

## COMMISSION WELCOMES NEW COMMISSIONER JAMES L. DYE

The Commission is pleased to announce the appointment of new Commissioner James L. Dye. Commissioner Dye represents the Sixth Congressional District and his term is effective through September 30, 2026.

Commissioner Dye is COO and general manager of RealtySouth in Birmingham, Alabama and has over 40 years in the real estate industry. He is an active member of the Birmingham Association of REALTORS® (BAR) and served



as the Association's president in 2009. He has served as a director at the local, state and national level and has won numerous awards, most recently REALTOR® Emeritus. Commissioner Dye was recognized as the Alabama REALTOR® of the Year in 2010 and was awarded the Robert Jemison Award in 2013. He has chaired the National Association

of REALTORS® (NAR) risk management committee, the Alabama Association of REALTORS® PAC and other committees. He has been a speaker and on various panels at state and national meetings and has written a continuing education risk management class that is used statewide, the principles of which have helped modify some practices at many offices in the Birmingham area and have reduced current lawsuits significantly.

Commissioner Dye has served as a deacon in his church, a director of Big Brothers Big Sisters, Young Business Leaders of Birmingham, Greater Birmingham YMCA, and Breast Cancer Research Foundation of Alabama. He also coached his children's ball teams. He is the father of four children and grandfather of four. When he is not brokering real estate, his hobbies include hunting, fishing and traveling with his wife, Lois.

**Congratulations, Commissioner Dye!**

The Commission has a total of nine Commissioners who are appointed by the governor and confirmed by the Alabama Senate. Commissioner Dye joins fellow Commissioners:



**Emmette Barran**, Chairman  
Fifth Congressional District  
Decatur



**Terri C. May**, Vice Chairman  
Consumer-At-Large  
Sawyer ville



**Jimmie Ann Campbell**  
Second Congressional District  
Montgomery



**Betsy Echols**  
Third Congressional District  
Montgomery



**Joyce Shivers Harris**  
Industry Member-At-Large  
Selma



**Randy McKinney**  
First Congressional District  
Gulf Shores



**Cerita Tucker Smith**  
Seventh Congressional District  
Birmingham



**Susan T. Smith**  
Fourth Congressional District  
Auburn

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## The Legality of Teams



As the real estate market has boomed, so has the practice of using real estate teams. A real estate team is a selected group of licensees within a brokerage that work together to maximize services offered to consumers. Generally, the team leader is an experienced associate broker or salesperson that mentors and assists the other team members. Alabama law does not recognize real estate teams, specifically, but there are general areas of license law that licensees must be mindful of when creating and operating within a team.

Forming teams within a brokerage does not absolve the qualifying broker of any responsibility in supervising each person licensed under the broker. *Alabama Administrative Code* Rule 790-X-3-.15 provides a list of thirteen

circumstances when a broker could be charged for failing to supervise his/her licensees, and all thirteen of those circumstances apply even if the brokerage uses teams. While the team leader may be a helpful mentor to team members, the buck stops with the qualifying broker to make sure that the company's licensees are following license law.

Alabama law requires each main office and branch office to have a qualifying broker. The Commission considers a location licensees advertise as their office or a location where licensees meet consumers or other licensees to conduct business to be an office. Teams are not allowed to operate out of an office separate from their qualifying broker.

Most complaints that the Commission

receives against teams concern advertising. *Code of Alabama, 1975* Section 34-27-36 prohibits a licensee from advertising in a misleading fashion and requires all advertisements to prominently display the name of the brokerage or the name of the qualifying broker. Teams are sometimes named in a manner that would mislead a consumer into believing that the team is an independent real estate company. This issue is only compounded when the team's name appears much larger on the advertising than the name of the brokerage. To stay in compliance, please choose team names that clearly identify the team as a team or group and always place the name of the brokerage prominently on advertisements.



## CE Requirement Change for Brokers

As part of the Commission's commitment to improving the quality of licensed brokers, a new 3-hour CE course was developed and became an education requirement on October 1, 2022. This course is required for both associate brokers and qualifying brokers who need to activate or renew a license.

