

MINUTES

A meeting of the Alabama Real Estate Commission was held November 21, 2024, at the office of the 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 Vice Chairman Betsy Echols at 9:00 a.m.

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

Commission staff members in attendance for all or part of the meeting were Executive Director Vaughn T. Poe; Assistant Executive Director Wendy Mae Alkire; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigators Rickey Fennie and Marshall Simons; Legal Assistant Angie Kidd; Education Director Ryan Adair; Education Specialist Pam Oates; Communications and Public Relations Director Lori Moneyham; Executive Assistant Amber Moore; Information Technology Director Eric Aldridge; Information Technology Programmer Chris Prestridge; Accounting and Personnel Director Barbi Lee, and Staff Accountant Cortnie Matthews. The Hearing Officer was Jim Hampton.

The Pledge of Allegiance was recited in unison.

Assistant Attorney General Serena Cronier Grayson introduced her nephew, Levi Johnson. Levi is an eighth grader at Saint James School in Montgomery, Alabama, who was spending the day shadowing the Commission's legal team.

APPROVAL OF THE MINUTES

Vice Chairman Echols asked for a motion to approve the minutes from the October 24, 2024, Commission meeting. Commissioner Barelare made a motion to approve the minutes from the October 24, 2024, meeting. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Poe acknowledged the retirement of Education Specialist Pam Oates. Ms. Oates has been with the Education Division for approximately 19 years, and her retirement will become effective on November 30. Director Poe presented Ms. Oates with a certificate from Alabama Governor Kay Ivey. Ms. Oates came to the podium and remarked that she was thankful for the opportunity to work with, and for, some great people at the Commission. She added that the Commission would always have a special place in her heart. Vice Chairman Echols led everyone in a standing ovation.

Director Poe stated that Commission staff continue to work with the Alabama Department of Risk Management regarding the insurance claim for the repair of the Commission building roof. The Division of Construction Management, under the Department of Finance, has posted a Request for Quotes for the roof replacement and two other repairs to the building. The deadline for submitting quotes is December 5, 2024. The repairs should be completed by Spring 2025.

Director Poe stated that, as promised at the October meeting, small changes have been made to the financial reports presented to the Commissioners. The revenue classification names have been corrected on the Statement of Operations and the Revenues report to properly reflect the revenues as listed on the Monthly Trail Balance Report from the State Comptroller's Office. The Timeshare information has been deleted from the

bottom of the Recovery Fund and Investments report as this information is already captured under revenues on the Statement of Operations sheet.

Payments during the 13th Accounting Period totaled \$81,111.90. There will be additional payments reported for November. The 13th Accounting Period ends on November 30, 2024. Actual revenues for the month of October greatly exceeded projections due to, in part, collection of more than \$200,000 in penalties for late renewals from approximately 1,351 licensees. Expenditures in 0100 and 0200 were also over projection due to the fact the payroll for November 1, 2024, was processed during the month of October. There are normally two payrolls per month, but with the new HRM system, deadlines and other processes have been adjusted. The Commission will continue to be fiscally conservative.

To date, we have paid \$105,792.75 to other state agencies for FY 2025 and an additional \$30,863.70 for FY 2024. Fixed costs and expenditures are continuing to rise, while we have not increased our fee schedule in well over two decades. There have been no recovery fund payouts for the past 30 days.

Director Poe reported the Commission has issued 43,958 total licenses, and there are currently 38,082 unique individuals licensed. The growth rate for October 2024 was 12 new license applications per day, with 375 total new licenses issued during the month. We have renewed just over 36,582 licenses this renewal cycle. Approximately 6,172 licenses remain unrenewed, though renewals continue to be processed. A \$150 late penalty fee is now being charged on all renewals.

There are currently 862 active education licenses issued, consisting of instructors, administrators, and schools. There was one continuing education course and one school audited in October. Education specialists remained in the office to address licensing questions. The Commission has two instructor trainings planned for May and September 2025.

In October, the legal auditors performed 12 company audits and there were no assistance visit requests. The Commission continues to prioritize and schedule those companies that have not been audited in more than three years.

Briefly Legal was held on November 7, 2024, on Microsoft Teams. More than 80 participants joined in to hear a year-end update, including the status of rule amendments and common issues, from General Counsel Starla Leverette, Investigator Rickey Fennie, and Legal Assistant Angie Kidd.

Coffee with the Commission was held on Wednesday, November 20, 2024, with Director Poe and Assistant Director Alkire. Thirty-five participants joined them for the virtual conversation and for Assistant Director Alkire's introduction to the licensee community.

Director Poe concluded his report by reminding Commissioners of 2025 events for the Association for Real Estate License Law Officials (ARELLO), including the Mid-Year Meeting in April in San Diego and the Annual Conference in September in Miami. He also reviewed dates the Commission will be closed during the holiday season.

