

MINUTES

A meeting of the Alabama Real Estate Commission was held October 26, 2023 at the University of Alabama School of Law, Moot Courtroom, Tuscaloosa, 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 Emmette Barran at 9:00 a.m.

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

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; Legal Assistant Ernestine Reeves; Communications and Public Relations Manager Vernita Oliver-Lane; Communications and Public Relations Specialist Senior Lori Moneyham; Communications and Public Relations Specialist Jess Sparks and State Professional Trainee Taylar Hooks; Education Director Ryan Adair; Education Specialists Brittni Jones Anderson, Julie Norris and Pam Oates; Education Assistant Nancy Williamson; Information Technology Director Brett Scott; Information Technology Programmer Chris Prestridge; Licensing Assistants Edward Arrington, Shy'kierra Knight, Price Sparks and Pam Taylor; Accounting and Personnel Director Barbi Lee; Accounts Payable Clerk Jaci Ingersoll; and Account Clerk Marissa Mason. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

The oath of office was administered to new Commissioner Deborah Lucas Robinson by Executive Director Vaughn Poe. In accordance with Section 34-27-7(f) of Alabama License Law Chairman Barran asked for a motion to elect a Commission Chairman and Vice Chairman. Commissioner May nominated Commissioner Susan Smith for Chairman and Commissioner Jimmie Ann Campbell for Vice Chairman. Commissioner Tucker Smith seconded the motion and it passed unanimously 9-0.

APPROVAL OF THE MINUTES

Chairman Smith asked for a motion to approve the minutes from the September 14, 2023 Commission meeting. Commissioner Barran made a motion to approve the minutes from the September 14 meeting. Commissioner McKinney seconded the motion and it passed unanimously 9-0

EXECUTIVE DIRECTOR'S REPORT

Executive Director Poe recognized the significance of meeting in the Bedsole Moot Courtroom because the J. L. Bedsole Foundation contributed funds to upgrade the technology in the Courtroom. He explained that the upgrades allow for easier recording and live-streaming. He thanked the Bedsole

family for their thoughtfulness and generosity and expressed how pleased the Commission was to have Mr. Travis Bedsole of Mobile and members of the J.L. Bedsole family watching the meeting, virtually.

Guests in attendance were also recognized. Commissioner Campbell recognized Andrew Mount, a level two law student at the University of Alabama and family friend, and her grandson, Steven Thornton. Commissioner Lucas Robinson recognized her grandson Jaden Hardaway, her husband Gerry Robinson, her brother Calvin Lucas, her sisters, Cheryl Walker and Andrea Smith; and her daughters, Corey Hardaway and Dawn Turner. She also thanked members of the Alabama Association of REALTORS® who were there to support her. Commissioner Tucker Smith recognized her niece, Tanesia Tucker, who is a pre-med student at the University of Alabama, and Director Poe recognized the president of the Alabama Association of REALTORS® and Sen. Gerald Allen, Senate District 21, Tuscaloosa, Alabama. Sen. Allen thanked the Commissioners for their service to the state of Alabama.

Executive Director Poe recognized the former Commissioners in attendance for their years of service and dedication to the Commission and to the people of Alabama. The following former Commissioners were recognized and presented with certificates of appreciation: Commissioner Ruth Whitley, Seventh Congressional District, 1995-2004; Commissioner Sheila Hodges, First Congressional District, 2001-2011; Commissioner Lyman Lovejoy, Third Congressional District, 2001-2006; Commissioner Nancy Wright, Fourth Congressional District, 2008-2018; Commissioner Danny Sharp, Second Congressional District, 2010-2020; Commissioner Carole Harrison, Third Congressional District, 2010-2020; Commissioner Cindy Denney, Seventh Congressional District, 2014-2019; Commissioner Melody Davis, Seventh Congressional District, 2019-2020; and Commissioner Joyce Harris, Member at Large, 2018-2023. After recognizing the former Commissioners, the current Commissioners introduced themselves. Commissioner Starke Irvine, First Congressional District, 1995-2001, and Commissioner Charles Nicrosi, Second Congressional District, 1995-2000 were later recognized, as they arrived after the initial presentations.

Director Poe explained that the Commissioners are appointed based upon a nomination from the largest real estate trade association in Alabama, the Alabama Association of REALTORS® (AAR). He thanked them for nominating “fine individuals” to serve and expressed appreciation for the effort the Commissioners put into their roles.

Director Poe announced that some Commission team members had transitioned into new duties and responsibilities. Barbi Lee has taken on the role of accounting and personnel director and Lori Moneyham has assumed additional duties in the communications and public relations division. He also thanked the Commission staff for their diligence and fortitude in ensuring the needs and requirements of the licensees are met on a daily basis. He recognized the staff members who were present in Tuscaloosa to execute the Commission meeting, as well as the staff members who were at the office in Montgomery assisting licensees.

Director Poe reported the Commission has issued or renewed 40,430 combined entity and people total licenses this licensing period. He added that over 4,000 licenses, that were not renewed during the 2022 licensing period, lapsed on September 30, 2023. He explained that number aligned with the number of lapsed licenses normally seen in past licensing periods. There are currently 35,172

people licensed. The Education Division, which is just completing education license renewal, reported there are 918 total education licensees: 664 active and 254 inactive.

