

Revised Continuing Education Requirements... SPREAD THE WORD

By Ryan Adair, Education Director



The change in continuing education (CE) requirements has already been advertised but the message has not

reached all licensees. Therefore, this article is an effort to continue spreading the word of new CE requirements for all licensees. All qualifying brokers are encouraged to share this with licensees in your company to make sure everyone understands.

Previously, all licensees taking courses in Alabama have been required to complete a three-hour course in Risk Management and 12 additional hours of approved courses. A decision was made by our commissioners to approve a rule amendment that now requires **six hours of Risk Management and nine hours of other approved courses** for license renewal and/or activation. The following explains the rule amendment and the new requirements:

Rule 790-X-1-.11. Course Content for Continuing Education.

- (1) To meet continuing education requirements, licensees shall complete fifteen (15) clock hours each license period as set out below beginning October 1, 2012:
 - (a) Three (3) clock hours in Risk Management Level 1. In this level, brokers and salespersons shall take the Risk Management: Avoiding Violations course.
 - (b) Three (3) clock hours in Risk Management Level 2. In this level, all brokers shall take the Risk Management for Brokers course. Salespersons shall take the Risk Management for Salespersons course, the Risk Management for Brokers course, or an industry-specific Risk Management course approved for Level 2 credit by the Commission.
 - (c) Nine (9) clock hours in Commission-approved courses

An easy way to remember the new Risk Management requirements is to recognize the icons representing the coursework. You will see the icons with either a 1 or a 2 identifying the level of the coursework. All licensees must have both Level 1 and Level 2 in their CE record in order to activate a 2013-2014 license for the first time or earn credit to renew a 2015-2016 license.



Level 1:

for Risk Management includes the *Risk Management: Avoiding Violations* course

required for all licensees...

both salespersons and brokers.



Level 2:

for Risk Management includes the *Risk Management for Brokers* course which is **required for all brokers**... associate and qualifying.



Level 2

for Risk Management also includes the *Risk Management for Salespersons* course or an industry-specific Risk Management course approved by the Commission.

IMPORTANT

All licensees who complete the 15 hours of CE to activate their 2013-2014 license must take another 15 hours (including the new Risk Management courses) by September 30, 2014, in order to renew a license on active status for the next license period. **Rule 790-X-2-.13** of License Law was recently amended to explain the activation of inactive licenses and the CE required afterward. You can read the amended rule on the Commission's website. Click License Law and choose the Online View under Online Edition. Scroll down the page to locate the rule.

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Anti-Money Laundering Guidelines for Real Estate Professionals

Overview

The crime of money laundering continues to be a growing area of concern in the United States. Therefore, law enforcement agencies and the financial sector devote considerable time and resources to combatting these illegal financial activities. However, many non-financial businesses and professions are also vulnerable to potential money laundering schemes.

Real estate professionals are a category of the non-financial business sector that may encounter persons engaging in money laundering activities. The purpose of this fact sheet and suggested

voluntary guidelines is to increase real estate professionals' awareness, knowledge, and understanding of the potential money laundering risks surrounding real estate and enable them to identify practical measures to mitigate the risks.



Money laundering is the process criminals use to disguise the illegal origin of their funds. Certain criminal activities generate substantial proceeds. Legitimizing, or "laundering" this money through the financial system, is a critical component for criminals to hide their activities and not draw attention to their illegally derived proceeds.

The actual process of money laundering is a three step process that is initiated by introducing the illegal proceeds into the financial system, e.g., breaking up large amounts into small deposits or by purchasing financial instruments, such as money orders, which is referred to as placement. This is typically followed by distancing the illegal proceeds from the source of the funds through layers of financial transactions, referred to as layering, and finally by returning the illegally derived proceeds to the criminal from what appears to be a legitimate source, known as integration.

A real estate transaction can be used in any one of the three stages of money laundering. For example, if an individual purchases a home and uses illegal funds as part of the down payment, this would be considered integration.

Generally speaking, most money laundering activities are concentrated in the financial sectors. Therefore, banks and other financial institutions are subject to anti-money laundering/counter-terrorist financing (AML) laws and regulations, primarily the Bank Secrecy Act (BSA), and have safeguards in place to help detect and mitigate money laundering activity. But other industries, such as real estate, can also be exposed to guestionable business practices and be utilized as a vehicle for money laundering activities.

