

MINUTES

A meeting of the Alabama Real Estate Commission was held October 25, 2018, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Vice Chairman Bill Watts, Commissioners Emmette Barran, Reid Cummings, Cindy Denney, Joyce Harris, Carole Harrison, Vaughn Poe, Danny Sharp, and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Mandy Lynn; Investigators David Erfman, K.C. Baldwin and Rickey Fennie. The Hearing Officer was Jim Hampton.

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 Specialist Pam Oates; Accounting and Personnel Director Molli Jones, Staff Accountant Pam Garner; Information Technology Director Brett Scott, Information Technology Specialist Steven Brown; 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 at 9:00 a.m. and a quorum was declared.

Vice Chairman Watts recognized guests and welcomed everyone to the meeting.

The oath of office was administered to new Commissioners Joyce Shivers Harris and Susan T. Smith by Executive Director Patricia Anderson.

Commissioner Barran made a motion to approve the minutes from the September 20, 2018 Commission meeting. Commissioner Sharp seconded the motion and it passed 7-0. Commissioners Harris and Smith did not vote since their terms did not commence until October 1, 2018.

Ms. Anderson presented the September 2018 financial report. All receipts are in for FY 2018 and revenues are slightly down from 2017 but significantly higher than 2016. Year-to-Date expenditures are \$3.7 million, in line with expenditures in 2016 and 2017. Expenditures will continue to be paid through the 13th Accounting Period in November. The total amount paid to other state agencies for services is \$266,000 through September 30, 2018.

Ms. Anderson provided the Commissioners with a copy of a letter from the Examiners of Public Accounts dated October 16, 2018 regarding Board/Commission training for commission members and staff of agencies subject to Sunset Review. She gave an overview of the Sunset process and the importance of the review. Commission members were asked to let Barbi Lee know if they can attend the next scheduled training for December 5, 2018.

Ms. Anderson shared with Commissioners an invitation from the North Alabama Real Estate Leadership Program requesting the Commission to hold the March 21, 2019 meeting in North Alabama. Commissioner Denney made a motion to hold the March 21, 2019 Commission meeting in North Alabama in conjunction with the North Alabama Real Estate Leadership Program. Commissioner Barran seconded the motion and it passed unanimously 9-0.

COMMISSIONER DISCUSSION

Vice Chairman Watts called on Executive Director Anderson to present the proposed budget for Fiscal Year 2020. Commissioner Cummings made a motion to adopt the budget as presented. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

Regarding the 2018-2021 Strategic Plan, Commissioner Cummings suggested that Goal 3C needed to be expanded and Goal 3D needed clarification. Ms. Anderson agreed and stated those two changes would be made. Commissioner Cummings made a motion to approve the 2018-2021 Strategic Plan with the changes noted. Commissioner Barran seconded the motion and it passed unanimously 9-0.

General Counsel Mandy Lynn provided an update on the Recovery Fund. Ms. Lynn advised the Commissioners a payment was made from the fund on October 15, 2018. She stated there are two additional cases pending, but she will object to one of these.

Commissioner Barran made a motion that Commissioners conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

HEARINGS

Natalie Reed Womer, Application for Determination of Licensing Eligibility, Investigative File I-15,299

Upon discussion of the evidence and testimony presented by Ms. Womer regarding her application for determination of licensing eligibility, Commissioner Barran made a motion to deny her application. Commissioner Denney seconded the motion and it passed unanimously 9-0.

Cedrick Baker, Application for Determination of Licensing Eligibility, Investigative File I-15,373

Upon discussion of the evidence and testimony presented by Mr. Baker regarding his application for determination of licensing eligibility, Commissioner Cummings made a motion to approve his application subject to full payment of restitution. Commissioner Poe seconded the motion and it passed 8-1 with Commissioner Denney voting against the motion.

Terry Sharlene Banks Smith, Application for Determination of Licensing Eligibility and Hardship Request for Extension to Take and Pass Salesperson Examination, Investigative File I-15,356

Upon discussion of the evidence and testimony presented by Ms. Smith regarding her application for determination of licensing eligibility and hardship request for additional time to take and pass the salesperson examination, Commissioner Harrison made a motion to approve her application. Commissioner Barran seconded the motion and it passed unanimously 9-0. Commissioner Harrison made a motion to grant a 90-day extension from the date the Order is received by Ms. Smith. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Robert Mark Baker, Application for Determination of Licensing Eligibility, Investigative File I-15,370

Upon discussion of the evidence and testimony presented by Mr. Baker regarding his application for determination of licensing eligibility, Commissioner Cummings made a motion to approve his application subject to full payment of restitution. Commissioner Poe seconded the motion and it passed unanimously 9-0.

Erica Venise Jones, Application for Determination of Licensing Eligibility, Investigative File I-15,405

Upon discussion of the evidence and testimony presented by Ms. Jones regarding her application for determination of licensing eligibility, Commissioner Cummings made a motion to approve her application subject to full payment of restitution. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Christi Melissa Murphy-Thomas, Formal Complaint No. 3466

Christi Melissa Murphy-Thomas, Qualifying Broker, Christi M. Murphy Thomas LLC d/b/a The Murphy Group, Montgomery, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(23)a., by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or crime involving moral turpitude.

Upon discussion of the evidence and testimony presented by Ms. Murphy-Thomas, Commissioner Cummings made a motion to find her guilty. Commissioner Harrison seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to revoke her license. Commissioner Smith seconded the motion and it passed unanimously 9-0.

NOT APPEARINGS

Evie S. Balch, Requesting Waiver of Late Fee and Activation Fee for Late Renewal of Real Estate License, Investigative File I-15,429

Upon review of Ms. Balch's request for waiver of the late fee and activation fee incurred for not renewing her license by the deadline due to hardship circumstances, Commissioner Denney made a motion to approve her request. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

Joseph R. Florence, Requesting Waiver for Home Operation, Investigative File I-15,428

Upon review of the hardship request for home operation submitted by Mr. Florence, Commissioner Denney made a motion to approve his request. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Confirm January Meeting Date and Location for the Record: January 17, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Barran made a motion to confirm the January meeting for January 17, 2019 at 9:00 a.m. in Montgomery. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Next Commission Meeting: Thursday, November 29, 2018, 9:00 a.m. in Montgomery, Alabama

At 12:45 p.m. Commissioner Poe made a motion to go into Executive Session for ±15 minutes to discuss the character and reputation of an individual. Commissioner Cummings seconded the motion and it passed unanimously 9-0. Vice Chairman Watts did not participate in the Executive Session and exited the Hearing Room.

Commissioners reconvened in Open Meeting at 1:10 p.m. with all Commissioners, including Vice Chairman Watts, present.

In accordance with Section 34-27-7(f) of the License Law, Vice Chairman Watts asked for a motion to elect a Commission Chairman and Vice Chairman. Commissioner Poe nominated Commissioner Sharp for Vice Chairman and Commissioner Watts for Chairman. Commissioner Barran seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting was adjourned at 1:15 p.m.

Done this 25th day of October 2018.

Bill Watts, Chairman

Barbi Lee, Recording Secretary