

MINUTES

A meeting of the Alabama Real Estate Commission was held October 24, 2024, at the Auburn University Research and Innovation Center, 540 Devall Drive, Auburn, Alabama.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order by Commission Chairman Jimmie Ann Campbell at 9:00 a.m.

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

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; Attorney Serena Cronier Grayson; Investigators Rickey Fennie and Marshall Simons; Auditor Anthony Brown; Legal Assistant Angie Kidd; Education Director Ryan Adair; Communications and Public Relations Director Lori Moneyham; Executive Assistant Amber Moore; Information Technology Director Eric Aldridge; Information Technology Programmer Chris Prestridge; and Accounting and Personnel Director Barbi Lee. The Hearing Officer was Jim Hampton.

Chairman Campbell thanked Auburn University for hosting the Commission. Dr. Justin D. Benefield, academic director of The Winchester Institute for Real Estate Development at Auburn University, welcomed everyone and thanked the Commission for rotating its meetings around the state to, among other things, call attention to college-level real estate programs across Alabama.

The Pledge of Allegiance was led by Retired U.S. Marine Sergeant (E-5) Gerry T. Robinson, husband of Commissioner Lucas Robinson.

Executive Director Poe administered the oath of office to Juanita Taggart Jones, the new Commissioner representing the Seventh Congressional District. Commissioner Jones is the qualifying broker for Key Realty Company in Tuscaloosa, Alabama.

In accordance with Code of Alabama Section 34-27-7(f), Commissioners selected a new chair and vice chair. Commissioner Dye made a motion to elect Commissioner McKinney as chair and Commissioner Echols as vice chair. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0. Chairman McKinney thanked Commissioner Campbell for leading the Commission with grace and dignity during her time as chairman.

APPROVAL OF THE MINUTES

Chairman McKinney asked for a motion to approve the minutes from the September 19, 2024, Commission meeting. Commissioner Campbell made a motion to approve the minutes from the September 19, 2024, meeting. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

PUBLIC HEARING ON PROPOSED RULE AMENDMENTS

A public hearing was held on proposed Rule Amendments: 790-X-1-.03 - License Requirements; 790-X-1-.05 - Out-of-State Co-Brokerage Agreement; 790-X-1-.06 - Prelicense and Post License School Approval and Requirements; 790-X-1-.12 - Continuing Education Course Approval and Requirements; 790-X-1-.18 - Reciprocal

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

General Counsel Starla Leverette presented the proposed amendments and proposed new rule. No members of the public came forward to present comments on the rules.

Ms. Leverette stated there would be an additional change to Paragraph 3 of Rule 790-X-1-.12. Verbiage will be stricken from the line notating that a maximum of nine hours of continuing education (CE) classes can be taken in one day. The maximum hours restriction has been removed for pre- and post-license courses and, to be consistent, should be removed for CE requirements as well. The amendments will be voted on at the November 21, 2024, meeting and will incorporate the change.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Poe introduced new Assistant Executive Director Wendy Alkire. Ms. Alkire was employed with the Kansas Real Estate Commission for 17 years, serving as deputy director for the last five years, before joining the Commission staff on October 16, 2024.

Ms. Alkire said she is excited about the future of the real estate industry and learning about how Alabama licensees overcome the challenges facing the industry. She added that she has long been a member of the Association for Real Estate License Law Officials (ARELLO) and that she will serve as ARELLO president-elect for 2025.

Director Poe continued his report by noting that AREC's Buyer-Broker Agency Workgroup held its final meeting on September 30, 2024. Recommendations from the workgroup are being reviewed and prepared for later presentation to the Commissioners.

Director Poe then provided an update on the roof for the Commission building. After an involved, two-year process, staff has been able to negotiate a beneficial agreement with Risk Management, and the roof will be replaced in 2025. The repairs will be covered by the Commission's insurance policy.

