

## **MINUTES**

A meeting of the Alabama Real Estate Commission was held May 19, 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 Vice Chairman Terri May at 9:00 a.m.

Vice Chairman May called the roll and the following Commissioners indicated their presence with a spoken "present": Commissioners Jimmie Ann Campbell, Betsy Echols, Joyce Harris, Susan Smith and Cerita Tucker Smith. A quorum was declared. Chairman Emmette Barran and Commissioner Randy McKinney were 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; General Counsel Starla Leverette; 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 Taylor Hooks; Education Director Ryan Adair; Education Specialists David Bowen and Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Molli Jones; Auditors Anthony Brown and Vickie Shackelford; Staff Accountant Hattie Thomas; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin; Licensing Assistants 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.

Commissioner Campbell made a motion to approve the minutes from the April 21, 2022 Commission meeting. Commissioner Echols seconded the motion and it passed 5-0-1 with Vice Chairman May abstaining from the vote since she was not in attendance for that meeting.

## **PUBLIC HEARING**

At 9:01 a.m. Vice Chairman May called for the Public Hearing for Rule Amendment 790-X-1-.03 License Requirements. Vice Chairman May 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 June 10, 2022. The final rule will be presented for adoption at the June 23, 2022 Commission meeting.

## **COMMISSIONER DISCUSSION**

There were no discussion items.

**HEARINGS – 9:30 Docket**

**Alabama Real Estate Commission VS. William Gray Thomas Goodwin, Formal Complaint No. 3596**

General Counsel Starla Leverette advised Commissioners that Mr. Goodwin submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

William Gray Thomas Goodwin, Salesperson, Sweet Water, 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 Smith made a motion to accept Mr. Goodwin's guilty plea. Commissioner Echols seconded the motion and it passed unanimously 6-0. Commissioner Smith made a motion to fine him \$750 and suspend his license until said fine is paid. Commissioner Campbell seconded the motion and it passed unanimously 6-0.

**Alabama Real Estate Commission VS. Sarah Ann Wilson (aka Sarah Ann Thibault), Formal Complaint No. 3595**

General Counsel Starla Leverette advised Commissioners that Ms. Wilson (Thibault) submitted an executed Not Appearing Waiver and entered a guilty plea. The facts of the case were presented.

Sarah Ann Wilson (aka Sarah Ann Thibault), Salesperson, Mobile, 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 Campbell made a motion to accept Ms. Wilson's (Thibault's) guilty plea. Commissioner Tucker Smith seconded the motion and it passed unanimously 6-0. Commissioner Campbell made a motion to fine her \$100. Commissioner Harris seconded the motion and it passed unanimously 6-0.

**Alabama Real Estate Commission VS. William H. Smith, Formal Complaint 3594**

This hearing was continued without date.

**Alabama Real Estate Commission VS. Kylie Nicole Myers, Formal Complaint No. 3571**

This hearing was continued until June 23, 2022.

**Shvonda Nicole 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, Commissioner Tucker Smith made a motion to approve her application. Commissioner Smith seconded the motion and it passed unanimously 6-0.

**Alabama Real Estate Commission VS. Pamela Elaine Hardnett Armistead, Formal Complaint No. 3599**

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

Pamela Elaine Hardnett Armistead, Reciprocal Qualifying Broker, Snellville, 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 Harris made a motion to accept Ms. Armistead's guilty plea. Commissioner Echols seconded the motion and it passed unanimously 6-0. Commissioner Harris made a motion to fine her \$100. Commissioner Tucker Smith seconded the motion and it passed unanimously 6-0.

At 9:20 a.m. Hearing Officer Jim Hampton advised Vice Chairman May that the 9:30 a.m. docket was concluded. Considering that the 9:30 docket was concluded, Vice Chairman May asked for a motion to stay in Open Session or go into Executive Session for approximately 20 minutes to deliberate the 9:30 docket cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Campbell 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 20 minutes. Commissioner Tucker Smith seconded the motion and it passed unanimously 6-0.

At 9:36 a.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Vice Chairman May asked for a motion to return to Open Session. Commissioner Campbell made a motion to return to Open Session. Commissioner Harris seconded the motion and it passed unanimously 6-0.

**HEARINGS – 10:30 DOCKET**

**Alabama Real Estate Commission VS. Teacha Marie Davis, Formal Complaint No. 3593**

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

Teacha Marie Davis, Associate Broker, Helena, 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 Tucker Smith made a motion to accept Ms. Davis' guilty plea. Commissioner Echols seconded the motion and it passed unanimously 6-0. Commissioner Tucker Smith made a motion to fine her \$100. Commissioner Smith seconded the motion and it passed unanimously 6-0.

**Latoya Dingle, Application for Real Estate Salesperson's Temporary License, Investigative File I-22-163**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Dingle's application for a real estate salesperson's temporary license, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 6-0.

**Alabama Real Estate Commission VS. Terri Turner Kennedy, Formal Complaint No. 3597**

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

Terri Turner Kennedy, Salesperson, Tuscaloosa, 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 Smith made a motion to accept Ms. Kennedy's guilty plea. Commissioner Echols seconded the motion and it passed unanimously 6-0. Commissioner Smith made a motion to fine her \$250. Commissioner Harris seconded the motion and it passed unanimously 6-0.