The Role of Real Estate Agents

As a general matter, the real estate agent's AML risk is substantially mitigated by the fact that the great majority of real estate transactions involve regulated entities such as banks and non-bank mortgage companies, which have BSA obligations. However, when a transaction steps outside the norm or in cases where certain risk factors are present, as detailed below, a real estate agent faces an elevated chance of encountering a possible money-laundering scheme and should consider taking measures to address the risk.

> As a real estate professional, knowledge of how real estate transactions normally progress and

the resulting ability to recognize and evaluate whether variances from the norm may signify an enhanced AML risk is an important way real estate agents can help to mitigate AML risk in real estate transactions. This requires brokers and agents to be aware of how real estate transactions may be used in illegal financing schemes and what steps should be taken to detect and deter those activities.

Being familiar with the signs of money laundering activity in the real estate market will help real estate agents to:

- 1. Identify potential money laundering activities;
- 2. Take appropriate steps to mitigate the money laundering risk; and
- 3. If necessary, alert the proper authorities to help deter and mitigate the use of real estate in money laundering schemes.

Guidelines

Law enforcement and financial experts have identified some of the warning signs of money laundering activity in connection with real estate. By familiarizing oneself with these voluntary guidelines, real estate agents can assist and help minimize the risk of real estate becoming a vehicle for money laundering activities.

Know Your Business

Every broker and agent should be aware of certain characteristics of a real estate transaction that may be indicative of illegal financing activities. A real estate agent's familiarity with the normal course of business will help them to identify any unusual or suspicious patterns. Law enforcement, regulators and the international community have identified multiple money laundering risk factors. In general, these risk factors (red flags) can be grouped in the three categories: country/geographic, customer, and transaction risk.

Read the remainder of the article at http://www.realtor.org/ articles/anti-money-laundering-guidelines-for-real-estateprofessionals. "Copyright NATIONAL ASSOCIATION OF REALTORS®. Reprinted with Permission."



Post Office Box as **Residence Address**

The Commission's Online Services are a great convenience both to you as a licensee and to the Commission in that these services allow licensees to make some immediate licensing changes and reduce handling and mailing of forms. One of these services, which requires no fee, allows licensees to notify the Commission when their residence address has changed as is required under Section 34-27-35(h). However, it has come to our attention that some licensees have entered a post office box as a residence address.

Once you log in to Online Services, you will see your current home address under your name with a link to change your home address. Under your licensure information you will see a link to change your mailing address. Please make sure that your proper home address is reflected under your name and if you wish to use a mailing address, which can be a P. O. Box, then use the link under your license information to enter that information. If your current home address is listed as a P. O. Box, it must be changed to a physical address.

Self-help to Trust Funds

As you can imagine we get lots of phone calls and emails questioning the activities of licensees during their brokering of transactions. There has been a recent spate of calls involving licensees trying to protect their selfinterest through unlawful retention of trust funds. Basically, the licensee is trying to self-help themselves to trust funds when they believe themselves to be owed some payment. These attempts have taken place in both sales and property management transactions.

In the real estate brokerage business trust funds are generally being held for the buyer and/or seller in a purchase transaction or a tenant and/or owner in a property management agreement. In these situations the beneficiaries of the trust do not include the licensee. There is one situation where a licensee can use trust funds but the same rule may apply to similar circumstances. When a licensee is contractually allowed, in a property management situation, to expend trust funds for the repair of the owner's property, then the property manager can take rental payments that haven't been forwarded to the owner for those repair jobs. The property manager cannot take security deposits for repair work while the lease is ongoing because the tenant is a potential claimant on the funds and to do so would remove the protections for the tenant.

Licensees Dealing in Their Own Property — Correction

I need to correct a statement made during a recent appearance at an Alabama Associations of REALTORS® meeting. We were discussing licensees dealing in their own property. Anytime licensees deal in their property then all aspects of license law still apply. This includes RECAD, file maintenance for three years, and trust fund accounting among other requirements. Instead of rewriting two of Charles Sowell's old articles I am just going to refer you to his Briefly Legal articles: Risk Management 101: You and YOUR Real Estate from the Fall 1998 Update newsletter and Advertising Property You Own from the Spring/ Summer 2011 Update newsletter. You can access these articles on the Commission's website, arec.alabama.gov, under the Media link.