The Commission will end the 2024 fiscal year below actual expenditure projections and over actual revenue projections. That combination is always a fiscal win for the agency. We will continue to be fiscally conservative going forward. To date, we have paid \$612,790.26 to other state agencies. The final figures will be available after the 13th Accounting Period closes in November 2024. Fixed costs and expenditures are continuing to rise, while the Commission has not increased its fee schedule in well over two decades. There have been no recovery fund payouts in the past 30 days.

Director Poe reported the Commission has issued 43,703 total licenses, and there are currently 37,862 unique individuals licensed. The growth rate for September 2024 was six new license applications per day, with 188 total new licenses issued during the month. The Commission has renewed just over 36,130 licenses this renewal cycle. Approximately 17 percent of licenses (less than 6,000) have not been renewed, a markedly higher number than the 10 percent average from prior cycles. However, renewals continue to be processed. A \$150 late penalty fee is now being charged on all renewals.

There are currently 855 active education licenses issued. That number includes instructors, administrators, and schools. In September, one CE course and two schools were audited. Education specialists

have been staying in the office to assist with phone calls for license renewal. A training for new instructors was held in conjunction with the Alabama Real Estate Educators Association (AREEA) on October 18, 2024.

In September, the legal auditors performed nine 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.

Director Poe recognized Commissioner Campbell for her completion of ARELLO's Commissioner College. Commissioner College is a highly regarded educational program that is designed to prepare new commission members for their unique role as regulatory decision-makers and serves as a valuable refresher course for those with more experience. Commissioner Campbell added that Commissioner Echols and Commissioner Barelare had also completed Commissioner College during ARELLO's 2024 Annual Conference in Chicago, Illinois.

Director Poe concluded his report by reminding Commissioners of upcoming events. The next quarterly Briefly Legal will be live on Microsoft Teams on November 7, 2024. Coffee With the Commission will resume on November 20, 2024, and will be an opportunity to introduce Assistant Executive Director Alkire to the licensee community. He also reviewed dates the Commission will be closed during the holiday season.

COMMISSIONER DISCUSSION

Fiscal Year 2026 Budget

Director Poe called upon Accounting and Personnel Director Barbi Lee to present the proposed FY2026 budget, which contains increases of more than 9 percent over 2025, for discussion and approval. Upon discussion, Commissioner Dye made a motion to approve the proposed FY2026 budget. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

2025 Proposed Commission Meeting Dates

Commissioners reviewed the 2025 proposed Commission meeting dates. Commissioner May suggested a July meeting date be added to the calendar. Upon discussion, Commissioner Lucas Robinson made a motion to accept the 2025 calendar with the inclusion of the July meeting date. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. Vianne Lakevia Dooley, Case Number 23-251

Vianna Lakevia Dooley, Salesperson, Auburn, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975* Rule 790-X-3-.04 through Section 34-27-36(a)(19) by failing to see that completed estimated closing statements were in the appropriate sales files; charged on **Count 2** for violating *Code of Alabama, 1975* Rule 790-X-3-.13 through Section 34-27-36(a)(19) by failing to see that Real Estate Consumers Agency Disclosure (RECAD) forms were in the sales transaction files; and charged on **Count 3** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by violating or disregarding Section 34-27-36(a)(15) by placing advertisements on websites involving real estate without the name or trade name of the qualifying broker or company appearing in that advertisement.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1** Commissioner May made a motion to find Ms. Dooley guilty and to impose a fine of \$250. Commissioner Echols seconded the motion, and the motion passed 7-1-0 with Commissioner Lucas Robinson voting against the motion. On **Count 2**, Commissioner Lucas Robinson made a motion to find Ms. Dooley not guilty. Commissioner Barelare seconded

the motion, and the motion passed 5-3-0 with Commissioners Campbell, Dye, and Echols voting against the motion. On **Count 3**, Commissioner May made a motion to find Ms. Dooley guilty and to impose a fine of \$250. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Mary Howard, Case Number 24-266

Commission General Counsel Starla Leverette advised Commissioners that this case had been continued until the November 21, 2024, meeting.