**Alabama Real Estate Commission VS. Eun Young (Annie) Park, Formal Complaint No. 3598**

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

Eun Young (Annie) Park, Salesperson, Montgomery, 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 Campbell made a motion to accept Ms. Park's guilty plea. Commissioner Harris seconded the motion and it passed unanimously 6-0. Commissioner Campbell made a motion to fine her \$100. Commissioner Echols seconded the motion and it passed unanimously 6-0.

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

This hearing was continued without date.

**Deborah Collins, Application for Determination of Licensing Eligibility, Investigative File I-22-158**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Collins' application for determination of licensing eligibility, Commissioner Smith made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 6-0.

**NOTE:** The hearings for the 10:30 Docket were ahead of schedule. To allow Respondents ample time to arrive for their hearing, Vice Chairman May invited Executive Director Poe to give his report.

**EXECUTIVE DIRECTOR'S REPORT**

Director Poe stated he had been at the Alabama State House and attended the Commission's one-year Sunset Review before the Legislative Sunset Review Committee. He announced there were no findings by the Examiners of Public Accounts. He advised that the committee was expected to recommend the Commission be placed back on its normal four-year rotation for Sunset Review. The committee did take note of the low salesperson exam pass rate of 41%. This rate was established during the COVID pandemic and current data shows the rates are increasing with the changes that allow students to return to in-person instruction. Additional comments from committee members were very commendatory and encouraging.

Director Poe presented the April 2022 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. Revenues and expenditures are on track as projected for the year. There have been no recovery fund payouts for the past 30 days. The Commission has paid \$407,167.19 to other state agencies for services during fiscal year 2022.

Director Poe stated Assistant Executive Teresa Hoffman, Finance and Personnel Director Mollie Jones and he attended the annual meeting for all state agencies with Alabama State Treasurer Young Boozer, Treasury staff and representatives from Regions Bank. Regions manages

the investment portfolios for Alabama's Treasury and all state agencies. The purpose was to discuss current market conditions, general investment terms and strategies, and investments trends over the past year.

Director Poe advised Commissioners a newly-effective federal law requires the state of Alabama to file an informational tax return with the Internal Revenue Service to report amounts exceeding \$50,000 that are required to be paid by a taxpayer related to the violation of any law. This requirement will not have any effect on the Commission since there would not be a time when an imposed penalty would exceed the reporting threshold.

Director Poe reported the Commission has issued 39,175 total licenses. There are 4,714 licensed companies and branches. During April there were 640 licenses issued: 266 Temporary, 307 Original Salesperson; and 67 Broker. The average rate of growth has increased to 11.10 new license applications per day, or roughly 333 per month. Presently there are 8,992 inactive licenses.

He stated that the Accounting Division reported that 14 desk audits and five assistance visits were completed since the April 2022 Commission meeting.

The Education Division reported there are 753 total education licenses. Education staff performed five course audits during April.

Director Poe announced the Commission will once again begin having Commission meetings offsite in the future. The meeting scheduled for October 20, 2022 will be held in Mobile, Alabama on the University of South Alabama's campus. Additional details will be provided at the next meeting. The April 2023 meeting will be held in Huntsville, Alabama.

Director Poe gave an update on the Prelicense and Post License Task Force. The task force continues its discussions of the core competencies content that should be included in the Prelicense II Specialty Tracks now focusing on property management. Work will continue at the next meeting on May 31, 2022.

Director Poe discussed Coffee with the Commission that was held on Wednesday, May 18, 2022. Licensing Director Anthony Griffin and Education Specialist Dr. David Bowen co-hosted this segment and discussed license renewals, which begin on June 15, 2022. There were 45 attendees online and several asked questions.

Director Poe reminded Commissioners that the 2022 ARELLO® Annual Conference will be held August 29 – September 2 in Nashville, Tennessee.

Upon completion of Director Poe's report, the 10:30 hearing docket was continued.

**Juno Malla, Request for Extension of Deadline to Apply for Salesperson License, Licensing File LC2022-005**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Malla's request for an extension of the deadline to apply for her salesperson license, Commissioner Harris made a motion to approve her request and grant an extension until May 31, 2022. Commissioner Smith seconded the motion and it passed unanimously 6-0.

**NOT APPEARINGS**

None

At 10:40 a.m. Hearing Officer Jim Hampton advised Vice Chairman May that the 10:30 a.m. docket and Not Appearings requests were concluded. Considering that the 10:30 docket and Not Appearings requests were complete, Vice Chairman May asked for a motion to stay in Open Session or go into Executive Session for approximately 20 minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Echols 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 20 minutes. Commissioner Campbell seconded the motion and it passed unanimously 6-0.

At 11:02 a.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Vice Chairman May asked for a motion to return to Open Session. Commissioner Tucker Smith made a motion to return to Open Session. Commissioner Campbell seconded the motion and it passed unanimously 6-0.

**Confirm July Meeting Date and Location for the Record:** July 21, 2022, 9:00 a.m. in Montgomery, Alabama.

Commissioner Campbell made a motion to confirm the July meeting for July 21, 2022, at 9:00 a.m. in Montgomery, Alabama. Commissioner Smith seconded the motion and it passed unanimously 6-0.

**Next Commission Meeting:** Thursday, June 23, 2022, 9:00 a.m. in Montgomery.

There being no further business, Commissioner Tucker Smith made a motion to adjourn the meeting at 11:08 a.m. Commissioner Campbell seconded the motion and it passed unanimously 6-0.

Done this 19<sup>th</sup> day of May 2022.

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Terri May, Vice Chairman

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Barbi Lee, Recording Secretary