Commission Welcomes New Attorney Mandy Lynn

We are pleased to announce the addition of attorney Mandy Chambliss Lynn to our Legal Division. Mandy graduated from Auburn University with a Bachelor of Arts degree political science with a concentration in American government. She received her law degree from the Faulkner University, Thomas Goode Jones School of Law in Montgomery, Alabama.

Mandy interned with the U.S. Department of Justice, Narcotics and Dangerous Drugs Section in 2007. She has worked with the Elmore County District Attorney's office where she participated in all aspects of criminal prosecution, including assisting the Deputy District Attorneys with presentation of case files/evidence to the Grand Jury for indictment, preparing trial dockets, and drafting motions. Mandy most recently worked as an attorney and hearing officer with the Alabama Department of Labor, Hearings and Appeals.

Mandy will be working with our General Counsel, Chris Booth, and will be available to answer licensees' questions regarding legal issues pertaining to Alabama License Law.

Welcome to the Commission team, Mandy!



Not Sure What Forms or Fees to Submit?

ubmitting the correct completed forms and fees is important. Many licensing transaction requests can be quickly performed by accessing the Onine Services Login on the Commission's website. Licensing requests that are mailed to the Commission office are also processed quickly, in the Commission's effort to allow licensees to continue or start working right away. We attempt to issue new licenses for requests, such as transfers, name changes, and company address changes, by the next business day provided the request is complete when received. In order to help the Commission expedite issuing license please make sure:

- you use the proper form;
- the form is completed correctly;
- any required documents are included and;
- the correct fees are submitted and payable to the Alabama Real Estate Commission.

If you have any questions regarding the form(s) and fees you need to submit please contact the Commission for assistance.

All forms are available from the Commission's website under "Forms" or contact the Commission office and we will be glad to provide you with the needed form by fax, email, or mail. Electronic versions of our forms can be filled out online and printed. We highly recommend licensees utilize this option to increase the likelihood that the Commission staff will be able to read all the information on your form. If you need to complete a form by handwriting it, please ensure that everything is legible.

Forms that are not legible can cause a delay in processing or are subject to being returned by the Commission.

Additionally, sending all documents and payments in one package will also help expedite vour transaction. Never send a check or other payment without the appropriate form to ensure your payment is appropriately applied. Help us to better serve you and avoid mistakes that may delay your license issuance.

QUALIFYING BROKERS:

Review New Licensee Applications Before You Sign

When individuals pass a licensing examination, such as the Temporary Salesperson exam, Reciprocal exam, or Broker exam and they ask you to sign their application to be their Qualifying Broker, please help the Commission and the applicant by reviewing the application with them and ensuring that they have completed it correctly and have attached all the required documentation and fees requested on the instruction pages. Applications received incomplete or missing required documentation will cause a delay in processing and are subject to being returned by the Commission.

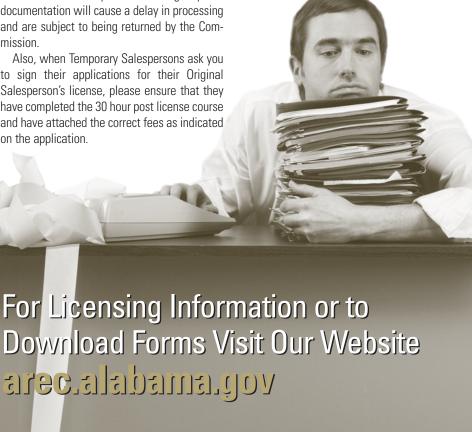
Also, when Temporary Salespersons ask you to sign their applications for their Original Salesperson's license, please ensure that they have completed the 30 hour post license course and have attached the correct fees as indicated on the application.

The Commission **Cannot Take Payments Over the Phone**

We have received several requests from licensees who have submitted forms to the Commission with incorrect

fee amounts. Licensees often request to pay the fee difference over the phone; however, the Commission does not accept payments over

Any fees to complete transactions processed in the Commission office must be mailed and received by us or hand-delivered to our office for processing to be completed. Electronic payments, such as credit card and e-check, can only be performed for licensing transactions that can be completed by accessing the Online Services Login on the Commission's website.





AUGUST 2012 - FEBRUARY 2013

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.

