

MINUTES

A meeting of the Alabama Real Estate Commission was held October 24, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Danny Sharp; Commissioners Emmette Barran, Reid Cummings, Melody Davis, Joyce Harris, Carole Harrison and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman, General Counsel Mandy Speirs, Assistant General Counsel Starla Van Steenis; Investigators David Erfman, K. C. Baldwin and Rickey Fennie. The Hearing Officer was Jim Hampton. The consumer member position is currently vacant.

Other staff members in attendance for all or part of the meeting were Public Relations Director Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Education Specialists Pam Oates and Julie Norris; Information Technology Director Brett Scott; Programmer Analyst Eric Aldridge; Licensing Administrator Anthony Griffin and Executive Assistant Barbi Lee.

The meeting having been duly noticed according to the Alabama Open Meetings Act, was called to order by Chairman Watts at 9:00 a.m. and a quorum was declared.

The oath of office was administered to new Commissioner Melody Davis by Executive Director Patricia Anderson.

Chairman Watts announced he was no longer available to serve in a leadership capacity and turned the meeting over to Vice Chairman Danny Sharp.

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

Commissioner Cummings made a motion to approve the minutes from the September 26, 2019 Commission meeting. Commissioner Barran seconded the motion and it passed 7-0. Commissioner Davis did not vote since her term did not commence until October 1, 2019.

Executive Director Patricia Anderson presented the September 2019 financial report. She gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts.

Ms. Anderson discussed the Commission Member Compensation Form that was given to each Commissioner for signature. This new form was created in response to the recent finding from the Examiners of Public Accounts and will be signed each fiscal year at the October meeting.

IT Director Brett Scott announced to Commissioners that the Commission's License Law and Timeshare Law with bookmarks will be available next week as a mobile app. The app will be available in the Apple and Android app stores.

COMMISSIONER DISCUSSION

Ms. Anderson presented the proposed budget for Fiscal Year 2021. Commissioner Watts made a motion to adopt the proposed budget as presented. Commissioner Smith seconded the motion and it passed unanimously 8-0.

Commissioner Barran provided an update from the RECAD Task Force. He stated that 43 other states are using Designated Agency. The Task Force recommendation is to amend RECAD to allow for Designated Agency. The RECAD Form has been revamped for a consumer to easier understand. The Commission's staff is working on the law changes to go along with these changes.

Chairman Sharp provided an update from the Broker Supervision Task Force. He stated that the Task Force recommendation is to pursue a law change to increase the required time for being an active salesperson before an individual can apply to become a broker. Other initiatives to help qualifying brokers include a possible course for qualifying brokers and a published list of qualifying broker duties.

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

HEARINGS

Alabama Real Estate Commission vs. Chloe Lorenz and PDH Academy of Real Estate, Formal Complaint No. 3493

Chloe Lorenz, School Administrator, PDH Academy, Waukesha, Wisconsin, was charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(6)(g) via Commission Rule 790-X-1-.15(1) which states, "No administrator and no instructor shall make, or cause to be made, any statement, or representation, oral, written, or visual in connection with the operation of a school or the offering of a course, if such person knows or reasonably should know the statement or representation to be false, inaccurate, or misleading."

PDH Academy of Real Estate was charged on **Count 2** with violating the *Code of Alabama* 1975, as amended, Section 34-27-6(g) via Commission Rule 790-X-1-.17(1)(b) by failing to ensure that all advertising complies with the laws and rules which govern advertising, specifically Commission Rule 790-X-1-.15(1) which states "no administrator and no instructor shall make, or cause to be made, any statement, or representation, oral, written, or visual in connection with the operation of a school or the offering of a course, if such person knows or

reasonably should know the statement or representation to be false, inaccurate, or misleading.”

Regarding **Counts 1 and 2**, Commissioner Watts made a motion to find Chloe Lorenz and PDH Academy of Real Estate guilty on both counts. Commissioner Cummings seconded the motion and it passed unanimously 8-0. Commissioner Cummings made a motion to fine Chloe Lorenz and PDH Academy of Real Estate \$2,500 for each count. Commissioner Smith seconded the motion and it passed unanimously 8-0.

