

## **MINUTES**

A meeting of the Alabama Real Estate Commission was held May 25, 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 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, Jim Dye, Betsy Echols, Joyce Harris, Randy McKinney, Susan Smith and Cerita Tucker Smith. Chairman Emmette Barran was absent with notice. 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; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Assistant Attorney General Serena Cronier; Investigators David Erfman, K. C. Baldwin and Rickey Fennie; Auditor Anthony Brown; Communications and Public Relations Director Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham and Communications and Public Relations Intern Taylor Hooks; Education Director Ryan Adair; Education Specialists Brittni Anderson and Pam Oates; Education Assistant Nancy Williamson; Accounting and Personnel Director Becky Jackson; Account Clerk Marissa Mason; Information Technology Director Brett Scott; Programmers Eric Aldridge and Chris Prestridge; 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.

Vice Chairman May recognized special guests in attendance, Commissioner Smith's sister and brother-in-law, Amy Shipp and Eric Schulz.

Vice Chairman May asked for a motion to approve the minutes from the April 20, 2023 Commission meeting. Commissioner Echols made a motion to approve the minutes from the April 20, 2023 meeting. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

### **EXECUTIVE DIRECTOR'S REPORT**

Director Poe discussed the recent visit to the Commission by members of the National Association of Real Estate Brokers (NAREB). The group was in town for Realtist Day at the Capitol. The Commission's staff met with the members and answered questions they had.

Director Poe announced the Senate confirmed Ms. Deborah Robinson from Semmes, Alabama to serve in the Black member position on the Commission. Ms. Robinson was confirmed on May 17, 2023 and her term will run from October 1, 2023-September 30, 2028.

Director Poe presented the April 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. The Commission has paid \$376,275.64 to other state agencies for services during fiscal year 2023. Director Poe explained that the planned purchases of automobiles have been delayed due to supply chains. The planned replacement of the roof has been delayed until the next fiscal year due to the fact that such repairs must be coordinated through another state agency resulting in costs doubling.

Director Poe reported the Commission has issued 43,007 total licenses. There are 4,432 licensed companies and branches. During April there were 504 licenses issued: 207 Temporary, 255 Original Salesperson; and 42 Broker. The average rate of growth for April was 8.30 new license applications per day, or roughly 249 per month. Presently there are 12,474 inactive licenses. He stated this figure had dropped from last month. Currently, there are 37,271 unique individuals licensed.

The Legal Division performed 15 desk audits and one real estate company assistance visit during April. The assistance visits are available at no cost to companies typically to those that have been in business for one year or less. Although the Commission has made the services available through messaging, there are still many brokers who are unaware this service is offered. Commissioner Tucker Smith announced that two assistance visits have been scheduled since NAREB's visit to the Commission's office. Vice Chairman May asked if the assistance visit information is prominently displayed on the Commission's website. Director Poe confirmed that it is.

The Education Division reported there are 857 total education licensees: 833 active and 24 inactive. There were five education course audits performed during April that included two salesperson prelicense courses and three continuing education courses. Education Director Ryan Adair also provided an update for the Education Division. A prelicense instructor training was held on May 12, 2023 with PeggyAnn McConnochie from Juneau, Alaska. The next instructor training will be held on August 18, 2023 with Theresa Barnabei from Arizona. Mr. Adair reminded everyone that 2023 is an education renewal year and 12 hours of instructor training are required by September 30, 2023. A New Instructor Orientation training will be held June 8-9 at the Commission's office. Currently there are eight or nine people registered to attend the training and become approved to be prelicense instructors. Mr. Adair mentioned that some of these instructor candidates had advanced degrees beyond expectation. Mr. Adair shared that education staff member, Dr. Brittini Anderson, is auditing independently and is a great asset to the division. Mr. Adair addressed the broker exam statistics. He reminded everyone the exam provider changed from PSI to Pearson VUE on January 1, 2023. The most significant change was to the broker national examination, which switched from a simulation-type exam to a multiple-choice exam. Mr. Adair expects 2023 to be a transition year and the results will level out again

beginning in 2024. Commissioner Smith added that in addition to the format of the test changing, the content of the material changed as well.

