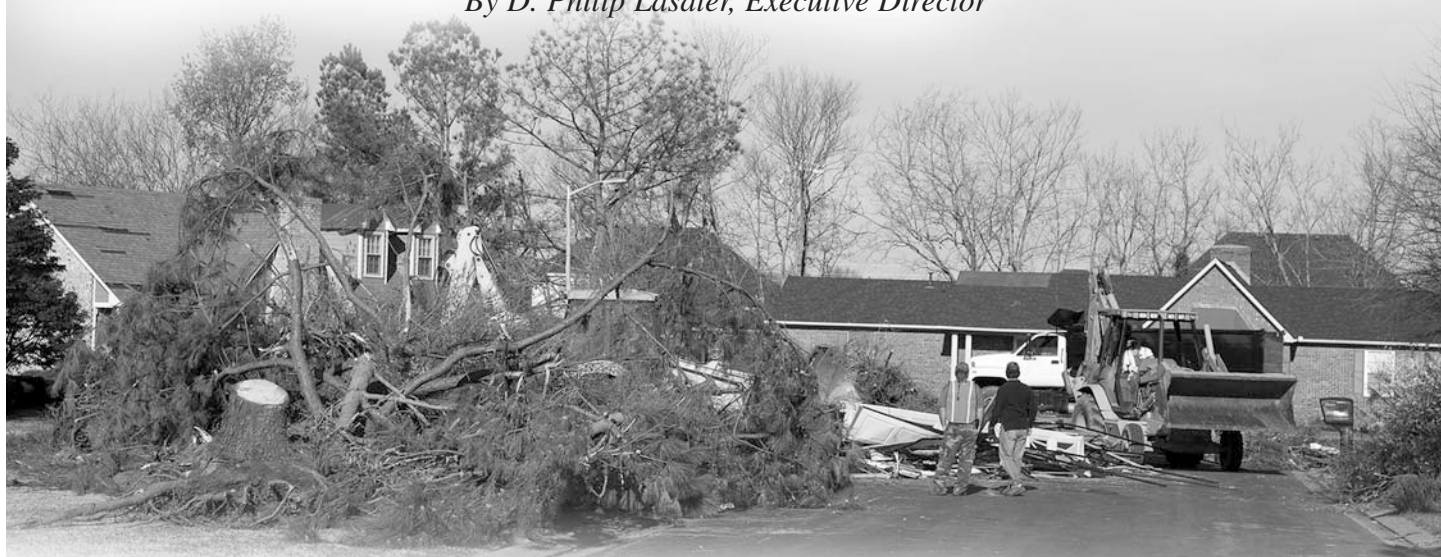


The Real Estate Commission Will Always Remember

By D. Philip Lasater, Executive Director



April 27 was a day that made weather news of historic proportions. The tornado outbreak wrought havoc and tragedy to countless lives of individuals and families in 41 of our 67 counties. Across Central and North Alabama over 13,000 homes were completely destroyed or made uninhabitable. Businesses, manufacturing, and a wide array of agriculture were severely impacted. These are statistics, but the numbers represent people, their lives, and livelihood.

The news of that day is past. The remembrance at the one-month anniversary mark has now passed. There was a heartening outpouring of care offered from across the state and nations with people reaching out to others with needs that were so evident and in thanksgiving for the blessing of being safe and whole.

We take this opportunity from the Real Estate Commission to recognize the person behind the license number. To that licensee whose family, friends, and communities were literally turned upside down all across the state we wish to say a few things that aren't a part of our daily regulatory script. We all

watched and listened with torn and aching hearts. As in the days immediately following our thoughts of care and concern continue to go out. We also feel it is important to emphasize our understanding that while there is definitely a resilient spirit among the people of our state, nonetheless recovery of communities, economies, and healing of families' lives will take time. The effects of this storm's devastation and the aftermath—especially as thousands of people continue recovering and rebuilding—will not soon be forgotten. We will always remember. ■

(See related articles on page 2.)