Jacqueline Marchelle West - Application for Real Estate Temporary Salesperson License, Case Number 24-531

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

Alabama Real Estate Commission VS. Andrea Melissa MacFadden and Terri Nicole Kelly, Case Number 23-354

Andrea Melissa MacFadden, Salesperson, Kelly Right Real Estate of Alabama LLC, Oxford, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing to notify the Commission within 10 days of being arrested and on **Count 2** for violating *Code of Alabama, 1975* Section 34-27-31(k) by failing to notify the Commission within 10 days that a criminal action pending against her had been dismissed.

Terri Nicole Kelly, Broker, Kelly Right Real Estate of Alabama LLC, Oxford, Alabama was charged on **Count 3** for violating *Code of Alabama, 1975* Section 34-27-19 by failing, in accordance with Rule 790-X-1-.15(7) to take action, as Qualifying Broker, to prevent the licensee from violating license law.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1** Commissioner May made a motion to find Ms. MacFadden guilty and to impose a fine of \$250. Commissioner Dye seconded the motion, and the motion passed 7-1-0 with Commissioner Echols voting against the motion. On **Count 2**, Commissioner May made a motion to find Ms. MacFadden guilty and to impose a fine of \$250. Commissioner Echols seconded the motion, and the motion passed 7-1-0 with Commissioner Barelare voting against the motion.

On **Count 3**, Commissioner May made a motion to find Ms. Kelly guilty and to impose a fine of \$500. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Elizabeth Ann Cook - Application for Temporary Salesperson License, Case Number 24-464

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

Alabama Real Estate Commission VS. Brandon Schaub, Case Number 24-489

Brandon Schaub, Salesperson, Northport, Alabama was charged on **Count 1** with violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with Section 34-27-31(j), to notify the Commission of his arrest on August 11, 2023; charged on **Count 2** with violating *Code of Alabama, 1975* Section 34-27-36(a)(19) by failing, in accordance with Section 34-27-31(j), to notify the Commission of his arrest on February 28, 2024; charged on **Count 3** with violating *Code of Alabama, 1975* Section 34-27-31(23) by entering a plea of guilty to a felony on August 19, 2024; and **Count 4** with violating *Code of Alabama, 1975* Section 34-27-

36(a)(19) by failing, in accordance with Section 34-27-31(k), to notify the Commission within 10 days of being convicted of a felony.

Upon discussion of the evidence and testimony presented in this matter, Commissioner May made a motion to find Mr. Schaub guilty on all counts and to impose a fine of \$250 on each count, totaling \$1,000. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Tonia Ann Lathan - Application for Real Estate Temporary Salesperson License, Case Number 24-554

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

Alabama Real Estate Commission VS. Ashley Eyvette Jackson, Case Number 23-297

Ashley Eyvette Jackson, Salesperson, Tan Akles Network LLC DBA: Real Estate Wired, Anniston, Alabama was charged on **Count 1** for violating Code of Alabama, 1975, Section 34-27-36(a)(26) by engaging in conduct which constituted and demonstrated dishonest dealings of bad faith, and untrustworthiness.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to dismiss all charges. Commissioner Lucas Robinson seconded the motion, and the motion failed 4-4-0 with Commissioners Campbell, Echols, May, and McKinney voting against the motion. Upon additional discussion, Commissioner Dye made a motion to find Ms. Jackson not guilty. Commissioner Lucas Robinson seconded the motion, and the motion passed 5-3-0 with Commissioners Campbell, Echols, and May voting against. No fine was imposed.

Alabama Real Estate Commission VS. Eboni Bell, Case Number 24-218

Commission General Counsel Starla Leverette advised Commissioners that this hearing had been moved to the Consent Decrees.