Director Poe advised Coffee with the Commission was held on May 24, 2023 with him hosting. He discussed the license summary and what those numbers mean to the licensee community.

Director Poe introduced Marissa Mason as a new member of the Accounting Division.

## **COMMISSIONER DISCUSSION**

### **1. Executive Orders Update**

Director Poe advised Commissioners that all requirements of the Executive Orders issued by Gov. Kay Ivey are being met ahead of the established deadlines.

Vice Chairman May recognized Commissioner Joyce Harris and expressed to her how much she is appreciated. Commissioner Harris' term will end on September 30, 2023.

## **HEARINGS – 9:30 Docket**

### **Bernadette Denise Dickerson, Application for Determination of Licensing Eligibility, Investigative File I-23-155**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Dickerson's application for determination of licensing eligibility, Commissioner Tucker Smith made a motion to deny her application. Commissioner Dye seconded the motion and it passed unanimously 8-0.

### **Billy W. Hyatt, Hardship Request for Home Operation, Investigative File I-23-156**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Hyatt's hardship request for home operation, Commissioner Echols made a motion to deny his request. Commissioner Campbell seconded the motion and it passed 7-1 with Commissioner Harris voting against the motion.

### **Alabama Real Estate Commission VS. Jason Gray, Formal Complaint No. 3665**

General Counsel Starla Leverette advised Commissioners this hearing was continued until June 22, 2023.

### **Ronald Jones, Jr., Application for Determination of Licensing Eligibility, Investigative File I-23-076**

General Counsel Starla Leverette advised Commissioners this hearing was continued without date.

**Jade Eddre Gaines, Application for Real Estate Salesperson Temporary License, Investigative File I-23-108**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Gaines' application for a real estate salesperson temporary license, Commissioner Campbell made a motion to approve his application. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission VS. Rudee Williams, Formal Complaint No. 3677**

Assistant General Counsel Zack Burr advised Commissioners that Rudee Williams had two counts listed in the Formal Complaint against her; however, a guilty or not guilty decision should be determined on either count, not both.

Rudee Williams, Salesperson, Montgomery, Alabama, was charged on **Count 1** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(26) by engaging in conduct which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness. Ms. Williams was charged on **Count 2** with violating the *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(27) by acting negligently or incompetently in performing an act in the negotiation of a contract for which a person is requested to hold a real estate license.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 1**, Commissioner Dye made a motion to find Ms. Williams guilty. Commissioner Harris seconded the motion and it passed unanimously 8-0. Commissioner Tucker Smith made a motion to fine her \$2,500 and revoke her license. Commissioner Dye seconded the motion and it passed unanimously 8-0.

There was no finding on **Count 2**.

**Johnelle Sparks, Application for Determination of Licensing Eligibility, Investigative File I-23-097**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Sparks' application for determination of licensing eligibility, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 8-0.

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

Tisha Chalkley Burns, Reciprocal Qualifying Broker, Stockbridge, Georgia 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 Tucker Smith made a motion to find Ms. Burns guilty and fine her \$250. Commissioner Dye seconded the motion and it passed unanimously 8-0.

**Amber C. Enfinger, Application for Real Estate Salesperson Reciprocal License, Investigative File I-23-152**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Enfinger's application for a real estate salesperson reciprocal license, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 8-0.

**Gerald Lynderrick Davis Sr., Request for Extension of Deadline to Apply for Broker's License, Licensing File LC2023-005**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Davis' request for an extension of the deadline to apply for a broker's license, Commissioner Smith made a motion to grant him a 30-day extension from date of notice. Commissioner Echols seconded the motion and it passed unanimously 8-0.

At 11:48 a.m. Hearing Officer Jim Hampton advised Vice Chairman May that the first section of the 9:30 a.m. docket was concluded. Considering that the first section of the 9:30 a.m. docket was complete, Vice Chairman May asked for a motion to stay in open session or go into executive session for approximately one hour and 10 minutes to deliberate these 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 one hour and 10 minutes. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

At 1:00 p.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 Smith made a motion to return to open session. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

**Rhonda Clanton, Application for Determination of Licensing Eligibility, Investigative File I-23-116**

Assistant Attorney General Serena Cronier advised Commissioners this hearing was continued to August 17, 2023.