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FEMA Disaster Housing Task Force and Long-Term Recovery

By D. Philip Lasater,
Executive Director

Both Assistant Executive Director Pat Anderson and I have been serving on the State-led Disaster Housing Task Force that was formed by the AEMA (Alabama Emergency Management Agency) and the FEMA (Federal Emergency Management Agency) within days of the tornado disaster. Pat has been especially involved as a coordinating resource from the Real Estate Commission to the Task Force. We have been particularly impressed with the efforts and attitude of both AEMA and FEMA and their approach reflected in “survivors first and process second.” We have been glad to be a part of the collective network of resources they have attempted to marshal in order to provide the most comprehensive and timely response victims of the disaster have needed.

This is the first disaster in the United States for which this kind of task force has been formed so that AEMA and FEMA can be immediately and thoroughly resourced by state and federal officials and volunteer organizations. To that end, the Joint Field Office has been established in Birmingham to house task force members.

The mission of this group is to find temporary and long-term housing for the tornado survivors. We are working closely with many other state and federal agencies as well as volunteer organizations to address this overwhelming problem. ■

Information for Licensees and the Public

- For those of you who are involved in renting property to tornado victims be advised that FEMA is making payouts to victims. And the victims; i.e., tenants, are responsible for paying their own rent. This is opposite of how it was handled in the Katrina disaster when payment was made to landlords and real estate management companies by FEMA.
- If you have rental property available or if you manage rental property that is available in the affected areas, email information about them to: **fema-ia-dhops@dhs.gov**. It will be placed in FEMA's database as they try to find housing for those in need.
- People who lost insured property **MUST** file with their insurance companies first and then apply to FEMA if additional assistance is needed. FEMA will determine if assistance can be granted.
- To date, 81,000 survivors in Alabama have registered for disaster assistance and \$53 million in FEMA assistance has been approved for individuals and households.

Real Estate Companies

If your real estate company was destroyed or damaged and you are moving to another address, either temporarily or permanently, due to this disaster please contact our office for assistance. You can reach us at **334-242-5544** or email at **arec@arec.alabama.gov**.

License Applicants

If you have missed any deadlines between April 27 and May 31, 2011 please contact our office for assistance. You can reach us at **334-242-5544** or email at **arec@arec.alabama.gov**.

We thank each of you for assisting us when we have called upon you to provide information. It has been of immeasurable value to FEMA/AEMA and their more effective responses to the victims of this disaster.

TECHNOLOGICALLY SPEAKING

By Steven Brown, IT Systems Technician, Senior

**THIN
IS IN**

I have to admit when the iPad first hit the market I was a bit skeptical about its usefulness. I was one of those people who was exclaiming, "It's just an oversized iPhone that doesn't make phone calls." My opinion was that it didn't do anything that your phone wouldn't do and it wouldn't replace your laptop. Well, I guess either good marketing or a shift in the

tech world has skewed my opinion because I'm now one of those clamoring to have one of those convenient little tablets to carry around.

"Why the change of heart," you ask? The greatest benefit I think I would find would be the ability to see webpages in close to full size while out and about, while not having to lug around a larger laptop. Also, reading books would be great using a PDF reader or even Amazon's Kindle app for whichever tablet you may choose. This would make taking an entire library with you pretty painless.

Since I'm currently a Google Android phone user, I probably would choose an Android-based tablet as well. I think that since I'm used to the platform I'd have an easier time going back and forth between the tablet and my phone. For you iPhone users, I probably would suggest the iPad. For the rest of you, head to your local electronics store and find which one "feels" best for you.

I'm sure that a lot of you licensees can see the daily benefits of a tablet as well. If you are showing a property to a buyer, you can use the GPS to pull up an aerial view of the property to see the land so a prospective buyer can see exactly what they would be purchasing while on the premises. What if you know of a new home that was just listed? Instead of taking a buyer there blindly only on your description, you can always just pull up the listing on your tablet and let them take a look. No more squinting to try to see those tiny pictures that pull up on your phone's screen.