COMMISSIONER DISCUSSION

Approval of Proposed Rule Amendments

- Rule Amendment 790-X-1-.03 License Requirements
- Rule Amendment 790-X-1-.05 Out-of-State Co-Brokerage Agreement
- Rule Amendment 790-X-1-.06 Prelicense and Post License School Approval and Requirements
- Rule Amendment 790-X-1-.12 Continuing Education Course Approval and Requirements

- Rule Amendment 790-X-1-.18 Reciprocal License Requirements
- Rule Amendment 790-X-1-.21 Distance Education Courses
- Rule Amendment 790-X-2-.05 Names on Application for Licenses
- Rule Amendment 790-X-2-.07 Place of Business and Signage
- Rule Amendment 790-X-3-.03 Deposit of Funds
- Rule Amendment 790-X-3-.04 Estimated Closing Statement
- New Rule 790-X-3-.16 Advertising

Commissioner Barelare made a motion to accept the Proposed Rule Amendments. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. Dennis Norton, Case Number 24-366

Dennis Norton, Qualifying Broker, Huntsville, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with *Code of Alabama, 1975* Section 34-27-31(j), to notify the Commission within 10 days of receiving notice of a civil complaint, involving a real estate transaction, against him; and charged on **Count 2** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with *Code of Alabama, 1975* Section 34-27-31(k), to notify the Commission within 10 days of receiving notice that a judgment had been entered against him in a civil complaint regarding a real estate transaction.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Barran made a motion to find Mr. Norton guilty and to impose a fine of \$500. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0. On **Count 2**, Commissioner Campbell made a motion to find Mr. Norton guilty and to impose a fine of \$500. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0.

Labarickea Aljnet Johnson - Application for Determination of Licensing Eligibility, Case Number 24-376

General Counsel Starla Leverette advised Commissioners that this hearing had been continued to January 16, 2025.

Alabama Real Estate Commission VS. Jenny Farmer, Case Number 24-107

Jenny Farmer, Associate Broker, Section, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975* Section 34-27-36(a)(27) by acting negligently or incompetently in performing an act for which a person is required to hold a real estate license by failing to obtain authorization for property price reductions from an owner of real estate.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Dye made a motion to find Ms. Farmer guilty and to impose a fine of \$500. Commissioner Barran seconded the motion, and the motion passed 7-1-0 with Commissioner Barelare voting against the motion.

Samantha Joy Stewart - Application for Real Estate Temporary Salesperson License, Case Number 24-550

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to approve Ms. Stewart’s application. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Justin Woodson, Case Number 24-288

Justin Woodson, Salesperson, Montgomery, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975* Section 34-27-36(a)(27) by acting negligently or incompetently in performing an act for which a person is required to hold a real estate license by failing to provide documents and communicate with the owner of real property.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1**, Commissioner Barran made a motion to find Mr. Woodson guilty. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Dye then made a motion to fine Mr. Woodson \$1,000 and suspend his license pending the completion of in-person CE hours consisting of License Law and Risk Management within six months of receiving notice. These continuing education hours are in addition to the 15 hours the Commission requires for license renewal. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Amber Leana Smith - Application for Determination of Licensing Eligibility, Case Number 24-556

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to approve Ms. Smith's application. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Emily Clark, Case Number 24-249

General Counsel Starla Leverette advised Commissioners that this hearing had been dismissed.

Alabama Real Estate Commission VS. Echandza Maxie, Case Number 24-553

General Counsel Starla Leverette advised Commissioners that this hearing had been continued to February 20, 2025.

Alabama Real Estate Commission VS. Jaime Williams, Case Number 24-457

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Tanisha Peterson, Case Number 24-512

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Meleah Jackson, Case Number 24-529

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Jacob McAllister, Case Number 24-533

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Megan Wible, Case Number 24-499

General Counsel Starla Leverette advised Commissioners that this case had been dismissed.

Alabama Real Estate Commission VS. Carrie Patton, Case Number 24-523

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Erica Lynn Ross, Case Number 25-021

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Gabriel Burton, Case Number 25-015

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Michelle Coram, Case Number 24-528

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

CONSENT DECREES

Alabama Real Estate Commission VS. Kenyatta Sims, Case Number 24-507

Alabama Real Estate Commission VS. Cristina Cain, Case Number 24-511

Alabama Real Estate Commission VS. Travis Childers, Case Number 24-476

Alabama Real Estate Commission VS. Liz Wingard, Case Number 24-438

Alabama Real Estate Commission VS. Rebecca Gene Danielson, Case Number 24-484

Alabama Real Estate Commission VS. Desiree Maples, Case Number 24-465

Alabama Real Estate Commission VS. Leslie Walker, Case Number 24-508

Alabama Real Estate Commission VS. Anita Colburn, Case Number 24-521

Alabama Real Estate Commission VS. Kwanga Little, Case Number 24-453

Alabama Real Estate Commission VS. Christina Croy, Case Number 24-544

Commissioner Barran made a motion to accept the Consent Decrees. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

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

Vice Chairman Echols 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 Barran made a motion that Commissioners go into executive session until 11:20 a.m. to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

At 11:23 a.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call. Vice Chairman Echols asked for a motion to return to open session. Commissioner Barelare made a motion to return to open session. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Confirm February 20, 2025, Meeting Date and Location for the Record: Thursday, February 20, 2025, 9:00 a.m., in Montgomery, Alabama.

Next Commission Meeting: Thursday, January 16, 2025, 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner Campbell made a motion to adjourn the meeting at 11:34 a.m. Commissioner Robinson seconded the motion and it passed 8-0-0.

Done this 21st day of November 2024.

Betsy Echols, Vice Chair

Amber Moore, Recording Secretary