Director Poe stated Coffee with the Commission was held October 25, 2023 with education auditors Julie Norris and Dr. Brittini Jones Anderson joining him to discuss education audits. He added that a lot of excellent information was shared and the recording would be posted to the Commission’s social media platforms.

COMMISSIONER DISCUSSION
Fiscal Year 2025 Budget

Director Poe introduced accounting and personnel director Barbi Lee to present the proposed FY2025 budget for discussion and approval. Upon discussion, Commissioner Barran made a motion to approve the proposed FY2025 budget. Commissioner Jimmie Ann Campbell seconded the motion and it passed unanimously 9-0.

2024 Proposed Commission Meeting Dates

Commissioners reviewed the 2024 proposed Commission meeting dates. Commissioner Dye suggested a July meeting date be added to the calendar. It was decided that these dates should be approved at this meeting with a July, 2024 meeting date to be considered at a future meeting. Commissioner Tucker Smith made a motion to accept the 2024 calendar as presented. Commissioner Echols seconded the motion and it passed unanimously 9-0.

Recognition of Commissioner Randy McKinney

Director Poe recognized Commissioner McKinney for his completion of the Association of Real Estate License Law Officials’ (ARELLO) 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 also serves as a valuable refresher course for those with more experience.

Legislation 2024

Director Poe announced that the Commission’s proposed 2024 legislation is available on the Commission’s website for review. He stressed that the Commission is a consumer protection agency and this legislation has resulted from years of work by several task forces and input from commercial and residential licensees, property managers, land managers, and consumers across Alabama.

Presentation – Grayson Glaze, Executive Director, Alabama Center for Real Estate (ACRE)

Mr. Glaze gave an overview of the three tenets of ACRE: teaching, research, and service. He expressed that ACRE’s desire was to be a resource, to amplify the voice of real estate in Alabama, and to help the Commission fulfill its mission. ACRE is currently focusing on economic and workforce development. He stated that 800 students were currently pursuing a career in real estate at the University of Alabama Tuscaloosa

HEARINGS – 9:30 a.m. Docket

Alabama Real Estate Commission VS. Lydia A. Franz, Formal Complaint No. 3694

Lydia A. Franz, Salesperson, Century 21 J. Carter & Company, Gulf Shores, 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 within ten days of the institution of criminal prosecution against her in three criminal arrests.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Campbell made a motion to find Ms. Franz guilty. Commissioner Barran seconded the motion and it passed unanimously 9-0. Commissioner Tucker Smith made a motion fine her \$2,500. Commissioner Dye seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Kelly Right Real Estate of Alabama LLC and Amy W. Morrow, Formal Complaint No. 3697

Kelly Right Real Estate of Alabama LLC, Company, Hoover, Alabama was charged on **Count 1** with violating Section 34-27-36(a)(19) by failing to comply with *Code of Alabama, 1975* Section 34-27-83 by failing to retain a copy of a written disclosure office policy signed by each licensee for three years. Amy W. Morrow, Qualifying Broker, Kelly Right Real Estate of Alabama LLC, Hoover, Alabama was 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 34-27-83 by failing to adopt a written agency disclosure office policy.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 1**, Commissioner Barran made a motion to find Kelly Right Real Estate guilty and fine the company \$2,500. Commissioner Tucker Smith seconded the motion and it passed unanimously 9-0.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 2**, Commissioner Tucker Smith made a motion to find Ms. Morrow guilty and fine her \$2,500. Commissioner Lucas Robinson seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Amy Cotney and Daniel M. Dunlop II, Formal Complaint No. 3707

Amy Cotney, Salesperson, Roots Aublika Lake LLC dba Roots Real Estate, Auburn, Alabama was charged on **Count 1** with violating *Code of Alabama, 1975*, as amended, Section 34-27-36(a)(15) by promoting herself as a real estate agent without the name or trade name of the qualifying broker or company under whom she is licensed appearing prominently on the advertising. Daniel M. Dunlop II, Qualifying Broker, Roots Aublika Lake LLC dba Roots Real Estate, Auburn, Alabama was charged on **Count 2** with violating *Code of Alabama, 1975*, Section 34-27-36(a)(19) by failing, in accordance with *Alabama Administrative Code Rule 790-X-3-.15*, to ensure that his company's licensee's advertisements conformed with license laws.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 1**, Commissioner Barran made a motion to find Ms. Cotney guilty. Commissioner Dye seconded the motion and it passed unanimously 9-0. Commissioner May made a motion to fine her \$2,500, suspend her license for 90 days, and require her to complete an Alabama license law course, in addition to the regular 15 hours of continuing education that is required by the Commission. Commissioner Dye seconded the motion and it passed unanimously 9-0.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 2**, Commissioner Tucker Smith made a motion to find Mr. Dunlop guilty and fine him \$2,500. Commissioner Lucas Robinson seconded the motion. Upon discussion, Commissioner Tucker Smith amended her motion to find him guilty and fine him \$1,500. Commissioner Echols seconded the amended motion and it passed 8-1 with Commissioner Dye voting against the motion.