While I don't think that the tablet will take the place of your computer, I do believe that it would make an excellent addition to your technological life-style. ■



LICENSING TIDBITS

By Anthony Griffin, Licensing Administrator

How Do I ...? Licensing FAQs

Q. What transactions can licensees perform online?

Salespersons and associate brokers can perform a number of transactions online. Some of these transactions include renewing a license, inactivating a license, activating a license to a company, transferring an active license to another company, changing your name, and obtaining an official certification of licensure. Transactions that require a fee can be paid conveniently online with a debit card, credit card, or e-check.

Licensees can also update personal information such as changing email addresses, changing home or mailing addresses and telephone numbers. Additionally, licensees can check Continuing Education (CE) credits and find approved real estate courses through our Real Estate Course Search option. No fees are required to perform these types of transactions. Go to the Online Services section of the Commission's website to view the full list of available services.

Q. Do I have to mail in a request as well as do it online?

No. Once the transaction is performed successfully online, print a copy of your transaction receipt for your record and no further action is needed.

Q. I would like to complete a license transaction request today that involves a fee. Can I make a payment over the phone with a Commission staff member?

No. It is against the Commission's policy to accept any payments over the phone; therefore, an immediate request or status change that requires a fee would need to be performed online where you can make the payment and complete the transaction that day. If the transaction cannot be completed online, then the request with the appropriate form and fee must be mailed or delivered to the Commission office. Normal processing time is one to two days but can be longer during peak times.

Q. How do I get the necessary forms and applications?

Forms and applications are all available on the Commission's website under the Forms and Information link. For your convenience, you can fill your information directly into the licensing forms which can then be

(Continued on page 7)

EDUCATION CORNER**What is Your LLIQ?**
(License Law IQ)*By Ryan Adair, Education Director*

Nobody enjoys taking tests. Most of us feared them as we grew up in school. After graduating from high school, the dreaded comprehensive exams awaited you in college. If that wasn't enough, you then had to take an exam in order to apply for your real estate license. You thought you were through with tests, didn't you? Well, here's one more. However, this grade will not appear on your report card or determine if you become licensed. This is a simple test to let you know where you stand in your knowledge of license law. So, test your License Law IQ. Go to page 8 when you are done to get your score.

- 1. Which of the following is a mandatory course for license renewal?**
 - a. License Law
 - b. Risk Management
 - c. Code of Ethics
 - d. Daytime Serials: Family and Social Roles
- 2. What is the education requirement for license renewal?**
 - a. Complete 12 hours of CE by September 30 of every even year
 - b. Complete 15 hours of CE by August 30 of every even year
 - c. Complete 15 hours of CE by September 30 of every even year
 - d. Complete 20 hours of community service
- 3. A couple gets back from vacation and discovers that a licensee has placed a "For Sale" sign on their property without their consent. They file a complaint with the Commission and the licensee is found guilty of violating Section 34-27-36(a)(9) of License Law. Which of the following is the Commission not allowed to do under law?**
 - a. Fine the licensee \$1000
 - b. Suspend the license and fine \$2,000
 - c. Revoke the license which requires the licensee to wait at least 2 years to reapply
 - d. Make the licensee pay the couple up to \$2,500 for damages
- 4. You are the qualifying broker for your own company and decide to open another real estate company at the same location. Can you do this?**
 - a. Yes
 - b. No
- 5. A Commission auditor shows up at your office to review your records. How many years must you have a complete record of funds belonging to others showing to whom the money belongs, deposit dates, withdrawal dates, etc.?**
 - a. 1 year
 - b. 3 years
 - c. 5 years
 - d. What records?
- 6. The Commission will approve and/or supply contract forms, blank lease documents, and listing forms.**
 - a. True
 - b. False
- 7. What type of real estate transaction requires an estimated closing statement?**
 - a. Commercial
 - b. Property management
 - c. Single-family residence
 - d. Under the table
- 8. As soon as reasonably possible and before any confidential information is disclosed to any other person by a licensee, what must the licensee provide to a consumer?**
 - a. A written disclosure form describing the alternative types of brokerage services
 - b. A written agency disclosure office policy
 - c. A form acknowledging receipt of the office policy statement
 - d. "The Five Keys to Effective Negotiation"
- 9. Which of the following is required in order to become a licensed broker in Alabama?**
 - a. Proof of an active salesperson license in any state for 24 of the previous 36 months
 - b. Completion of a 30 hour broker prelicense course
 - c. Two-year college degree
 - d. A background check showing you have not done prison time
- 10. Who are the only licensees with the ability to log in and view/print licenses online?**
 - a. Salespersons
 - b. Qualifying brokers
 - c. Associate brokers
 - d. Temporary licensees who started the 30 hour post license course two days before the deadline
- 11. What personal information can a licensee update online?**
 - a. License number
 - b. Deadlines
 - c. Telephone number
 - d. Date of birth, so you can claim to be younger than you actually are
- 12. What can I do if I have problems logging into Online Services with my security questions?**
 - a. Change the questions myself
 - b. Bypass the questions for an unsecure login
 - c. Call the Commission office and ask to speak to someone who can assist
 - d. Ask my office assistant for the answers

