

MINUTES

A meeting of the Alabama Real Estate Commission was held November 30, 2023 at the office of 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 Susan T. Smith at 9:00 a.m.

Chairman Smith called the roll and the following Commissioners indicated their presence with a spoken "present": Vice Chairman Jimmie Ann Campbell, Commissioners Jim Dye, Betsy Echols, Randy McKinney, Deborah Lucas Robinson, Susan Smith and Cerita Tucker Smith. A quorum was declared. Commissioner Em Barran was absent with notice.

Commission staff members in attendance or participating via VTC for all or part of the meeting were Executive Director Vaughn T. Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Leverette; Assistant General Counsel Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigators K.C. Baldwin, Rickey Fennie and Marshall Simons; Auditors Anthony Brown and Denise Blevins, and Vickie Shackelford; Communications and Public Relations Manager Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; State Professional Trainee Taylar Hooks; Education Director Ryan Adair; Education Specialists Brittnei Jones Anderson and Julie Norris; Education Assistants Nancy Williamson and Phillip Horton; Information Technology Director Brett Scott; Information Technology Programmer Chris Prestridge; Programmer Analyst Senior Eric Aldridge; Licensing Administrator Anthony Griffin; Licensing Assistants Shy'kierra Knight and Pam Taylor; Accounting and Personnel Director Barbi Lee; Account Clerk Marissa Mason. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

APPROVAL OF THE MINUTES

Chairman Smith asked for a motion to approve the minutes from the October 26, 2023 Commission meeting. Commissioner Echols made a motion to approve the minutes from the October 26 meeting. Commissioner Dye seconded the motion and it passed 7-0-1. Commissioner McKinney abstained because he did not stay for the entire meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Poe read a thank-you card from former Commissioner Joyce Shivers Harris thanking the Commissioners for the kindness shown upon the death of her mother, Mary Clara Shivers.

He announced the retirement of Communications and Public Relations Manager Vernita Oliver-Lane. Ms. Oliver-Lane was with the Commission for over 37 years after beginning her Commission career as a temporary employee.

Director Poe explained that the Commission’s insurance policy will cover a majority of the roof repairs on the building. The Commission will have some expense, but less than what was originally reported.

Director Poe stated that the 13th Accounting Period had ended and the books were officially closed on the fiscal year 2023 budget cycle. All liabilities have been covered and the Commission is financially solvent. All three Commission funds are whole and intact. He presented the October 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 \$75,431.50 to other state agencies as of October 1, 2023.

Director Poe reported 40,375 total licenses have been issued and there are 35,428 individuals licensed. The growth rate is currently 8.25 new license applications per day. From a year-end perspective, we are adding roughly 3,000 new licensees annually, while losing about 10 percent during each final renewal period.

The Education Division reported 928 total education licenses: 683 active and 245 inactive.

Director Poe stated Coffee with the Commission was held November 29, 2023 with Licensing Administrator Anthony Griffin and Education Specialist Pam Oates joining him for a review of 2023. They discussed the annual changes and developments in Commission licensing and education.

In 2023, the Commission has adjudicated 154 cases. As of November 2023, there have been 172 company audits conducted. In 2024, it is anticipated that there will be an increase in the number of audit cases brought before Commissioners. Assistant General Counsel Zack Burr has taken an inventory of those companies that have not been audited beyond a three-year window, per the request of Commissioner Terri May, and those companies are currently being audited. Some discrepancies have been discovered during these audits and the affected companies will have cases coming before the Commission in 2024.

COMMISSIONER DISCUSSION

Governor’s Executive Order Update – Attorney Serena Cronier Grayson

Attorney Cronier Grayson reported on the progress of the Commission’s compliance with executive orders that were issued by Gov. Kay Ivey in 2023.

- **Executive Order 726 – Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government**

This order requires executive branch agencies to respond to constituents’ inquiries and complaints in a timely and appropriate manner. The Commission is tracking our response times and our contact with investigator and attorney contacts. A required Constituent Service Survey covering July-December 2023 was submitted to the governor’s office prior to the January 31, 2024 deadline.

- **Executive Order 728 – Promoting Efficiency and Accountability in the Use of State Vehicles**
 The Commission established policy regarding the proper use of state vehicles prior to the July 1, 2023 deadline. A required annual report on the usage and assignment of state vehicles was submitted prior to the December 1, 2023 deadline.
- **Executive Order 734 – Promoting Transparency in State Government Through Enhanced Accessibility to Public Records**
 The Commission has put measures in place to allow the public easier access to public records. The agency’s revised public records policy was submitted to the governor’s office prior to the April 26, 2023 deadline.
- **Executive Order 735 – Reducing “Red Tape” on Citizens and Businesses Through a Moratorium on New Administrative Rules and by Establishing Goals for the Reduction of Existing Regulatory Burdens**
 The goal of this order is to have a total 25 percent reduction in the number of discretionary regulatory restrictions in the Alabama Administrative Code across all executive-branch state agencies. Assistant General Counsel Zack Burr serves as the Commission’s red tape reduction coordinator and the Commission is on target to meet all goals put forth in the order. The request to submit an administrative rule inventory to the governor’s office was satisfied prior to the September 15, 2023 deadline. Commissioners will be presented with a plan to reduce the Commission’s number of regulations at the February 2024 Commission meeting.

