

## **MINUTES**

A meeting of the Alabama Real Estate Commission was held September 19, 2024, at the office of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, 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, and Kim Barelare. Commissioners Jim Dye and Em Barran were absent with notice. Commissioner Cerita Tucker Smith arrived at 9:20 a.m. due to traffic delays.

Commission staff members in attendance 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; Investigators K.C. Baldwin and Marshall Simons; Auditor Vicki Shackleford; Education Director Ryan Adair; Communications and Public Relations Director Lori Moneyham; Information Technology Director Eric Aldridge; Information Technology Programmer Chris Prestridge; and Accounting and Personnel Director Barbi Lee. The Hearing Officer was Jim Hampton.

Executive Director Vaughn T. Poe led the assembly in the Pledge of Allegiance.

### **APPROVAL OF THE MINUTES**

Chairman Campbell asked for a motion to approve the minutes from the August 22, 2024, Commission meeting. Commissioner Lucas Robinson made a motion to approve the minutes from the August 22 meeting. Commissioner Echols seconded the motion and it passed 5-1. Commissioner May abstained as she did not attend the August 22 meeting and Commissioner Tucker Smith was not present during this portion of the meeting.

### **EXECUTIVE DIRECTOR'S REPORT**

Director Poe acknowledged the retirement of Assistant Executive Director Teresa Hoffman. Ms. Hoffman served in this position for ten years from 2014-2024. The Association of Real Estate License Law Officials (ARELLO) produced a video that included well wishes for Ms. Hoffman from ARELLO friends and colleagues, Director Poe, and Commissioners. ARELLO President Scott Breidenbach presented Ms. Hoffman with the ARELLO Presidential Service Award, by video. Director Poe presented Ms. Hoffman with a resolution from the Alabama Real Estate Commission, a letter from Alabama governor Kay Ivey, and a 10-year State of Alabama service pin.

Chairman Campbell led everyone in a standing ovation as Ms. Hoffman came to the podium to present remarks. Ms. Hoffman express thankfulness for her long career in real estate regulation. She thanked the Commissioners for serving the Commission with integrity and instilling pride for their sacrifices and work. She also acknowledged the Commission staff, calling them "the true treasure of the real estate commission."

Director Poe stated that discussions were still ongoing with the Alabama Department of Risk Management regarding the insurance claim for the repair of the Commission building roof. Financial preparations were made for the roof repairs to begin during the 2025 fiscal year.

To date, \$611,168.12 has been paid to other state agencies. Fixed costs and expenditures are continuing to rise, while we have not increased our 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 43,333 total licenses and there are currently 37,553 unique individuals licensed. The growth rate for August 2024 was 6.90 new license applications per day, with 214

total new licenses issued in August 2024. We have renewed just over 33,626 licenses this renewal cycle, with more than 9,407 of those renewals coming in during the last week of August. Less than 8,000 license remain unrenewed, though renewals continue to be processed. A \$150 late penalty fee will be charged on all renewals received after August 31. There will be no renewal exceptions, exemptions, or waivers this year. The deadline is firm and will be strictly enforced.

There are currently 822 active education licenses issued, consisting of instructors, administrators, and schools. There was one continuing education course audited in August. Education specialists were staying in the office to assist with phone calls for license renewal. An instructor training with John Wenner was held September 13, 2024.

In August, the legal auditors performed 17 company audits and completed one assistance visit. We continue to prioritize and schedule those companies that have not been audited in more than 3 years.

Coffee with the Commission was held on Wednesday, September 18, 2024. Commissioner Echols and Director Poe were joined by Montgomery Area Association of REALTORS® Multiple Listing Service (MLS) President Ryan Beesley, and Birmingham Association of REALTORS® President Chris Wood to discuss the Alabama MLS and its implications for Alabama licensees. The basic premise of the conversation was the MLS and how licensees have adjusted following the National Association of REALTORS® (NAR) settlement with the U.S. Department of Justice. Nearly 80 people attended the virtual event.

Briefly Legal was held on September 5, 2024, on Microsoft Teams. General Counsel Starla Leverette discussed upcoming rule amendments and continuing education requirements, as well as the importance of keeping contact and address information current. Briefly Legal is held quarterly on Microsoft Teams. The next Briefly Legal will be held November 7, 2024.