Any broker who has already renewed a license on active status will only be required to complete this CE course for the 2024 license renewal because all CE requirements will already be satisfied for the current license period. That means the CE requirements in 2024 will be the 3-hour Risk Management: Initial Contact to Accepted Offer course, the 3-hour Mandatory Broker CE course, and 9 hours of elective CE courses.

The CE requirements for salesperson licensees will not change. How-

ever, salesperson licensees who would like an opportunity to take this course may do so and receive elective CE credit.

### **RULE 790-X-1-.11 (2)(A-C) NOW READS:**

(2) Effective October 1, 2022, to meet continuing education requirements, associate brokers and qualifying brokers shall complete fifteen (15) clock hours each license period as set out below:

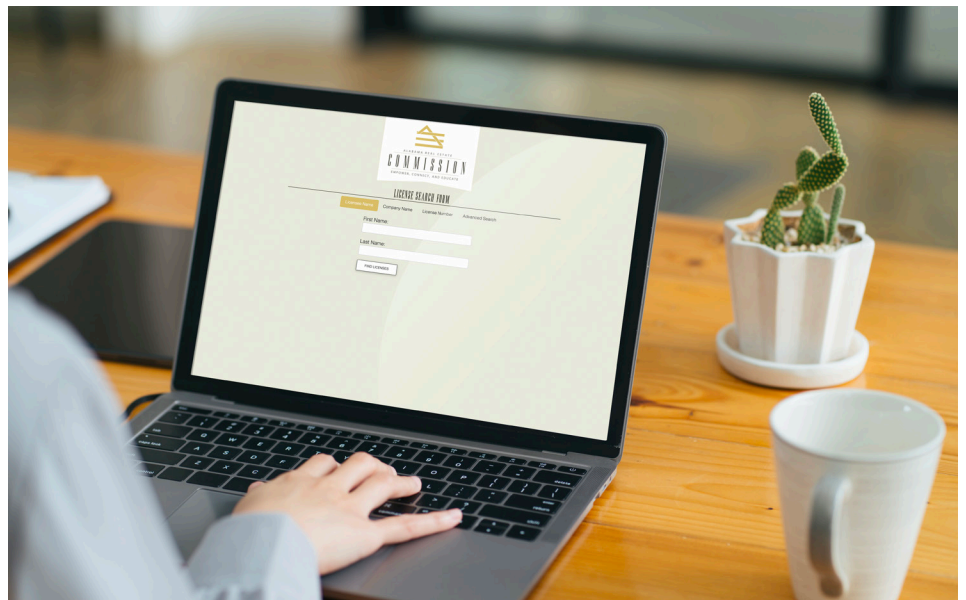
- (a) Three (3) clock hours in the Commission-approved Risk Management course.
- (b) Three (3) clock hours in the Commission-approved Qualifying Broker course.
- (c) Nine (9) clock hours in Commission-approved courses.

## Confirm Your Status Through License Status Verification

You can confirm your license status for the new 2023-2024 renewal year by searching License Status Verification on the Commission's website, [arec.alabama.gov](http://arec.alabama.gov). Performing this search will confirm whether your license is active, inactive and renewed, or inactive and expired (not renewed). The status of a company license can also be verified using this search feature.

To use License Status Verification, select Professionals on the main menu of the Commission's website. Go to the Licensing section, select License Search and then select License Status Verification. From this screen you will be able to search by name or license number to locate an individual's or a company's license status. You can also choose the Advanced Search option to perform a more detailed search.

Once you locate your individual or company license record you will be able to verify whether the license is active or inactive, renewed and/or current until September 30, 2024 by reviewing the Renewal Expires and License Expires dates. If both dates read September 30, 2024 then the license is current and renewed. If you renewed



your license and find that it is inactive, but you anticipated it being active, then you probably did not meet the 15-hour CE requirement by September 30, 2022. If this is the case, then you must complete your CE requirements prior to activating your license. The fee to activate an inactive license is \$25. If both dates are Sep-

tember 30, 2022 then the license has expired and has not been renewed.

