

MINUTES

A meeting of the Alabama Real Estate Commission was held September 29, 2014, at the Renaissance Riverview Plaza Hotel, 64 South Water Street, Mobile, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Jewel Buford, Steve Cawthon, Reid Cummings, Carole Harrison, Clif Miller, and Dorothy Riggins-Allen; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman, General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; Education Director Ryan Adair; and Investigators David Erfman, Phillip Bunch and K. C. Baldwin. Tori Adams served as Hearing Officer. Commissioner Danny Sharp was absent with notice.

The meeting having been duly noticed according to the Alabama Open Meeting Act, was called to order at 1:00 p.m. by Chairman Bill Watts and a quorum was declared.

Commissioner Wright made a motion to approve the minutes from the August 21, 2014 meeting. Commissioner Buford seconded the motion and it passed unanimously 8-0.

Executive Director Patricia Anderson presented the financial report for August. Both revenues and expenditures remain under projections. There will be an end of year report given at the October Commission meeting. Ms. Anderson called attention to the Recovery Fund balance and stated that expenditures continue to exceed revenues.

Ms. Anderson then shared information regarding the status of license renewals. She reported that 84%, or 23,900, of those who were eligible to renew have renewed thus far. Of total licensees who have renewed, 77% have renewed online while the other 23% have been in-house renewals.

Ms. Anderson presented new Commission logo pins to Commissioners. She thanked Commissioner Cawthon for the idea and thanked Public Relations Manager Vernita Oliver-Lane for designing them.

Ms. Anderson introduced new Assistant Executive Director Teresa Hoffman to Commissioners, staff and audience. Commissioners welcomed Ms. Hoffman and expressed that they looked forward to working with her.

Chairman Watts recognized Commissioner Buford for her service on the Commission and read into the minutes a resolution in her honor. Approval was granted by standing ovation. Commissioner Buford's nameplate was presented to her and she gave a statement regarding her service on the Commission.

Commissioner Cummings made a motion to conduct disciplinary disposition discussions and decisions in an open meeting. Commissioner Wright seconded the motion and it passed unanimously 8-0.

HEARINGS

John (Jay) Armour, Request for Hardship Renewal of Lapsed Broker License, I-14,408

Upon consideration of the evidence and testimony presented by Mr. Armour regarding his request for hardship renewal of his lapsed broker license, Commissioner Cawthon made a motion to deny the request. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

Randy Bernard Glover, Application for Determination of Licensing Eligibility, I-14,424

Upon discussion of the evidence and testimony presented by Mr. Glover regarding his application for determination of licensing eligibility, Commissioner Cummings made a motion to approve the request. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Efrain D. Hernandez, Formal Complaint No. 3346

Mr. Hernandez's attorney requested and was granted a continuance until the October meeting because his attorney had to be in court on September 29.

Alabama Real Estate Commission vs. Randall D. Hilsman, Formal Complaint No. 3340

Randall D. Hilsman, Salesperson, Carney Realty Inc., Gulf Shores, Alabama, was charged on Count 1 of violating *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-30(8) by his company procuring or assisting in procuring prospects for the purpose of effecting the sale, exchange, lease, or rental of real estate situated within the State of Alabama for a fee, commission, or other valuable consideration and not holding a real estate company license and on Count 2 of violating; Section 34-27-36(a)(19) by failing to comply with Section 34-27-30(10) by holding out to the public that Bama Beach Front Rentals, an unlicensed company, was able to perform real estate property management for which a license is required, without it being properly licensed.

Evidence and testimony were presented in this matter; however, due to failure to deliver a subpoena to a witness, this hearing will be continued at a future meeting of the Commission.

NOT APPEARING ITEMS FOR RULING

Eric Fraser, Request to Renew Salesperson's License with Penalty Fee Waived, I-14,428

Upon review of Mr. Fraser's request for waiver of the renewal penalty fee, Commissioner Wright made a motion to deny the request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Raymond D. Brannum and Brannum Real Estate, Inc., Request to Renew Company and Broker Licenses with Penalty Fee Waived, I-14,437

Upon review of Mr. Brannum's request for waiver of renewal penalty fees for his broker and company licenses, Commissioner Buford made a motion to deny the request. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Manuel Olivas, Request to Renew Salesperson License with Penalty Fee Waived, I-14,438

Upon review of Mr. Olivas' request for waiver of renewal penalty fees for his salesperson license, Commissioner Riggins-Allen made a motion to deny the request. Commissioner Wright seconded the motion and it passed 7-1 with Commissioner Cawthon voting against the motion.

Roe Collins, Request to Pay Fine in Monthly Payments, Formal Complaint 3345

Upon review of the request by Mr. Collins that he be allowed to pay no less than \$500 per month toward his \$5,000 fine until the fine is paid in full, Commissioner Cawthon made a motion to deny the request. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Teresa Batts Walker, Application for Licensure, I-14,430

Upon review of Ms. Walker's application for a temporary salesperson license, Commissioner Cummings made a motion to deny the request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Letitia Weaver, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3551

Upon review of the evidence and testimony presented in the matter of Letitia Weaver, Salesperson, Carnival Real Estate, Huntsville, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an electronic check for payment of the real estate license renewal fee which was returned unpaid by the bank upon which it was drawn, Commissioner Cummings made a motion to find Ms. Weaver guilty and fine her \$250. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

Confirm Next Meeting Date and Location for the Record

Commissioner Cummings made a motion to approve the next Commission meeting date and location for October 23, 2014 at 9:00 a.m. at the Commission office in Montgomery, Alabama. Commissioner Wright seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 3:30 p.m.

Done this 29th day of September, 2014.

Bill Watts, Chairman

Teresa Hoffman, Recording Secretary