Annual Education Report – Education Director Ryan Adair

Mr. Adair reported the exam provider changed from PSI to Pearson VUE in January 2023. The broker exam was changed from simulation to multiple choice, resulting in a decrease in the pass rate for broker exams. This was anticipated with the change in exam providers. A plan to assist real estate schools with low pass rates will be implemented beginning January 2024.

The Commission offered two instructor trainings in 2023. Training with PeggyAnn McConnochie was held on May 12 with 41 attendees and training with Theresa Barnabei was held on August 18 with 56 attendees. Additional instructor training was provided by the Alabama Real Estate Educators Association (AREEA) and the Birmingham Association of REALTORS®. Education renewals ended on September 30, 2023.

Mr. Adair announced Education Division staff changes that occurred in 2023. Dr. Brittni Jones Anderson joined the staff in January as an education auditor. Phillip Horton joined the education staff in November 2023 to replace education specialist Nancy Williamson, who retired in December 2023

Mr. Adair reported that Dr. Jones Anderson and he attended the 2023 Association of Real Estate License Law Officials (ARELLO) Mid-Year and Annual Conference. Dr. Anderson and Mr. Adair are serving on the ARELLO Education Certification Committee. Pam Oates and Dr. Jones Anderson attended the Real Estate Educators Association (REEA) Conference.

The Education staff will be embarking on their annual one-day retreat to begin planning for 2024. Mr. Adair thanked the Commission’s Information Technology Division for assisting with the change in examination providers. Chairman Smith congratulated the Education and IT Divisions on

orchestrating the smooth transition of examination providers.

Annual Licensing Report – Licensing Administrator Anthony Griffin

Mr. Griffin reported that 34,340 licenses were renewed between June 15, 2022 and September 30, 2023, with 95% renewing online. Between August 1-September 30, 2023, approximately 570 licensees renewed late to prevent their licenses from lapsing on October 1, 2023. Approximately 4,200 licenses lapsed due to nonrenewal, which is the normal for each licensing period. The Licensing Division issues approximately 300 licenses per month. As of November 30, 2023 there were approximately 31,800 active licenses, 900 inactive licenses, and one timeshare broker license.

The license application process changed due to the new exam provider. Students no longer receive a packet containing the application at the exam center. An email link to the application is now provided. The Commission's IT division is working on a new online licensing form. As always, the emphasis during the renewal period that begins in 2024 will be on paying renewal fees by August 31. Licensees do not have to wait to complete all continuing education requirements before paying the renewal fees. Paying by August 31 eliminates the cost of paying an additional \$150 late fee on September 1.

Resolution Requesting Attorney General's Opinion – Attorney Serena Cronier Grayson

Attorney Cronier Grayson presented a resolution requesting an Alabama Attorney General's opinion regarding misdemeanor crimes of moral turpitude.

Upon presentation of the resolution, Commissioner Dye made a motion to approve allowing the Legal Division to request an Alabama Attorney General's opinion regarding misdemeanor crimes of moral turpitude. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. Sarah Elizabeth Hyche, Formal Complaint #3705

Sarah Elizabeth Hyche, Qualifying Broker, Firefly Real Estate, Birmingham, Alabama was charged with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-31(j) in that she failed to notify the Commission in writing of the institution of criminal charges against her within ten days of her arrest.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Tucker Smith made a motion to find Ms. Hyche guilty. Commissioner Dye seconded the motion and it passed unanimously 8-0. Commissioner Tucker Smith made a motion fine her \$250. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Gwen Renea Kirkland Vignon and Coastal 360 LLC, Formal Complaint No. 3710

Gwen Renea Kirkland Vignon, Qualifying Broker, Coastal 360 LLC, Lillian, Alabama and Coastal 360 LLC were **Count 1** with violating Section 34-27-36(a)(19) by failing to comply with *Code of*

Alabama, 1975 Rule 790-X-2-.07 by failing to have a sign identifying the company posted so that it was readily visible to the public; charged **Count 2** with violating *Code of Alabama, 1975*, Section 34-27-36(a)(29) by not providing information requested by the Commission during an investigation.; and changed on **Count 3** with violating Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Rule 790-X-3-.09, which grants the Commission's employees authority to conduct office inspections of license companies.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 1**, Commissioner Tucker Smith made a motion to find Ms. Vignon guilty. Commissioner Lucas Robinson seconded the motion and it passed unanimously 8-0. Commissioner Tucker Smith made a motion to fine her \$500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 8-0. Commissioner Lucas Robinson made a motion to find Coastal guilty. Commissioner McKinney seconded the motion and it passed unanimously 8-0. Commissioner Tucker Smith made a motion to fine Coastal \$500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 8-0.