Temporary salesperson licenses and original licenses issued on or after October 1, 2022 did not require renewal for 2023-2024; however, the status of licenses that fall into these categories can still be checked using this search.

# Changes to Rule 790-X-1-.03 Became Effective September 2022

Rule 790-X-1-.03, when read together with licensing statutes, was not clear as to which laws applied to licensees when licensees were conducting transactions wherein the licensee was a principal party to the transaction. This amendment clarifies the circumstances when licensees acting as a principal party to a transaction are governed by statutes and regulations applicable to licensees.

## **RULE 790-X-1-.03. LICENSE REQUIREMENTS.**

- (1) Rental leasing and/or property management services for Alabama real estate licensees include but are not limited to:
  - (a) Rent or lease real estate situated within the State of Alabama.
  - (b) Offer to rent or lease real estate situated within the State of Alabama.
  - (c) Negotiate, or to attempt to negotiate the rental or leasing of real estate situated within the State of Alabama.
  - (d) List or offer or attempt or agree to list real estate for rental or lease situated within the State of Alabama.
  - (e) Aid, attempt, offer to aid in locating, or obtaining for rent, or lease any real estate situated within the State of Alabama.
  - (f) Procure or assist in procuring the prospects for the purpose of effecting the lease, or rental of real estate situated within the State of Alabama.
  - (g) Procure or assist in the procuring of properties for the purpose of effecting the lease, or rental of real estate situated within the State of Alabama.
  - (h) Entering into an agreement or contracting for the collection and escrow of security deposits, and entering into an agreement or contracting for the collection and escrow of rental payments for properties situated within the State of Alabama.
  - (i) Coordinate physical maintenance and repairs for real property under rental or lease management agreement with an Alabama real estate licensee, and situated within the State of Alabama, when the coordination of physical maintenance or repairs does not require licensure pursuant to other state regulatory agencies or boards, or when the real estate licensee holds the license or licenses required by other state regulatory agencies or boards to coordinate or perform the physical maintenance or repairs.
- (2) Code of Ala. 1975, Section 34-27-2(b)(1), exempts owners of real property from the licensing requirements of Articles 1 and 2 of Chapter 27 when managing his own property or consum-

mating a real estate transaction involving his own property. As used in Code of Ala. 1975, Section 34-27-2(b)(1), the term "owner" is defined as the individual owner himself, or in the case of a corporation or partnership, a partner or corporate officer, who has authority to and does make management decisions affecting the overall policy of the corporation or partnership.

~~(3) Any person who elects to become licensed as a broker or salesman may advertise property of which he is the owner in the same way as any private party. However, such a licensee must abide by all of the other provisions of the law and the rules promulgated by the Commission in any and all real estate transactions in which he may be involved, whether the subject property is his own, the property of his spouse, child, parent, or is the property of a member of the public. If a person licensed as a broker or salesman chooses to advertise his own property as if he is a licensed broker or salesman, then all such advertising as well as all other activities involving such property must be conducted strictly in accordance with Chapter 27 of Title 34, Code of Ala. 1975, and the rules promulgated by the Alabama Real Estate Commission.~~

(3) When engaging in a transaction in which the licensee or his or her spouse, child or parent is a principal party to the transaction, the licensee is governed by the provisions in Chapter 27 of Title 34, Code of Ala. 1975, that apply to licensees and the rules promulgated by the Alabama Real Estate Commission that apply to licensees only if:

- (a) the licensee advertises, markets, or otherwise conveys that the licensee is engaging in the transaction through the licensee's broker or company; or
- (b) the licensee seeks to or does obtain compensation for acting as a licensee in the transaction.

This rule does not prevent a company from enacting policies and procedures for their licensees engaging in transactions in which their licensees or their licensees' spouses, children, or parents are the principal party.