Melissa S. Bailey License No. 000022940

Salesperson, Sylacauga, Alabama Date of Hearing: October 25, 2012 Fined \$250

Russell Barrett License No. 000096356

Salesperson; Wetumpka, Alabama Date of Hearing: October 25, 2012 Fined \$250

James E. Brown License No. 000011597

Qualifying Broker; Montgomery, Alabama Date of Hearing: October 25, 2012 Fined \$250

Terri Turner Kennedy License No. 000071086

Salesperson; Northport, Alabama Date of Hearing: October 25, 2012 Fined \$250

Cheryl D. Prewitt License No. 000076907

Qualifying Broker; Gardendale, Alabama Date of Hearing: October 25, 2012 Fined \$250

Theodoshie Williams License No. 000083026

Qualifying Broker; Tuskegee, Alabama Date of Hearing: October 25, 2012 Fined \$250

Susan G. Cooper License No. 000094306

Qualifying Broker; Columbus, Georgia Date of Hearing: November 29, 2012 Fined \$250

Mark Christopher Hess License No. 000093316

Associate Broker; Enterprise, Alabama Date of Hearing: November 29, 2012 Fined \$250



Kanaa Aaliya Zaina Amani License No. 000098946

Salesperson; Birmingham, Alabama Date of Hearing: January 24, 2013 **Fined \$250**

Todd Ferguson Blanton License No. 000093035

Qualifying Broker; Memphis, Tennessee Date of Hearing: January 24, 2013 Fined \$250

Marlon Jermaine King License No. 000097755

Salesperson; Birmingham, Alabama Date of Hearing: January 24, 2013 **Fined \$250**

Anne Miller License No. 000076033

Salesperson: Trussville. Alabama Date of Hearing: January 24, 2013 Fined \$250

Stacy Ward License No. 000068097

Salesperson; Huntsville, Alabama Date of Hearing: January 24, 2013 **Fined \$250**

Andrea Leigh Whitworth License No. 000091628

Salesperson: Fultondale. Alabama

William Lloyd Whitworth, Jr. License No. 000094359

Salesperson; Birmingham, Alabama Date of Hearing: January 24, 2013 **Jointly Fined \$250**

Cicely Johnson Brewer License No. 000091378

Salesperson; Pinson, Alabama Date of Hearing: February 21, 2013 **Fined \$250**

DISPOSITION

The below was found guilty on Count #1 for violating Section 34-27-36(a)(23)a. by having entered a plea of guilty to a felony charge and guilty on Count #2 for violating Section 34-27-31(j) through Section 34-27-36(a)(19) by failing to notify the Commission within 10 days of the institution of criminal prosecution against him.

Michael Brian Bowe License No. 000076774

Salesperson; Hazel Green, Alabama Date of Hearing: February 17, 2012 **License Revoked**

DISPOSITION

The below were found guilty on Count #1 for violating Section 34-27-36(a)(8)b. by failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama and Count #2 for violating Section 34-27-36(a)(8)a. for commingling money belonging to others with their own funds.

Harzo, Inc. dba L A Real Estate Services License No. 000069810

Company; Gulf Shores, Alabama Date of Hearing: March 23, 2012

Count #1 - Fined \$2,500; Count #2 - License Revoked

Jody Beth Varden License No. 000077608

Qualifying Broker; Gulf Shores, Alabama Date of Hearing: March 23, 2012

Count #1 - Fined \$2,500; Count #2 - License Revoked

Hugh T. Praytor, III License No. 000009211-2

Qualifying Broker; Mobile, Alabama Date of Hearing: February 21, 2013

Count #1 - Fined \$2,500 (fined jointly with Praytor Realty Company, Inc.); Count #2 - Fined \$2,500 (fined jointly with Praytor Realty Company, Inc.)

(Disciplinary Actions continued on page 6.)

DISCIPLINARY ACTIONS

Continued from page 5

Praytor Realty Company, Inc. License No. 000009190

Company; Mobile, Alabama Date of Hearing: February 21, 2013

Count #1 - Fined \$2,500 (fined jointly with Hugh T. Praytor, III; Count #2 - Fined \$2,500 (fined jointly with Hugh T. Praytor, III)

DISPOSITION

The below was found guilty of violating Section 34-27-31(e)(6) through Section 34-27-36(a)(19) as the Commission paid from the Recovery Fund an amount in settlement of a claim or toward a satisfaction of a judgment against the licensee.

