled at the February 17, 2022 meeting at the request of Commissioners due to a need for clarification on some aspects of the amendment. She stated that the proposed amendment created a very bright line in personal transactions if you're acting as a property owner and not a licensee. This proposed amendment seems to be the most natural interpretation and is in line with constitutional principles that people are free to buy, sell and rent their own property. If a licensee is acting in their own capacity as a property owner and nothing is brought in from the licensee's brokerage, the transaction may be handled by the licensee on their own. If the line is crossed (e.g., a sign is used from the licensee's brokerage, a form is provided by the licensee's brokerage, or the licensee negotiates something that only a licensee is permitted to negotiate regarding the buying and selling of a property) the transaction would revert to a brokerage transaction. A provision has been added to the proposed rule amendment, for brokers, that allows brokerage office policy to dictate if personal transactions are allowed or if any and all transactions must go through the company brokerage.

Upon discussion of the proposed rule amendment, Vice Chairman May made a motion to approve proposed rule amendment 790-X-1-.03 as amended for filing with the Legislative Services Agency. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

### **2. Consideration of Requests from Huntsville Area Association of REALTORS® and Montgomery Area Association of REALTORS®. These requests are regarding the April 30, 2022 deadline for allowing a virtual option for classroom education courses.**

Chairman Barran stated there was a deadline coming up regarding this topic. He stated Commissioner Smith is the one person who is entrenched in the educational side of the industry. He asked to open it up for discussion. Commissioner Tucker Smith agreed that Commissioner Smith is very well versed in this subject and a full discussion is needed to understand the other

point of view. Vice Chairman May stated the deadline is May 1, 2022 and the April meeting is scheduled for April 21, 2022. She confirmed with staff that emails have been sent to those who this deadline affects that included step-by-step instructions to get certification through ARELLO®. Education Director Ryan Adair informed Commissioners there are 11 or 12 Prelicense Courses being offered virtually and 22 CE courses. There are only six or seven schools that are still offering virtually.

Upon discussion of requests from Huntsville Area Association of REALTORS® and Montgomery Area Association of REALTORS®, Vice Chairman May made a motion to table the considerations until the April 21, 2022 meeting with full Commission discussion. Commissioner Echols seconded the motion and it passed unanimously 7-0.

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

## **HEARINGS**

### **Mark Allen Hamilton, Application for Determination of Licensing Eligibility (Lapsed License), Investigative File I-22-091**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Hamilton's application for determination of licensing eligibility (lapsed license), Commissioner Campbell made a motion to approve his application once all restitution has been paid in full. Vice Chairman May seconded the motion and it passed 6-1 with Commissioner Tucker Smith voting against the motion.

### **Alabama Real Estate Commission VS. Taisha Bobbs Rogers, Formal Complaint No. 3580**

Assistant General Counsel Zack Burr advised Commissioners that Ms. Rogers submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Taisha Bobbs Rogers, Associate Broker, Birmingham, Alabama was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) for 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 presented in the matter, Vice Chairman May made a motion to accept Ms. Rogers' guilty plea. Commissioner Harris seconded the motion and it passed unanimously 7-0. Commissioner Tucker Smith made a motion to fine her \$250. Commissioner Harris seconded the motion and it passed 4-3 with Commissioners Tucker Smith, Harris, Echols and Barran voting for the motion and Commissioners May, Campbell and McKinney voting against the motion. The motion carried.

**Alabama Real Estate Commission VS. Jessee Allen Deloach and Natasha Ashley Miller Deloach, Formal Complaint No. 3582**

This hearing was continued until April 21, 2022.

**Alabama Real Estate Commission VS. Rolethia Scott, Formal Complaint No. 3579**

Assistant General Counsel Zack Burr advised Commissioners that Ms. Scott submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Rolethia Scott, Salesperson, Birmingham, Alabama was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) for 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 presented in the matter, Commissioner Harris made a motion to accept Ms. Scott's guilty plea. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0. Commissioner Tucker Smith made a motion to fine her \$250. Commissioner McKinney seconded the motion and it passed unanimously 7-0.

**Griffith Keith, Application for Real Estate Salesperson's Temporary License, Investigative File I-22-101**

This hearing was continued until April 21, 2022.

**Alabama Real Estate Commission VS. Susanne B. Zimbelman and Martha Black Doyle and Billy C. Thompson, Formal Complaint No. 3584**

Susanne B. Zimbelman, Salesperson, Prattville, Alabama was charged, in her position as a licensed real estate salesperson, with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(11) by paying any profit, compensation, commission, or fee to, or dividing any profit, compensation, commission, or fee with, anyone other than a licensee or multiple listing service. Martha Black Doyle, Qualifying Broker, Prattville, Alabama, was charged, in her position as a licensed real estate qualifying broker, with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) via Section 34-27-34(a)(2) by failing to see that all transactions of every licensee engaged by him or her or any company for which she was qualifying broker complied with the Alabama Real Estate License Law. Billy C. Thompson, Associate Broker, Prattville, Alabama, was charged, in his position as an inactive licensed real estate broker, with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) via Section 34-27-35(2)(k) by performing an act for which a license was required while his license was inactive.