You're done.
Go to page 8 to get your score. ■

ATTENTION! QUALIFYING BROKERS

REMEMBER, You Can Now Print Your Own Licenses.

- Every Company has its own license **SEPARATE** from that of the Qualifying Broker.
- Login using the Company license number, **NOT** the Qualifying Broker's license number.
- Enter the **QUALIFYING BROKER'S** social security number.
- Enter the **QUALIFYING BROKER'S** date of birth.

For more information on License Printing, view our Official License Printing video available on the Commission's website under News and Events or contact a member of the Licensing Division.

License Print Reminders Now Being Sent to Qualifying Brokers

Whenever an application for active licensure is submitted to the Commission Licensing Division for processing, staff members manually send an email to qualifying brokers to inform them that the application has been successfully processed and the license is available for printing. The email is sent to the address on file for the company and/or broker. Additionally, email license print reminders are sent to qualifying brokers whenever license transfer requests or name/address changes are received by the Commission that result in a new license being issued. The subject line of the emails is "Alabama Real Estate License Available for Printing." If you were expecting an email confirmation from the Commission regarding a form or application submitted, and you do not receive one, then we may not have the correct email on file. Please login to your record and check the email address and make any necessary changes. ■

BRIEFLY LEGAL

Advertising Property You Own

By Charles R. Sowell, General Counsel

This topic has caused as much confusion as any, considering it is about something simple. The reason for the confusion is that the law and REALTOR® Ethics are different. Those who are REALTORS® need to pay particular attention, but there is a lesson here for everybody. On the license law side we have the following Commission Rule:

790-X-1-.03. License Requirements.

(2) 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.

The Commission wrote this rule allowing room for a licensee's constitutional rights concerning real property they own. Notice that the rule treats all property the same, whether it is listed for sale or not. Qualifying brokers should have an office policy governing all aspects of personally-owned property. The policy may require salespersons and associate brokers to put the company name in advertisements of personally-owned property, but many brokers do not do this.

The REALTOR® Code of Ethics treats listed property differently than property that is not listed for sale. For listed property the Code of Ethics says that all advertisements must contain the name of the REALTOR®'s firm in a reasonable and readily apparent manner. It does not matter who owns the listed property. For unlisted property in which the REALTOR® has an ownership interest the Code of Ethics says that a REALTOR® must disclose their status both as owner and as REALTOR® or real estate licensee. Remember, those who subscribe to the Code of Ethics voluntarily hold themselves to a more restrictive standard than the law requires. The Commission has no authority to enforce the Code of Ethics.

See, this is so simple there is no need for any additional explanation. I am sure there will be no more confusion. :) ■

DISCIPLINARY ACTIONS TAKEN

February through April 2011

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.