Regarding **Count 2**, Commissioner May made a motion to find Ms. Vignon guilty. Commissioner Campbell seconded the motion and it passed unanimously 8-0. Commissioner May made a motion to fine her \$2,500. Commissioner Campbell seconded the motion and it passed unanimously 8-0. Commissioner Campbell made a motion to find Coastal guilty. Commissioner Echols seconded the motion and it passed unanimously 8-0. Commissioner Campbell made a motion to fine Coastal \$2,500. Commissioner May seconded the motion and it passed unanimously 7-1, with Commissioner McKinney voting against the motion.

Regarding **Count 3**, Commissioner Tucker Smith made a motion to find Ms. Vignon guilty. Commissioner Lucas Robinson seconded the motion and it passed unanimously 8-0. Commissioner Dye made a motion to fine her \$250. Commissioner Echols seconded the motion and it failed 1-7 with Commissioners Campbell, Echols, McKinney, Lucas Robinson, Smith and Cerita Tucker Smith voting against the motion. Commissioner May made a motion to fine Ms. Vignon \$2,500. Commissioner Tucker Smith seconded the motion and it passed 6-2 with Commissioners Dye and McKinney voting against the motion. Commissioner McKinney made a motion to find Coastal guilty and fine the company \$2,500. Commissioner May seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Chad Eric Camp and Robert Brian Camp Formal Complaint No. 3709

Commissioner Dye recused himself from this hearing.

Chad Eric Camp Associate Broker, Lovejoy Realty Inc., Odenville, Alabama was charged on **Count 1** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(15) by placing advertisements on several websites involving real estate without the name or trade name of his qualifying broker or company under whom he was licensed appearing prominently in the advertisement.

Robert Brian Camp, Qualifying Broker, Lovejoy Realty Inc., Odenville, Alabama was charged on **Count 2** with violating *Code of Alabama, 1975*, as amended, Rule 790-X-3-.15(12) by failing to ensure

that the company's advertisements or its licensee's advertisements conform with the laws and regulations.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 1**, Commissioner Tucker Smith made a motion to find Chad Eric Camp guilty. Commissioner May seconded the motion and it passed unanimously 7-0. Commissioner Tucker Smith made a motion to fine him \$500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 7-0.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 2**, Commissioner Campbell made a motion to find Robert Brian Camp guilty. Commissioner Lucas Robinson seconded the motion and it passed unanimously 7-0. Commissioner Tucker Smith made a motion to fine him \$500. Commissioner Echols seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. SDHB Realty LLC, Tami Sue Owings, Jeffrey Alfredo Hinojosa, and Ashley Ellison Donaldson, Formal Complaint #3712

Commissioner Campbell recused herself from this hearing.

SDHB Realty, Company, Pelham, Alabama; Tami Sue Owings, Inactive Broker; Jeffrey Alfredo Hinojosa, Associate Broker, Matt Curtis Real Estate Inc., Madison, Alabama; Ashley Ellison Donaldson, Qualifying Broker, SDHB Realty LLC, Pelham, Alabama were charged with violating Section 34-27-36(a)(19) by not complying with Section 34-27-36(a)(14) which prohibits licensees from being paid by anyone other than their qualifying broker for licensed activity.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Lucas Robinson made a motion to find SDHB Realty guilty and fine the company \$2,500. Commissioner Tucker Smith seconded the motion and it passed 7-0. Commissioner Lucas Robinson made a motion to find Ms. Owings guilty and fine her \$1,500. Commissioner Tucker Smith seconded the motion and it passed 7-0. Commissioner Lucas Robinson made a motion to find Mr. Hinojosa guilty and fine him \$1,500. Commissioner Tucker Smith seconded the motion and it passed 7-0. Commissioner Tucker Smith made a motion to find Ms. Donaldson guilty and fine her \$1,500. Commissioner May seconded the motion and it passed 7-0.

Alabama Real Estate Commission VS. Kelli Robine Meade, Formal Complaint No. 24-44

Kelli Robine Meade, Associate Broker, Avast Realty LLC, Birmingham, Alabama was charged on **Count 1**, with violating *Code of Alabama*, 1975, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama*, 1975 Section 34-27-31(j) in that she failed to notify the Commission of the institution of a civil summons and complaint against her involving a real estate transaction and charged on **Count 2**, with violating *Code of Alabama*, 1975, Section 34-27-36(a)(19) by failing to comply with *Code of Alabama*, 1975 Section 34-27-31(k) in that she failed to notify the Commission of a civil action against her involving a real estate transaction that resulted in a judgment.

