

MINUTES

A meeting of the Alabama Real Estate Commission was held September 26, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Vice Chairman Danny Sharp; Commissioners Emmette Barran, Reid Cummings, Cindy Denney, Joyce Harris, Carole Harrison and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman, General Counsel Mandy Speirs, Assistant General Counsel Starla Van Steenis; Investigators David Erfman, K. C. Baldwin, Rickey Fennie and Marshall Simons. The Hearing Officer was Jim Hampton. Chairman Bill Watts was absent with notice and the consumer member position is currently vacant.

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; Accounting and Personnel Director Molli Jones; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Programmer Analyst Eric Aldridge; 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 by Vice Chairman Sharp at 9:00 a.m. and a quorum was declared.

Vice Chairman Sharp recognized Commissioner Cindy Denney and read a resolution commending Commissioner Denney for her five years of service to the Alabama Real Estate Commission. Commissioner Barran made a motion that the resolution honoring the distinguished service of Commissioner Cindy Denney be spread upon the minutes of the September 26, 2019 meeting. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Commissioner Harrison made a motion to approve the minutes from the August 22, 2019 meeting. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

Executive Director Patricia Anderson presented the August 2019 financial report. She gave Commissioners an update for revenues and expenditures in the operating and recovery fund accounts.

Ms. Anderson discussed the 2019 ARELLO® Annual Conference that was held in Denver, Colorado September 18-22, 2019. Commissioner Harris praised Education Director Ryan Adair for his personal assistance on the trip back to Montgomery.

Ragan Ingram with Steve Windom, LLC provided the Commissioners with an update regarding the Alabama Legislature. The Commission on Evaluation of Services has been established by Legislative Act. A 12-person task force composed of six legislators and six non-legislative members is scheduled to meet on September 30, 2019. Commissioners were reminded that the 2020 Legislative Session begins February 4.

General Counsel Mandy Speirs provided an update on pending recovery fund cases and stated an answer from the Alabama Supreme Court is expected very soon regarding the Snell case.

COMMISSIONER DISCUSSION

Vice Chairman Sharp asked Commissioners if changing the meeting date for January 2020 from January 23 to January 16 would be acceptable to everyone. After discussion, it was decided to keep the meeting as originally scheduled on January 23, 2020.

Commissioner Cummings made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Commissioner Barran seconded the motion and it passed unanimously 7-0.

HEARINGS

Alonzo Lamont McCants, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-15,592

Upon discussion of the evidence and testimony presented in the matter regarding his request to be relicensed after previous license revocation, Commissioner Harrison made a motion to deny his request. Commissioner Denney seconded the motion and it passed unanimously 7-0.

David Brown, Application for Real Estate Salesperson Temporary License, Investigative File I-19,016

Upon discussion of the evidence and testimony presented in the matter regarding his application for temporary salesperson license, Commissioner Smith made a motion to approve his application. Commissioner Denney seconded the motion and it passed unanimously 7-0.

Caitlyn Brown, Application for Determination of Licensing Eligibility, Investigative File I-19,015

This hearing was continued until the October meeting.

Heather Acton, Application for Determination of Licensing Eligibility, Investigative File I-19,018

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Denney made a motion to approve her application. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Rowena Gadson, Application for Determination of Licensing Eligibility, Investigative File I-19,017

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of licensing eligibility, Commissioner Cummings made a motion to deny her application. Commissioner Harrison seconded the motion and it passed 6-1 with Commissioner Harris voting against the motion.

Ihsan Locklyn, Application for Determination of Licensing Eligibility, Investigative File I-19,019

Upon discussion of the evidence and testimony presented in the matter regarding his application for determination of licensing eligibility, Commissioner Barran made a motion to approve his application once all restitution monies are paid; however, this contingent approval is only valid for six (6) months from the date of receipt of notification and is subject to an acceptable background check. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Thomas Byrnes, Application for Real Estate Salesperson License, Investigative File I-15,559

Commissioner Smith offered to recuse herself from this hearing, but Mr. Byrnes declined her offer.

Upon discussion of the evidence and testimony presented in the matter regarding his application for real estate salesperson license, Commissioner Denney made a motion to approve his application. Commissioner Harrison seconded the motion and it passed unanimously 7-0.