Bradley A. Beasley License No. 000076588

Broker; Satsuma, Alabama Date of Hearing: September 27, 2012

License Revoked

DISPOSITION

The below was found guilty of violating Section 34-27-36(a)(19) by violating or disregarding a Commission order by failing to pay an ordered fine.

Walter Whitlow License No. 000081306

Associate Broker; Montgomery, Alabama Date of Hearing September 27, 2012

License suspended pending payment of the prior fine. The suspension was stayed for a maximum of thirty (30) days.

DISPOSITION

The below was found guilty of violating Section 34-27-31(i) for failing to notify the Commission within 10 days after notice to him of the institution of a criminal prosecution against him and Section 34-27-36(a)(23)a. for entering a plea of guilty or nolo contendere to a felony.

Jack W. Hines, Jr. License No. 00016890

Associate Broker: Brewton, Alabama Date of Hearing: October 25, 2012

License Revoked

DISPOSITION

The below were found guilty of violating Section 34-27-36(a)(8)b. by failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama.

William T. Stanton, III License No. 000011299

Qualifying Broker; Gulf Shores, Alabama Date of Hearing: March 23, 2012

Fined \$2,500 and license revoked with revocation stayed until December 31, 2012, pending completion of CE courses.

TSKC LLC dba Exit Realty Gulf Shores License No. 000071311

Company: Gulf Shores, Alabama Date of Hearing: March 23, 2012

Fined \$2,500

Robert Jackson Belcher License No. 000061264

Qualifying Broker; Montgomery, Alabama Date of Hearing: May 24, 2012

License Revoked; Fined \$2,500 (fined jointly with J. M. Harrison Agency LLC)

J. M. Harrison Agency LLC License No. 000011319

Company; Montgomery, Alabama Date of Hearing: May 24, 2012

License Revoked; Fined \$2,500 (fined jointly with Robert Jackson Belcher)

J. King Realty, LLC License No. 000067422

Company: Athens, Alabama Date of Hearing: September 27, 2012

Fined \$500 (fined jointly with Jan A. King); License suspended for one year with suspension stayed pending completion of continuing education course Risk Management for Property **Managers** by Qualifying Broker Jan A. King.

Jan A. King License No. 000057301

Qualifying Broker; Athens, Alabama Date of Hearing: September 27, 2012

Fined \$500 (fined jointly with J King Realty, LLC); License suspended for one year with suspension stayed pending completion of continuing education course Risk Management for Property Managers.

Hines Realty Company A Corporation

License No. 000016887

Company: Brewton, Alabama Date of Hearing: October 25, 2012

Fined \$1,000

Jack W. Hines, Jr.

License No. 00016890

Associate Broker: Brewton, Alabama Date of Hearing: October 25, 2012

License Revoked

Jack W. Hines III License No. 000069208

Qualifying Broker; Brewton, Alabama Date of Hearing: October 25, 2012 Fined \$1,000

Steve N. Humphries License No. 000078523

Associate Broker; Florence, Alabama Date of Hearing: November 29, 2012

Fined \$2,000 (fined jointly with Kevin James Knight and Knight and Humphries, Inc.); License suspended for six months with suspension stayed pending completion of continuing education course Risk Management for Property Managers.

Kevin James Knight License No. 000076469

Qualifying Broker; Florence, Alabama Date of Hearing: November 29, 2012 Fined \$2,000 (fined jointly with Steve N. Humphries and Knight and

Humphries, Inc.): License suspended for six months with suspension stayed pending completion of continuing education course *Risk Management* for Property Managers.

Knight and Humphries, Inc. dba Real Property Management License No. 000080718

Company: Florence, Alabama Date of Hearing: November 29, 2012 Fined \$2,000 (fined jointly with Kevin James Knight and Steve N. Humphries)

Rob S. Copeland License No. 000068521-2

Qualifying Broker; Fairhope, Alabama Date of Hearing: February 21, 2013

Fined \$2,500 (fined jointly with Rob **Copeland Property Management, LLC)**

Rob Copeland Property Management, LLC License No. 000089602

Company; Fairhope, Alabama Date of Hearing: February 21, 2013

Fined \$2,500 (fined jointly with Rob S. Copeland)

(Disciplinary Actions continued on page 7.)