~~(3)(4)~~ Code of Ala. 1975, Section 34-27-30(5), requires that one who auctions, or offers or attempts or agrees to auction real estate must be licensed under Articles 1 and 2. Persons commonly referred to as "ground men" are not required to be licensed, provided their activities shall be limited to relaying crowd participation bids to the auctioneer.

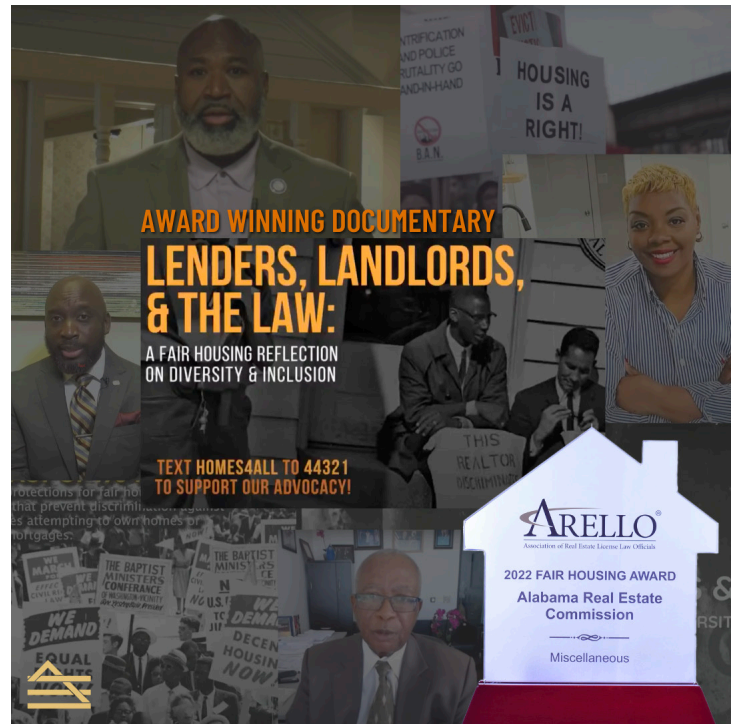
# Alabama Real Estate Commission Receives ARELLO® Fair Housing Award

The Alabama Real Estate Commission was awarded the 2022 Fair Housing Award from the Association of Real Estate License Law Officials (ARELLO®). The Commission submitted an award entry for the video “Lenders, Landlords, and the Law: A Fair Housing Reflection on Diversity & Inclusion” on behalf of the Birmingham Civil Rights Institute (BCRI). The award was presented at the 2022 ARELLO® Annual Conference on August 31 in Nashville, Tennessee.

BCRI partnered with The Birmingham Association of REALTORS®

(BAR), the Birmingham Realist Association, Barnes & Associates Realtors, Bancorp South | Cadence, and Arkadia One, LLC for the production of the documentary film to help educate the public about housing discrimination, segregation, and the people working to correct these social and economic wrongs.

The Fair Housing Award acknowledges impactful efforts to further fair housing and to promote anti-discrimination in housing. The purpose of the Fair Housing Award is (1) to recognize outstanding fair housing programs that benefit the real estate industry in the promotion of, and compliance with, fair housing; (2) to increase the awareness of outstanding fair housing programs; and (3) to protect the public through honoring and promoting excellence in fair housing education programs.



Commissioner Cerita Tucker Smith (L) and Lori Moneyham, Communications and PR Specialist Senior with the Alabama Real Estate Commission accept the ARELLO® Fair Housing Award.

ARELLO® is an international membership-based organization, with a mission to support jurisdictions in the administration and enforcement of their real estate license laws. ARELLO® member organizations represent nearly every continent on the globe.



## Join Us for Live Events!

By Taylor Hooks, Communications and PR

We encourage you to attend our live events on Microsoft Teams: Coffee With the Commission and Briefly Legal. Coffee with the Commission is held monthly the day before the Commission meeting. It is hosted by our Executive Director, Vaughn T. Poe, and members of our licensing, education, legal, accounting, or investigations divisions. Briefly Legal is held quarterly. It is hosted by our general counsel or assistant general counsel.