James Page Todd, Application for Real Estate Salesperson Temporary License, Investigative File 23-327

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Todd's application for a real estate salesperson temporary license, Commissioner Barran made a motion to approve his application. Commissioner Campbell seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission VS. Jessica Lynn (Jessi) Martinez, Formal Complaint No. 3695

Jessica Lynn (Jessi) Martinez, Salesperson, EXP Realty LLC, Fairhope, Alabama was charged 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) by failing to notify the Commission in writing, by certified mail, within ten days after a notice to her of the institution of criminal prosecution against her, specifically her criminal arrest and indictment.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Dye made a motion to find her guilty. Commissioner Barran seconded the motion and it passed unanimously 9-0. Commissioner Tucker Smith made a motion to fine her \$1,500. Commissioner Echols seconded the motion and it passed unanimously 9-0.

Gerrick D. Brown, Application for Determination of Licensing Eligibility, Investigative File 23-334

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Brown's application for determination of licensing eligibility, Commissioner Barran made a motion to approve his application. Commissioner May seconded the motion and it passed unanimously 9-0.

At 12:15 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 45 minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barran made a motion that Commissioners go into executive session for approximately 45 minutes. Commissioner Echols seconded the motion and it passed unanimously 9-0.

At 1:00 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 Barran made a motion to return to open session. Commissioner Echols seconded the motion and it passed unanimously 9-0.

Commissioner McKinney left the meeting at 1:15 p.m. and did not participate in the remainder of the hearings and deliberations.

Alabama Real Estate Commission VS. Melek DeShawn Davis, Formal Complaint No. 3708

Melek DeShawn Davis, Salesperson, The Grisham Group LLC, Decatur, Alabama was charged with violating *Code of Alabama, 1975*, amended, Section 34-27-36(a)(15) by advertising himself as a real estate agent without the name or trade name of the qualifying broker or company under whom he is licensed appearing prominently on the advertisement.

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

Jonathan Lee Payne, Application for Real Estate Salesperson Temporary License, Investigative File 23-353

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Payne's application for a real estate salesperson temporary license, Commissioner May made a motion to approve his application. Commissioner Robinson seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Ashley Nicole Corriveau, Formal Complaint No. 3711

Ashley Nicole Corriveau, Inactive Salesperson, Athens, 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 Campbell made a motion to find her guilty. Commissioner Dye seconded the motion and it passed unanimously 8-0. Commissioner Dye made a motion to fine her \$1,500. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Michael J. Bernard, Application for Real Estate Salesperson Temporary License, Investigative File 24-003

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Bernard's application for a real estate salesperson temporary license, Commissioner Barran made a motion to approve his application. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Kendrick A. Orr, Application for Real Estate Salesperson Temporary License, Investigative File 23-318

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Orr's application for a real estate salesperson temporary license, Commissioner Campbell made a motion to approve his application. Commissioner May seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission VS. Shannon Rae Sharp, Formal Complaint No. 3700

General Counsel Starla Leverette advised Commissioners that this hearing had been continued without a date.

Not Appearings

Brice Taylor Gilbert, Application for Real Estate Salesperson Reciprocal License, Investigative File 23-363

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Gilbert's application for a real estate salesperson reciprocal license, Commissioner Echols made a motion to deny his request. Commissioner Tucker Smith seconded the motion and it passed unanimously 8-0.

Rachel Tullier, Request for Approval to Hold a Real Estate License After License Was Previously Revoked

Commissioner Robinson had not been sworn in at the time Ms. Tullier came before the Commission at the August 17, 2023 meeting; therefore, she did not vote on this request.

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Tullier's request for approval to hold a real estate license after a previous license revocation, Commissioner Barran made a motion to deny her request. Commissioner Echols seconded the motion and it passed unanimously 7-0-1 recused.

At 1:58 p.m. Hearing Officer Jim Hampton advised Chairman Smith that the second half of the 9:30 a.m. docket was concluded. At that time, Chairman Smith asked for a motion to stay in open session or go into executive session for approximately 20 minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barran made a motion that Commissioners go into executive session for approximately 20 minutes. Commissioner Campbell seconded the motion and it passed unanimously 8-0.

At 2:20 p.m. Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present, except Commissioner McKinney. Chairman Smith asked for a motion to return to open session. Commissioner Campbell made a motion to return to open session. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Confirm January 2024 Meeting Date and Location for the Record: January 18, 2024 at 9:00 a.m. in Montgomery, Alabama.

Commissioner May made a motion to confirm the January meeting for January 18, 2024, 9:00 a.m. in Montgomery, Alabama. Commissioner Dye seconded the motion and it passed unanimously 8-0.

Next Commission Meeting: Thursday, November 30, 2023 in Montgomery, Alabama.

There being no further business, Commissioner Lucas Robinson made a motion to adjourn the meeting at 2:27 p.m. Commissioner Echols seconded the motion and it passed unanimously 8-0.

Done this 26th day of October 2023.

Susan T. Smith, Chairman

Lori Moneyham, Recording Secretary