Director Poe advised that he was invited to speak at the September 4, 2024, sales meeting for the team at Roberts Brothers Inc. He also spoke in Dothan at the request of former commissioner Danny Sharp. Commissioners Campbell, Echols, McKinney, and Lucas Robinson; Director Poe; and General Counsel Leverette led a roundtable lunch discussion during the Montgomery Area Association of REALTORS® MEGA Conference in Orange Beach, Alabama on September 11, 2024.

Director Poe advised Commissioners that the Commission office would be closed on October 14 in observance of Columbus Day/Fraternal Day/American Indian Heritage Day state holiday.

## **COMMISSIONER DISCUSSION**

Chairman Campbell provided an update on the Buyer Broker Agency Workgroup. She explained that the group specifically reviewed the Alabama RECAD rule. They also discussed possible effects from the National Association of REALTORS® (NAR) settlement with the U.S. Department of Justice and what it may mean for real estate practitioners.

## **HEARINGS – 9:30 a.m. Docket**

**Alabama Real Estate Commission VS. DHI Realty of Alabama LLC, Mellanie Wright, DHI Realty of Alabama LLC (DBA: Baldwin), Jacquelyn Brewer, William C. Moody, DHI Realty of Alabama LLC (DBA: Huntsville), Sandra Tompkins, DHI Realty of Alabama LLC (DBA: Mobile), Jennie Ely, DHI Realty of Alabama LLC (DBA: Tuscaloosa), Terrence McClure, Karin Hill, Annamarie Hall, DHI Realty of Alabama LLC (DBA: Montgomery), and Shelly Nulph, DHI Realty of Alabama LLC (DBA: Montgomery) - Case Number 24-411**

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

**Robert Jackson Belcher III - Application for Approval to Be Licensed After License Was Revoked - Case Number 24-344**

Upon discussion of the evidence and testimony presented in this matter, Commissioner Tucker Smith made a motion to approve Mr. Belcher's application. Commissioner Echols seconded the motion and it passed 7-0-0.

**Alabama Real Estate Commission VS. Julie Orth, Case Number 24-232**

Julie Orth, Qualifying Broker, Empire Property Management Services LLC, Huntsville, Alabama, was charged on **Count 1** by violating *Code of Alabama, 1975*, Section 34-27-36(a)(8) by failing to properly account for money coming into their possession which belongs to others.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Tucker Smith made a motion to find Ms. Orth guilty. Commissioner May seconded the motion and it passed 7-0-0. Commissioner Tucker Smith made a motion to fine Ms. Orth \$1,000. Commissioner Lucas Robinson seconded the motion and it passed 7-0-0. Commissioner Echols made a motion to find Empire Property Management Services LLC guilty. Commissioner May seconded the motion and it passed 7-0-0. Commissioner Tucker Smith made a motion to fine Empire Property \$1,000. Commissioner Lucas Robinson seconded the motion and it passed 7-0-0. Commissioners also requested a follow-up audit.

**Maggie Ieshia Hooks – Application for Determination of Licensing Eligibility, Case Number 24-343**

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

**Raquel Denise Jackson - Application for Real Estate Temporary Salesperson License, Case Number 24-439**

Upon discussion of the evidence and testimony presented in this matter, Commissioner May made a motion to approve Ms. Jackson's application. Commissioner Barelare seconded the motion and it passed 7-0-0.

**Alabama Real Estate Commission VS. Carlos Long and D&D Property Management LLC, Case Number 24-368**

D&D Property Management LLC, Huntsville, Alabama, was charged on **Count 1** with violating *Code of Alabama, 1976* Section 34-27-36(a)(19) by failing, in accordance with Section 34-27-31(j) to notify the Commission within ten days of receiving notice of a civil complaint, involving a real estate transaction, against the company and charged on **Count 3** with violating *Code of Alabama, 1976* Section 34-27-36(a)(19) by failing, in accordance with Section 34-27-31(k) to notify the Commission within 10 days of receiving notice of a judgement entered against the company in a civil action involving a real estate transaction. Carlos Long, Qualifying Broker, D&D Property Management LLC, Huntsville, 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(7) to take action as a qualifying broker, to prevent a licensee from violating license law when he had actual knowledge of the impending violation.