Gisela Campos, Application for Determination of Licensing Eligibility, Investigative File I-19,022

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

Christie D. Taylor, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-19,033

Commissioner Watts recused himself.

Upon discussion of the evidence and testimony presented in the matter regarding her request for approval to hold a real estate license after previous license revocation, Commissioner Cummings made a motion to deny her request. Commissioner Barran seconded the motion and it passed 6-1 with Commissioner Harris voting against the motion.

Caitlyn Brown, Application for Determination of Licensing Eligibility, Investigative File I-19,015

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Barran made a motion to approve her application upon successful completion of her probation. Commissioner Smith seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Jessie Escott, Formal Complaint No. 3494

Jessie Escott was not present for this hearing. Proper notice was given, and she was personally served. The hearing was conducted in Ms. Escott’s absence.

Jessie Escott, Salesperson, Essential Properties and Investments LLC d/b/a EPI Real Estate, Hoover, 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 Barran made a motion to find her guilty. Commissioner Davis seconded the motion and it passed unanimously 8-0. After consideration of two previous violations of Section 34-27-36(a)(16), Commissioner Smith made a motion to fine her \$510. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

Lorenza (Low) Finley, Request for Approval to Hold a Real Estate License After License was Previously Revoked, Investigative File I-19,035

Upon discussion of the evidence and testimony presented in the matter regarding his request for approval to hold a real estate license after previous license revocation, this request was denied due to lack of a motion.

Deann Kendrick Stone, Application for Determination of Licensing Eligibility, Investigative File I-19,041

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Barran made a motion to approve her application subject to full payment of fines due to the courts and proof of discharge. Commissioner Smith seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Robyn Richelle Galloway-Robinson, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3495

Robyn Richelle Galloway-Robinson, Salesperson, Coldwell Banker Kennon Parker Duncan and Davis, Columbus, 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.

Commissioner Barran made a motion to find Ms. Galloway-Robinson guilty and fine her \$250. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Joi Travis, Request for Extension of Deadline to Pass the Salesperson License Examination, Education File ED2019-021

Upon review of the request from Ms. Travis for an extension of the deadline to pass the salesperson license examination, Commissioner Harrison made a motion to deny her request. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Bennie Joseph Herron, Jr., Request for Extension of Deadline to Pass the Broker License Examination, Education File ED2019-022

Upon review of the request from Mr. Herron for an extension of the deadline to pass the broker license examination, Commissioner Smith made a motion to grant him a 30-day extension. Commissioner Cummings seconded the motion and it passed 6-2 with Commissioners Harris and Harrison voting against the motion.

Sonya Lipham, Request for Extension of Deadline to Pass the Salesperson License Examination, Education File ED2019-023

Upon review of the request from Ms. Lipham for an extension of the deadline to pass the salesperson license examination, this request was denied due to lack of a motion.

Caitlyn Robison, Request for Extension of Deadline to Pass the Salesperson License Examination, Education File ED2019-024

Upon review of the request from Ms. Robison for an extension of the deadline to pass the salesperson license examination, Commissioner Cummings made a motion to grant her a 60-day extension. Commissioner Harris seconded the motion and it passed unanimously 8-0.

Donna Edwards, Request for Extension of Deadline to Pass the Salesperson License Examination, Education File ED2019-025

Upon review of the request from Ms. Edwards for an extension of the deadline to pass the salesperson license examination, Commissioner Watts made a motion to grant her a 60-day extension. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Jessica Renee Hornbuckle, Request for Extension to Apply for Original Salesperson License, Licensing File LC2019-016

Upon review of the request from Ms. Hornbuckle for an extension to submit her original salesperson application and fee, Commissioner Watts made a motion to grant her a 30-day extension. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Confirm January Meeting Date and Location for the Record: January 23, 2020, 9:00 a.m. in Montgomery, Alabama

Commissioner Barran made a motion to confirm the January meeting for January 23, 2020 at 9:00 a.m. in Montgomery, Alabama. Commissioner Smith seconded the motion and it passed unanimously 8-0.

Next Commission Meeting: Thursday, November 21, 2019, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 12:23 p.m.

Done this 24th day of October 2019.

Danny Sharp, Chairman

Barbi Lee, Recording Secretary