**Monte Linebarger, Application for Real Estate Salesperson Temporary License, Investigative File I-23-146**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Linebarger's application for a real estate salesperson temporary license, Commissioner Campbell made a motion to approve his application. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

**Torrian Giles, Application for Determination of Licensing Eligibility, Investigative File I-23-110**

General Counsel Starla Leverette advised Commissioners this hearing was continued to June 22, 2023.

**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 Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed 7-1 with Commissioner Dye voting against the motion.

**Jennifer Chapman Lamar, Application for Determination of Licensing Eligibility, Investigative File I-23-077**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Lamar's application for determination of licensing eligibility, Commissioner Tucker Smith made a motion to approve her application. Commissioner Dye seconded the motion and it passed unanimously 8-0.

**Stephanie McCray, Request for Extension of Deadline to Submit Real Estate Temporary Salesperson License Application, Licensing File LC2023-006**

Upon discussion of the evidence and testimony presented in the matter regarding Ms. McCray's request for an extension of the deadline to submit her real estate temporary salesperson license application, Commissioner Smith made a motion to grant a 30-day extension from date of notice. Commissioner Harris seconded the motion and it passed unanimously 8-0.

**Todd Henry Wade, Request for Extension of Deadline to Apply for Original Salesperson License, Licensing File LC2023-007**

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Wade's request for an extension of the deadline to apply for his original salesperson license, Commissioner Tucker Smith made a motion to approve his request. Commissioner Smith seconded the motion, and it failed by a vote of 2-6 with Commissioners Smith and Tucker Smith

voting in favor of the motion and Commissioners Campbell, Dye, Echols, Harris, May, and McKinney voting against the motion.

**NOT APPEARINGS**

**Alabama Real Estate Commission VS. Jessie (Jessica) Escott, Surrender of License in Lieu of Formal Complaint No. 3682**

General Counsel Starla Leverette advised Commissioners that Jessie (Jessica) Escott was presented with the facts of a pending investigation against her, and in lieu of the Formal Complaint being filed against her, she opted to voluntarily surrender her license. Ms. Escott provided an affidavit dated May 2, 2023 to the Commission regarding this matter.

Upon review of the affidavit of license surrender submitted by Ms. Escott, Commissioner Smith made a motion to accept the surrender of Ms. Escott's salesperson license, with emphasis and understanding that there is a two-year revocation period before she may apply again for a real estate license. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0. The Commissioners also recommended that this case be referred to the Jefferson County District Attorney's Office.

**Kimberly Dawn Johnson, Request for Rehearing, Investigative File I-23-104**

Upon discussion of the request for reconsideration from Ms. Johnson, Commissioner Tucker Smith made a motion to deny her request. Commissioner Echols seconded the motion and it passed unanimously 8-0.

At 2:00 p.m. Hearing Officer Jim Hampton advised Vice Chairman May that the second section of the 9:30 a.m. docket and Not Appearings were concluded. Considering that the first section of the 9:30 a.m. docket and Not Appearings were complete, Vice Chairman May 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). Commissioner Tucker Smith 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 8-0.

At 2:50 p.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 Smith made a motion to return to open session. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

**Confirm August 2023 Meeting Date and Location for the Record:** August 17, 2023, 9:00 a.m. in Montgomery, Alabama

Commissioner Tucker Smith made a motion to confirm the August 2023 meeting for August 17, 2023, at 9:00 a.m. in Montgomery, Alabama. Commissioner Campbell seconded the motion and it passed unanimously 8-0. The Commission will not meet in July.

**Next Commission Meeting:** Thursday, June 22, 2023, 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner Smith made a motion to adjourn the meeting at 3:06 p.m. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

Done this 25<sup>th</sup> day of May 2023.

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Terri May, Vice Chairman

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Barbi Lee, Recording Secretary