Upon discussion of the evidence presented in the matter, Commissioner Tucker Smith made a motion to find Susanne B. Zimbelman guilty. Vice Chairman May seconded the motion and the motion failed to pass 3-4 with Commissioners Tucker Smith, Harris and May voting for

the motion and Commissioners Echols, Campbell, McKinney and Barran voting against the motion; therefore, Ms. Zimbelman was found not guilty.

Commissioner Tucker Smith made a motion to find Billy C. Thompson guilty. The motion failed due to the lack of a second and the charge against Mr. Thompson was dropped.

Commissioner Tucker Smith made a motion to find Martha Black Doyle guilty. Commissioner Harris seconded the motion and the motion failed to pass 2-5 with Commissioners Tucker Smith and Harris voting for the motion and Commissioners Echols, Campbell, McKinney, May and Barran voting against the motion; therefore, Ms. Doyle was found not guilty.

**James Alan Brumeloe, Request for Extension of Deadline to Submit Salesperson License Application, Licensing File LC2022-003**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Brumeloe's request for an extension of the deadline to submit his application for a salesperson license, Vice Chairman May made a motion to approve his request and grant a 30-day extension from notice. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission VS. Margryette Boyd, Formal Complaint No. 3570**

General Counsel Starla Van Steenis advised Commissioners that Ms. Boyd submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Margryette Boyd, Salesperson, Columbus, Georgia was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) for 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 presented in the matter, Commissioner McKinney made a motion to accept Ms. Boyd's guilty plea. Commissioner Echols seconded the motion and it passed unanimously 7-0. Commissioner Tucker Smith made motion to fine her \$250. Commissioner Harris seconded the motion and it passed 6-1 with Vice Chairman May voting against the motion.

**Alabama Real Estate Commission VS. James S. Calvert, Formal Complaint No. 3581**

This hearing was continued until April 21, 2022.

**NOT APPEARINGS**

**Angelica Murillo, Application for Determination of Licensing Eligibility, Investigative File I-22-095**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Murillo's application for determination of licensing eligibility, Vice Chairman May made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

**DeQuinda Harris, Application for Real Estate Salesperson's Temporary License, Investigative File I-22-061**

Upon review and discussion of Ms. Harris' application for a real estate salesperson's temporary license, Commissioner Harris made a motion to approve her application. Commissioner Tucker Smith seconded the motion and it passed unanimously 7-0.

**Shvonda Bassett, Application for Determination of Licensing Eligibility, Investigative File I-22-057**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Bassett's application for determination of licensing eligibility, Commissioners requested that Ms. Bassett appear at the next meeting to provide additional information regarding her request. The hearing was continued until April 21, 2022.

**JoAnn Reeves, Application for Real Estate Salesperson's Temporary License, Investigative File I-22-102**

Upon review and discussion of Ms. Reeves' application for a real estate salesperson's temporary license, Commissioner Harris made a motion to approve her application. Commissioner McKinney seconded the motion and it passed unanimously 7-0.

**Tosha Ussery, Application for Real Estate Salesperson's Temporary License, Investigative File I-22-098**

Upon review and discussion of Ms. Ussery's application for a real estate salesperson's temporary license, Vice Chairman May made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

**Leslie German, Application for Real Estate Salesperson's Temporary License, Investigative File I-22-107**

Upon review and discussion of Ms. German's application for a real estate salesperson's temporary license, Vice Chairman May made a motion to approve her application. Commissioner Echols seconded the motion and it passed unanimously 7-0.

**Confirm May Meeting Date and Location for the Record:** May 19, 2022, 9:00 a.m. in Montgomery, Alabama.

Commissioner Campbell made a motion to confirm the May meeting for May 19, 2022, at 9:00 a.m. in Montgomery, Alabama. Vice Chairman May seconded the motion and it passed unanimously 7-0.

**Next Commission Meeting:** Thursday, April 21, 2022, 9:00 a.m. in Montgomery.

There being no further business, Vice Chairman May made a motion to adjourn the meeting at 1:13 p.m. Commissioner Echols seconded the motion and it passed unanimously 7-0.

Done this 24<sup>th</sup> day of March 2022.

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Emmette Barran, Chairman

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Barbi Lee, Recording Secretary