The hosts of both events discuss important topics relevant to real estate licensees and consumers. Both are interactive so attendees can ask questions and comment in real time. This is a great opportunity for licensees and the public to interact with the Commission. We host these events so we can not only provide valuable information, but can also assist you with questions and concerns that you might have. Go to our website @arec.alabama.gov the morning of each event to access the link to join on Microsoft Teams. Notification of upcoming events are posted on our Facebook, Twitter and Instagram social media sites and on our website calendar.





## DISCIPLINARY ACTIONS

*Penalties for violations of the Real Estate License Law and Commission rules vary depending upon the particular facts and circumstances present in each case. Due to space limitations in The Update, a complete description of the facts cannot be reported below.*

### DISPOSITION

The below were found guilty of violating Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn.

#### **Rebecca Lynn Foster**

**License No. 000118897**

Associate Broker; Harvest, Alabama

Date of Hearing: February 17, 2022

**Fined \$250**

#### **Margryette Boyd**

**License No. 000121061**

Salesperson; Columbus, Georgia

Date of Hearing: March 24, 2022

**Fined \$250**

#### **Taisha Bobbs Rogers**

**License No. 000103200**

Associate Broker; Birmingham, Alabama

Date of Hearing: March 24, 2022

**Fined \$250**

#### **Rolethia Scott**

**License No. 000128440**

Salesperson; Birmingham, Alabama

Date of Hearing: March 24, 2022

**Fined \$250**

#### **Benjamin Daniel Hedden**

**License No. 000123781**

Qualifying Broker; Birmingham, Alabama

Date of Hearing: April 21, 2022

**Fined \$100**

#### **Kaleijara Dominique Holmes**

**License No. 000117545**

Salesperson; Mobile, Alabama

Date of Hearing: April 21, 2022

**Fined \$500**



#### **Jack Hunter Medsker**

**License No. 000142858**

Salesperson; Redfield, Arkansas

Date of Hearing: April 21, 2022

**Fined \$100**

#### **Taylor Harrelson Parker**

**License No. 000139431**

Salesperson; Enterprise, Alabama

Date of Hearing: April 21, 2022

**Fined \$250**

#### **Justin Ridgeway**

**License No. 000106402**

Salesperson; McCalla, Alabama

Date of Hearing: April 21, 2022

**Fined \$100**

#### **Kurt A Scheer**

**License No. 00087199**

Qualifying Broker; Trussville, Alabama

Date of Hearing: April 21, 2022

**Fined \$100**

#### **Sophia Rose Thomas**

**License No. 000140637**

Salesperson; Littleton, Colorado

Date of Hearing: April 21, 2022

**Fined \$100**

*(Continued on page 7)*

**MARCH – SEPTEMBER 2022**

**APPLICATION FOR LICENSURE**

(Includes Applications for Temporary, Broker or Reciprocal licenses.) These numbers represent persons who have come before the Commission requesting hardship extensions to renew licenses, complete exams or submit applications past the deadline. They also represent those who request applications for change in status (i.e. salesperson to broker).

<b>APPROVED</b> .....	19
<b>DENIED</b> .....	3

**DETERMINATION OF ELIGIBILITY**

(Applications for Licensing Eligibility Determination)

These numbers represent persons who come before the Commission requesting approval to be licensed, mainly persons who have criminal prosecutions show in their criminal background checks. They have an opportunity to explain to Commissioners the circumstances surrounding these incidences and be granted permission to proceed with the licensing process or not, based on the Commissioners’ ruling.