Upon discussion of the evidence and testimony presented in the matter, regarding **Count 1**, Commissioner Echols made a motion to find her guilty. Commissioner Lucas Robinson seconded the motion and it passed unanimously 8-0. Commissioner Echols made a motion to fine her \$250.

Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0. Regarding **Count 2**, Commissioner Tucker Smith made a motion to find her guilty. Commissioner May seconded the motion and it passed unanimously 8-0. Commissioner Tucker Smith made a motion to fine her \$250. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. April Quinyonis Quicksey and Hart Seil Management Services LLC, Formal Complaint #24-17

April Quinyonis Quicksey, Qualifying Broker, Hart Seil Management Services LLC, Pinson, Alabama and Hart Seil Management Services LLC, Pinson, Alabama were charged with violating Section 34-27-26(a)8 by commingling funds belonging to others with the funds of the company.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Tucker Smith made a motion to find Ms. Quicksey guilty and fine her \$250. Commissioner Dye seconded the motion and it passed unanimously 8-0. Commissioner Campbell made a motion to find Hart Seil guilty and fine the company \$250. Commissioner May seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Tisha Chalkley Burns, Formal Complaint #24-015

General Counsel Starla Leverette advised Commissioners that this hearing was continued until January 18, 2024.

At 12:10 p.m. Hearing Officer Jim Hampton advised Chairman Smith that the first half of the 9:30 a.m. docket was concluded. At that time, Chairman Smith asked for a motion to remain in open session or go into executive session for approximately one hour to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner May made a motion that Commissioners go into executive session for approximately one hour. Commissioner Lucas Robinson seconded the motion and it passed unanimously 8-0.

At 1:15 p.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman Smith 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 8-0.

Alabama Real Estate Commission VS. John Crawford and The Maximum Real Estate Resource Company, Formal Complaint #24-16

General Counsel Starla Leverette advised Commissioners that this hearing was continued until January 18, 2024.

Max V. Nabors - Request for Renewal of Lapsed Salesperson License, Investigative File LC2024-002

General Counsel Starla Leverette advised Commissioners that this hearing was continued until January 18, 2024.

Alabama Real Estate Commission VS. Mem S. Webb and Webb Realty Inc., Formal Complaint #24-20

General Counsel Starla Leverette advised Commissioners that this hearing was continued until January 18, 2024.

Trudy A. Harris - Request for Renewal of Lapsed Broker License, Investigative File LC2024-001

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Harris' request for renewal of a lapsed broker license, Commissioner May made a motion to approve her request. Commissioner Campbell seconded the motion and it passed unanimously 6-2, with Commissioners Lucas Robinson and Dye voting against the motion.

Alabama Real Estate Commission VS. William H. Brown and The Brown Agency Inc., Formal Complaint #24-39

William H. Brown, Qualifying Broker, The Brown Agency Inc., Opelika, Alabama and The Brown Agency Inc., Opelika, Alabama were charged with violating Section 34-27-26(a)8 by commingling funds belonging to others with the funds of the company.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Dye made a motion to find Mr. Brown guilty. Commissioner McKinney seconded the motion and it passed unanimously 8-0. Commissioner Echols made a motion to fine him \$250. Commissioner Dye seconded the motion and it passed unanimously 8-0. Commissioner Campbell made a motion to find The Brown Agency guilty and fine the company \$250. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Jazmyn Danyiel Simmons, Formal Complaint #I-23-364

General Counsel Starla Leverette advised that this hearing was changed to a Consent Decree.

Consent Decrees

Alabama Real Estate Commission VS. Amber Nicole Thompson, Formal Complaint #I-23-372

Alabama Real Estate Commission VS. Jazmyn Danyiel Simmons, Formal Complaint #I-23-364

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

Executive Director Poe advised Commissioners that they had been requested to participate in a brokers' roundtable in September 2024. There will be further discussion regarding this request at the January 18, 2024 meeting.

Confirm February 2024 Meeting Date and Location for the Record: Thursday, February 22, 2024 at 9:00 a.m. in Montgomery, Alabama.

Commissioner May made a motion to confirm the February meeting for February 22, 2024 at 9:00 a.m. in Montgomery, Alabama. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

Next Commission Meeting: Thursday, January 18, 2024 in Montgomery, Alabama.

There being no further business, Commissioner Lucas Robinson made a motion to adjourn the meeting at 2:07 p.m. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Done this 30th day of November 2023.

Susan T. Smith, Chairman

Lori Moneyham, Recording Secretary