Upon discussion of the evidence and testimony presented in this matter, on **Count 1** Commissioner May made a motion to accept D&D Property Management's guilty plea. Commissioner Echols seconded the motion and it passed 7-0-0. Commissioner May made a motion to fine D&D Property Management \$500. Commissioner Tucker Smith seconded the motion and it passed 7-0-0. On **Count 2**, Commissioner May made a motion to accept Mr. Long's guilty plea. Commissioner Lucas Robinson seconded the motion and it passed 7-0-0. Commissioner May made a motion to fine Mr. Long \$500. Commissioner Tucker Smith seconded the motion and it passed 7-0-0. **Count 3** was dismissed.

**Jennifer Alexandria Thrash - Application for Real Estate Temporary License, Case Number 24-446**

Upon discussion of the evidence and testimony presented in this matter, Commissioner Echols made a motion to deny Ms. Thrash's application. Commissioner May seconded the motion and it passed 7-0-0.

**Alabama Real Estate Commission VS. Sheila Yarborough, Case Number 24-422**

Sheila Yarborough, Qualifying Broker, Sweet Homes Real Estate, Semmes, Alabama was charged on **Count 1** for violating the *Code of Alabama, 1975* Section 34-27-36(a)(16) for presenting to the 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 this matter, Commissioner May made a motion to find Ms. Yarborough not guilty. Commissioner Lucas Robinson seconded the motion and it passed 7-0-0. There was no fine or disciplinary action.

**Alabama Real Estate Commission VS. Chuyeon Kim, Case Number 24-203**

Commission General Counsel Starla Leverette advised Commissioners that this case has been continued without date.

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

Commission General Counsel Starla Leverette advised Commissioners that this case has been continued without date.

**CONSENT DECREES**

**Alabama Real Estate Commission VS. Jacob Fuqua, Case Number 24-435**

**Alabama Real Estate Commission VS. Learmie James, Case Number 24-423**

**Alabama Real Estate Commission VS. Bettie Slay, Case Number 24-398**

**Alabama Real Estate Commission VS. John Robinson, Case Number 24-380**

**Alabama Real Estate Commission VS. Jennifer Romano, Case Number 24-372**

**Alabama Real Estate Commission VS. Jason Button, Case Number 24-397**

**Alabama Real Estate Commission VS. Cindy Morgan, Case Number 24-381**

**Alabama Real Estate Commission VS. Michael Gould, Case Number 24-396**

**Alabama Real Estate Commission VS. Janet English, Case Number 24-460**

**Alabama Real Estate Commission VS. Harry Dodich, Case Number 24-400**

**Alabama Real Estate Commission VS. Terri Schaub, Case Number 24-382**

**Alabama Real Estate Commission VS. Devon Smith, Case Number 24-399**

**Alabama Real Estate Commission VS. Pam Baker, Case Number 24-456**

Commissioner May made a motion to accept the Consent Decrees. Commissioner Barelare seconded the motion and it passed 7-0-0.

The Commission will determine whether it conducts its disciplinary hearing disposition discussions and decisions in an Open Meeting or call an Executive Session.

Chairman Campbell asked for a motion to remain in open session or go into executive session for approximately thirty minutes to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barelare made a motion that Commissioners go into executive session until 11:20 a.m. to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner May seconded the motion and it passed 7-0-0.

At 11:48 a.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call and Commissioner Cerita Tucker Smith, who arrived at 9:20 a.m. Chairman Campbell 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 it passed 7-0-0.

**Confirm November 21, 2024, Meeting Date and Location for the Record:** Thursday, November 21, 2024, 9:00 a.m., in Montgomery, Alabama.

Commissioner May made a motion to confirm the November meeting for Thursday, November 21, 2024, at 9:00 a.m. in Montgomery, Alabama. Commissioner Deborah Lucas Robinson seconded the motion and it passed 7-0-0.

**Next Commission Meeting:** Thursday, October 24, 2024, 9:00 a.m., Research and Innovation Center, 540 Devall Drive, Auburn, Alabama.

There being no further business, Commissioner McKinney made a motion to adjourn the meeting at 12:30 p.m. Commissioner May seconded the motion and it passed 7-0-0.

Done this 19<sup>th</sup> day of September 2024.

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Jimmie Ann Campbell, Chair

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Lori Moneyham, Recording Secretary