<b>APPROVED</b> .....	14
<b>DENIED</b> .....	2

**COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF**

<b>FROM LICENSEES</b> .....	2,436
<b>FROM PUBLIC</b> .....	1,547
<b>ANONYMOUS/COMMISSION</b> .....	109

**Pamela Elaine Hardnett Armistead**  
**License No. 000143883**  
 Qualifying Broker; Snellville, Georgia  
 Date of Hearing: May 19, 2022  
**Fined \$100**

**Teacha Marie Davis**  
**License No. 000088099**  
 Associate Broker; Helena, Alabama  
 Date of Hearing: May 19, 2022  
**Fined \$100**

**William Gray Thomas Goodwin**  
**License No. 000135429**  
 Salesperson; Sweet Water, Alabama  
 Date of Hearing: May 19, 2022  
**Fined \$750; License suspended until fine was paid**

**Terri Turner Kennedy**  
**License No. 000071086**  
 Salesperson; Tuscaloosa, Alabama  
 Date of Hearing: May 19, 2022  
**Fined \$250**

**Sarah Ann Wilson (aka Sarah Ann Thibault)**  
**License No. 000143036**  
 Salesperson; Mobile, Alabama  
 Date of Hearing: May 19, 2022  
**Fined \$100**

**Letitia Renee Norwood**  
**License No. 000137955**  
 Salesperson; Semmes, Alabama  
 Date of Hearing: June 23, 2022  
**Found guilty; No fine assessed**

**KEEP CURRENT WITH YOUR CONTACT INFORMATION**

MAKE SURE THESE ARE CORRECT WITH THE COMMISSION:

- RESIDENCE ADDRESS • BUSINESS ADDRESS
- EMAIL • PHONE NUMBER

VISIT OUR WEBSITE: [AREC.ALABAMA.GOV](http://AREC.ALABAMA.GOV)

USE THE ONLINE SERVICES LOGIN [Online Services Login](#) TO UPDATE YOUR INFORMATION

**THE COMMISSION MUST BE NOTIFIED OF THIS CHANGE WITHIN 30 DAYS**

SECTION 34-27-35(H)



ALABAMA REAL ESTATE

# COMMISSION

EMPOWER, CONNECT, AND EDUCATE



**EMPOWER** Empowering the real estate professional and the consumer.



**CONNECT** Connecting the real estate professional and consumer to the resources they need.



**EDUCATE** Educating the real estate professional and the consumer.

## COMMISSIONERS

- Emmette Barran, Decatur, *Chairman*
- Terri C. May, Sawyerville, *Vice Chairman*
- Jimmie Ann Campbell, Montgomery
- James L. Dye, Birmingham
- Betsy Echols, Montgomery
- Joyce Shivers Harris, Selma
- Randy McKinney, Gulf Shores
- Cerita Tucker Smith, Birmingham
- Susan T. Smith, Auburn

## ALABAMA REAL ESTATE COMMISSION

- Vaughn T. Poe, Executive Director
- Teresa D. Hoffman, Asst. Executive Director
- Vernita Oliver-Lane, Editor
- Lori Moneyham, Associate Editor

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## THE UPDATE

is published for the benefit of the Alabama Real Estate Industry by the Alabama Real Estate Commission.

## COMMISSION MEETINGS OPEN TO THE PUBLIC

All Commission meetings are open to the public and that includes real estate licensees. Commissioners welcome and encourage attendance and observation by any licensee in any location. Locations, dates, and times can be found on the Commission's website at [arec.alabama.gov](http://arec.alabama.gov).

## REAL ESTATE LICENSES EXPIRE SEPTEMBER 30, 2022

Remember to renew all broker, salesperson, and company licenses in every even-numbered year.

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## 2023 Official State Holidays

The Commission offices will be closed for the following official state holidays in 2023:

January 2	New Year's Day
January 16	Martin Luther King Jr. & Robert E. Lee Birthdays
February 20	George Washington & Thomas Jefferson Birthdays
April 24	Confederate Memorial Day
May 29	Memorial Day
June 5	Jefferson Davis' Birthday
July 4	Independence Day
September 4	Labor Day
October 9	Columbus Day, Fraternal Day & American Indian Heritage Day
November 10	Veterans' Day
November 23	Thanksgiving
December 25	Christmas Day