Alabama Real Estate Commission VS. Melissa Ann Munford, Case Number 24-148

Melissa Ann Munford, Salesperson, Exp Realty LLC, Opelika, Alabama was charged on **Count 1** for violating Code of Alabama, 1975, Section 34-27-36(a)(26) by engaging in conduct which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness; charged on **Count 2** for violating Code of Alabama, 1975, Section 34-27-36(a)(6) by publishing or causing to be published advertisements which deceive, or which are likely to deceive the public, or which fail to identify the person causing the advertisement to be placed as a licensed broker or salesperson; and charged on **Count 3** for violating Code of Alabama, 1975, Section 34-27-36(a)(15) by advertising herself as a real estate agent without the name of the qualifying broker or company under whom she is licensed appearing prominently on the advertising.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Echols made a motion to find Ms. Munford guilty on all counts and to impose a fine of \$250 on each count, totaling \$750. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Tyler Morgan, Case Number 24-238

Commission General Counsel Starla Leverette advised Commissioners that this case had been continued until the January 16, 2025, meeting.

NON-APPEARINGS

Shannon Sharpe - Request for Rehearing, Formal Complaint 3700

Upon review of Ms. Sharpe's request for a rehearing, Commissioner Campbell made a motion to deny the request. Commissioner Echols seconded the motion, and the motion passed 6-0-2 with Commissioners Jones and Lucas Robinson abstaining due to not be present at Ms. Sharpe's original hearing.

Yvonne Holston - Surrender of License, Formal Complaint 24-240

Upon review of Ms. Holston's request to surrender her license, Commissioner Lucas Robinson made a motion to deny the request. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0.

CONSENT DECREES

Alabama Real Estate Commission VS. Cathy Lockett, Case Number 24-492

Alabama Real Estate Commission VS. Steven Qualls, Case Number 24-471

Alabama Real Estate Commission VS. Debby Collins, Case Number 24-480

Alabama Real Estate Commission VS. Wanda McKoy, Case Number 24-466

Alabama Real Estate Commission VS. Scott Langley, Case Number 24-458

Alabama Real Estate Commission VS. Gloria Newton, Case Number 24-452

Alabama Real Estate Commission VS. Michael Fields, Case Number 24-481

Alabama Real Estate Commission VS. Christopher Lindsey, Case Number 24-475

Alabama Real Estate Commission VS. Megan Patterson, Case Number 24-491

Alabama Real Estate Commission VS. Alice Leeth, Case Number 24-522

Alabama Real Estate Commission VS. Ashlyn Shoup, Case Number 24-485

Alabama Real Estate Commission VS. Gregory Woolfolk, Case Number 24-493

Alabama Real Estate Commission VS. Robin Hogue, Case Number 24-459

Alabama Real Estate Commission VS. Ebony Lockhart, Case Number 24-509

Alabama Real Estate Commission VS. Kelli Brown, Case Number 24-467

Alabama Real Estate Commission VS. Ashley Wisener, Case Number 24-494

Alabama Real Estate Commission VS. Dan Burns, Case Number 24-470

Alabama Real Estate Commission VS. Courtney Carter, Case Number 24-498

Alabama Real Estate Commission VS. Vickie Wadsworth, Case Number 24-483

Alabama Real Estate Commission VS. Kerry Mone, Case Number 24-296

Commissioner Campbell made a motion to accept the Consent Decrees as presented. 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.

Chairman McKinney asked for a motion to remain in open session or go into executive session until 2:15 p.m. to deliberate the cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Dye made a motion that Commissioners go into executive session until 2:15 p.m. to deliberate the 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 2:27 p.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call. Chairman McKinney asked for a motion to return to open session. Commissioner May made a motion to return to open session. Commissioner Echols seconded the motion, and the motion passed 8-0-0.

Confirm January 16, 2025, Meeting Date and Location for the Record:

Thursday, January 16, 2025, 9:00 a.m., in Montgomery, Alabama. Commissioner May made a motion to confirm the January meeting for Thursday, January 16, 2025, at 9:00 a.m. in Montgomery, Alabama. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Next Commission Meeting: Thursday, November 21, 2024, 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner May made a motion to adjourn the meeting at 3:00 p.m. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

Done this 24th day of October 2024.

Randy McKinney, Chair

Amber Moore, Recording Secretary