William B. Hankins II, Application for Real Estate Temporary Salesperson License, Investigative File I-15,578

Upon discussion of the evidence and testimony presented in the matter regarding his application for real estate temporary salesperson license, Commissioner Smith made a motion to approve his application. Commissioner Denney seconded the motion and it passed 6-1 with Commissioner Harrison voting against the motion.

Alabama Real Estate Commission vs. Tina Marie Daversa and Stacy Burgos Rodgers, Formal Complaint No. 3486

Tina Marie Daversa, Salesperson, eXp Realty, LLC, Southern Branch, Montgomery, Alabama, was charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-30(1), (3), and (8) by operating an unlicensed company for the purpose of renting real property she did not own with expectation of collecting a fee, commission, or other valuable consideration.

Tina Marie Daversa was charged on **Count 2** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by, as real estate salesperson, failing to pay over to her qualifying broker all funds coming into her possession in trust for other parties immediately upon receipt of same in violation of Commission Rule 790-X-3-.03(2).

Stacy Burgos Rodgers, Qualifying Broker, Alabama Gulf Coast LLC d/b/a Keller Williams Alabama Gulf Coast, Branch Office, Daphne, Alabama, was charged on **Count 3** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) in her failure to comply with Section 34-27-34(a)(2), which states "It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or her for which he or she is qualifying broker comply with this chapter," by allowing Respondent Daversa to operate an unlicensed company involved in renting real property for others.

Regarding **Count 1**, Commissioner Cummings made a motion to find Ms. Daversa guilty. Commissioner Smith seconded the motion and it passed unanimously 7-0. Commissioner Denney made a motion to revoke Ms. Daversa's license. Commissioner Harrison seconded the motion and it passed unanimously 7-0. Commissioner Smith made a motion to fine Ms. Daversa \$2,500. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

Regarding **Count 2**, Commissioner Cummings made a motion to find Ms. Daversa guilty. Commissioner Barran seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to revoke Ms. Daversa's license. Commissioner Harris seconded the motion and it passed unanimously 7-0. Commissioner Smith made a motion to fine Ms. Daversa \$2,500. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Regarding **Count 3**, Commissioner Cummings made a motion to find Ms. Rodgers guilty. Commissioner Harrison seconded the motion and it passed unanimously 7-0. Commissioner Cummings made a motion to fine Ms. Rodgers \$500. Commissioner Barran seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

Michele Leigh Enzor, Request for Extension of Deadline to Apply for Original Salesperson License, Licensing File LC2019-014

Upon review of the request by Ms. Enzor for an extension of the deadline to apply for an original salesperson license, Commissioner Barran made a motion to grant her a 30-day extension. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

Brenda Reeves Harrington, Request for Extension of Deadline to Apply for Original Salesperson License, Licensing File LC2019-013

Upon review of the request by Ms. Harrington for an extension of the deadline to apply for an original salesperson license, Commissioner Harris made a motion to grant her a 30-day extension. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

LaSharn Ayers Calhoun, Request for Extension of Deadline to Apply for Original Salesperson License, Licensing File LC2019-015

Upon review of the request by Ms. Calhoun for an extension of the deadline to apply for an original salesperson license, Commissioner Harris made a motion to grant her a 30-day extension. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

William Reis, Request for Extension of Deadline to Pass the Salesperson License Examination, Education File ED2019-020

Upon review of the request by Mr. Reis for an extension of the deadline to pass the salesperson license examination, Commissioner Cummings made a motion to grant a 6-month extension. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Stephanie Pigg, Request to have Salesperson Operate Out of Home Office, Investigative File I-19,043

Upon review of the hardship request by Ms. Pigg to have salesperson operate out of home office, Commissioner Barran made a motion to approve her request. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

Confirm November Meeting Date and Location for the Record: November 21, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Harrison made a motion to confirm the November meeting for November 21, 2019 at 9:00 a.m. in Montgomery, Alabama. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Next Commission Meeting: Thursday, October 24, 2019, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 1:03 p.m.

Done this 26th day of September 2019.

Danny Sharp, Vice Chairman

Barbi Lee, Recording Secretary