DISPOSITION

The below was found guilty of violating Section 34-27-34(a)(2) through Section 34-27-36(a)(19) for failing, as qualifying broker, to notify the Commission of the institution of criminal prosecution against Jack W. Hines, Jr.

Jack W. Hines III License No. 000069208

Qualifying Broker; Brewton, Alabama Date of Hearing: October 25, 2012 Fined \$500

DISPOSITION

The below was found quilty of violating Section 34-27-36(a)(27) for acting negligently or incompetently in performing an act for which a person is required to hold a real estate license.

Cathy P. Hutchinson License No. 000071396

Salesperson; McCalla, Alabama Date of Hearing: September 27, 2012 Fined \$1,000

DISPOSITION

The below was found guilty of violating Rule 790-X-3-.01 through Section 34-27-36(a)(19) for failing to notify the Commission in writing within thirty (30) days after changing their place of business as set out on their numbered license certificate

Kenneth M. Turner License No. 000083152

Qualifying Broker; Montgomery, Alabama Date of Hearing: October 25, 2012 Fined \$500

DISPOSITION

The below surrendered their licenses for alleged license law violations in lieu of a formal complaint and hearing.

Phillip D. Ledbetter License No. 000014815

Qualifying Broker: Anniston, Alabama Date of Hearing: February 21, 2013

G. B. Daniel Realty Company License No. 000014726

Company; Anniston, Alabama Date of Hearing: February 21, 2013

OTHER ADMINISTRATIVE ACT

APPLICATION **FOR LICENSURE**

Approved	9
Denied	2

DETERMINATION OF ELIGIBILITY

Approved	2
Denied	2

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

From Licensees	1867
From Public	1342
Anonymous/Commission	61

Newest Website Upgrades Designed to Boost User Experience

The Commission's website, arec.alabama.gov, has been upgraded—a little more. We are continuing to assist you as you are on-the-go and away from your office computer. The upgrades are designed to boost your user experience by making the website menu navigation easier and faster. The navigation is enhanced for use with your mobile devices, such as smartphones and tablets. The navigation is also designed to function in older versions of Web browsers, including Internet Explorer and other browsers.

The Online Services login and the License Law are more prominent on the website navigation to get you to these options more quickly. Also, the news from the Commission's Twitter feed (@ARECalabamagov) has been added in a social media dashboard to provide our latest tweets. There are more upgrades coming as we

increase our website content and make the site more intuitive and interactive.

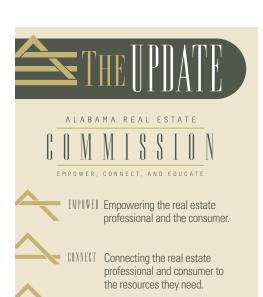
Comments we have received from you helped to direct us in making some of these enhancements. Therefore, as we continue striving to make the Commission website more valuable for you, we appreciate your feedback (the good, the bad, and the ugly). Please send us more comments using the Contact Us web form, by emailing us (arec@arec.alabama.gov), or through one of our social media sites

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D. Philip Lasater, Executive Director Patricia Anderson, Asst. Executive Director Vernita Oliver-Lane, Editor Lori Moneyham, Associate Editor

1201 Carmichael Way Montgomery, Alabama 36106 Phone: 334.242.5544 Fax: 334.270.9118

arec.alabama.gov

arec@arec.alabama.gov



THE IPHATE

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.

REAL ESTATE LICENSES EXPIRE SEPTEMBER 30, 2014

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

Commission Meeting Dates for 2013

Below are the upcoming 2013 meeting dates for the Alabama Real Estate Commission. The Montgomery meetings are usually held at the Commission offices at 1201 Carmichael Way. The meeting dates and locations are subject to change. Please check the Commission's website, **arec.alabama.gov**, for current information. Meeting information can also be found on the Commission's Facebook and Twitter sites.

All meeting dates are posted on the Secretary of State's website at **sos.alabama.gov** in accordance with the Alabama Open Meetings Act. Commission meetings are always open to licensees and the public.

Date	Location	Time
May 23	Montgomery	9:00 a.m.
June 11	Orange Beach	1:00 p.m.
July 19	Montgomery	9:00 a.m.
August 23	Montgomery	9:00 a.m.
September 26	Montgomery	9:00 a.m.
October 24	Montgomery	9:00 a.m.
November 21	Montgomery	9:00 a.m.