

MINUTES

A meeting of the Alabama Real Estate Commission was held October 22, 2020 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 Vice Chairman Carole Harrison at 9:00 a.m.

Vice Chairman Harrison called the roll and the following Commissioners indicated their presence with a spoken "present": Commissioners Emmette Barran, Jimmie Ann Campbell, Reid Cummings, Melody Davis, Joyce Harris, Terri May and Susan Smith. A quorum was declared. Commissioner Bill Watts was absent with notice.

Commission staff members in attendance or participating via VTC 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 Lori Moneyham; Communications and Public Relations Intern Jess Sparks; Education Director Ryan Adair; Education Specialist Pam Oates; Accounting and Personnel Director Molli Jones; Auditors Denise Blevins, Anthony Brown and Vickie Shackelford; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

The oath of office was administered to new Commissioner Jimmie Ann Campbell by Executive Director Vaughn Poe.

In accordance with Section 34-27-7(f) of Alabama License Law, Vice Chairman Harrison asked for a motion to elect a Commission Chairman and Vice Chairman. Commissioner Davis nominated Vice Chairman Harrison for Chairman and Commissioner Reid Cummings for Vice Chairman. Commissioner Smith seconded the motion and it passed unanimously 8-0.

Vice Chairman Cummings made a motion to approve the minutes from the September 24, 2020 Commission meeting. Commissioner Barran seconded the motion and it passed 6-0. Commissioner Campbell did not vote since her term did not commence until October 1, 2020 and Commissioner May did not vote as she had been absent from that meeting.

Executive Director Vaughn Poe presented the September 2020 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. He shared with Commissioners that a new air purification system had been installed throughout the building creating a healthy environment and providing protection for

all staff members. This purchase was made possible due to approved COVID-19 reimbursements. He stated that staff members are doing well.

Director Poe introduced attorney Zackery Burr to Commissioners. Zack joined the legal division on October 1, 2020.

Mr. Poe advised Commissioners that 29,704 renewals had been received with 28,000 of those processed online. The total number of licensees is 35,000. He reminded everyone that the completion of continuing education was extended to December 31, 2020; however, the deadline to renew a license was not extended and as a result the late fee is being assessed.

Director Poe reminded Commissioners there will be several pieces of legislation to review in preparation for the upcoming legislative session.

Mr. Poe concluded by announcing that the Annual ARELLO® Virtual Conference was a success and recognized Education Director Ryan Adair for being elected as a trustee to the ARELLO® Foundation Board of Trustees and a director to the ARELLO® Board of Directors.

COMMISSIONER DISCUSSION

The proposed budget for Fiscal Year 2022 was presented and discussed. Vice Chairman Cummings made a motion to adopt the proposed budget as presented. Commissioner Davis seconded the motion and it passed unanimously 8-0.

Executive Director Poe shared with Commissioners that a new Supreme Court ruling had been handed down regarding the Alabama Open Meetings Act. He stated the way we have been doing business has had good posture and there is no reason to change anything at this time.

Chairman Harrison reminded Commissioners to sign their Commission Member Compensation form. This form is signed by all Commissioners each year in October.

Commissioner Smith made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Commissioner Barran seconded the motion and it passed unanimously 8-0.

HEARINGS

Patrick Craton, Request for Extension of the Deadline to Submit Salesperson Temporary License Application, Licensing File LC2020-019

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Craton's request for an extension of the deadline to submit his salesperson temporary license

application, Commissioner Davis made a motion to approve a 90-day extension. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Andrew Havens, Application for Determination of Licensing Eligibility, Investigative File I-20,123

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

Alabama Real Estate Commission VS. Christy L. Knight, Formal Complaint No. 3519

This hearing was continued.

Amanda Wright, Application for Determination of Licensing Eligibility, Investigative File I-20,146

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Wright's 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. Brian Senn, Formal Complaint No. 3523

Brian Senn, Temporary Salesperson, National Land Realty LLC Vestavia Hills, Birmingham, Alabama, 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 Smith made a motion to find him guilty and fine him \$250. Commissioner Harris seconded the motion and it passed 7-1 with Vice Chairman Cummings voting against the motion.

Alabama Real Estate Commission VS. Kenneth White, Formal Complaint No. 3522

This hearing was continued.

Pam Martin (aka Pamela Martin-Lynch), Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-20,183

Chairman Carole Harrison recused herself.

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Martin's request for approval to hold a real estate license after license was previously revoked, Commissioner Barran made a motion to deny her request. Commissioner Davis seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

James E. Hamilton, Request for Waiver of Late Fees for Late Renewal of Broker and Company Licenses, Licensing File LC2020-019

Upon review of Mr. Hamilton's request for waiver of late fees for late renewal of his broker and company licenses, Vice Chairman Cummings made a motion to approve his request. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Laurie McGuire, Hardship Request to Renew Lapsed Broker's License, Licensing File LC2020-018

Upon review of Ms. McGuire's hardship request to renew her lapsed broker's license, Commissioner Smith made a motion to approve her request. Vice Chairman Cummings seconded the motion and it passed unanimously 8-0.

Mark Alan Grochowski, Request for Waiver of Late Fee for Late Renewal of Salesperson License, Licensing File LC2020-016

Upon review of Mr. Grochowski's request for waiver of the late fee for late renewal of his salesperson license, Vice Chairman Cummings made a motion to deny his request. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Confirm January Meeting Date and Location for the Record: January 21, 2021, 9:00 a.m. in Montgomery, Alabama

Vice Chairman Cummings made a motion to confirm the January meeting for January 21, 2021 at 9:00 a.m. in Montgomery, Alabama. Commissioner Smith seconded the motion and it passed unanimously 8-0. A determination will be made as to an in-person meeting or video teleconference.

Next Commission Meeting: Thursday, November 19, 2020, 9:00 a.m. in Montgomery.

There being no further business, Vice Chairman Cummings made a motion to adjourn the meeting at 11:10 a.m. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Done this 22nd day of October 2020.

Carole Harrison, Chairman

Barbi Lee, Recording Secretary