Jennifer Robertson

License No. 000087328

Qualifying Broker; West Palm Beach, Florida

Date of Hearing: January 21, 2011

Fined \$250

Robert A. Conner

License No. 000043821

Qualifying Broker; Birmingham, Alabama

Date of Hearing: February 24, 2011

Fined \$250

Harvey Dinkins

License No. 000009706

Qualifying Broker; Mobile, Alabama

Date of Hearing: February 24, 2011

Fined \$250

Clarcie Renee White

License No. 000097542

Temporary Salesperson; Cullman, Alabama

Date of Hearing: February 24, 2011

Fined \$250

Concetta S. Givianpour

License No. 000057591

Qualifying Broker; Birmingham, Alabama

Date of Hearing: March 30, 2011

Fined \$250

Brent Cary Gladden

License No. 000075693

Qualifying Broker; Opelika, Alabama

Date of Hearing: March 30, 2011

Fined \$250

DISPOSITION

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



Jessica Renee Johnson

License No. 000074603

Qualifying Broker; Cullman, Alabama

Date of Hearing: February 24, 2011

Fined \$500

DISPOSITION

Respondent **Roy Rayford Murphy** was found guilty of Count #1 for violating Section 34-27-34(a)(1) and (2) through Section 34-27-36(a)(19) for failing to be in a position to supervise The Property Management Group in its activities as a licensed real estate company; Count #2 for violating Rule 790-X-3-.03(1) through Section 34-27-36(a)(19) for failing to be one of the persons with authority to deposit and withdraw funds and to write checks on the escrow accounts for The Property Management Group and by failing to deposit all such funds in the company escrow accounts; Count #6 for violating Section 34-27-36(a)(8)a. by commingling money belonging to others with their own funds; and Count #7 for violating Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds belonging to or being held for others in a separate federally insured account in a financial institution located in Alabama by having a shortage of funds in the security deposit account.

Respondent **Thomas L. Murphy** was found guilty of Count #3 for violating

Rule 790-X-3-.03(3) through Section 34-27-36(a)(19) for failing to be responsible for all funds belonging to others in the form of rental payments from tenants that came into the possession of Respondent David A. Evans after Mr. Evans became licensed under Mr. Murphy.

Respondent **David A. Evans** was found guilty of Count #4 for violating Rule 790-X-3-.03(2) through Section 34-27-36(a)(19) for failing to pay over to his qualifying broker, Thomas L. Murphy, all funds to be held in trust in the form of rental payments from tenants that came into his possession after he became licensed under Mr. Murphy; Count #5 for violating Section 34-27-36(a)(14) for accepting a commission for performing acts requiring a real estate license in the operation of The Property Management Group from any person except his qualifying broker, Thomas L. Murphy; Count #6 for violating Section 34-27-36(a)(8)a. by commingling money belonging to others with their own funds; and Count #7 for violating Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds belonging to or being held for others in a separate federally insured account in a financial institution located in Alabama by having a shortage of funds in the security deposit account.

Respondent **The Property Management Group** was found guilty of Count #6 for violating Section 34-27-36(a)(8)a. by commingling money belonging to others with their own funds; and Count #7 for violating Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds belonging to or being held for others in a separate federally insured account in a financial institution located in Alabama by having a shortage of funds in the security deposit account.

Roy Rayford Murphy

License No. 000094419

Qualifying Broker; Birmingham, Alabama

Date of Hearing: June 25, 2010

Counts #1, #2, #6, and #7: Fined \$1,500

Thomas L. Murphy

License No. 00005770

Qualifying Broker; Birmingham, Alabama

Date of Hearing: June 25, 2010

Count #3: Fined \$1,000

David A. Evans

License No. 000095057

Salesperson; Birmingham, Alabama

Date of Hearing: June 25, 2010

Count #4: Fined \$2,500 and license revoked

Count #5: Fined \$2,500 and license revoked

Counts #6 and #7: Fined \$1,000

The Property Management Group

License No. 000094955

Company; Birmingham, Alabama

Date of Hearing: June 25, 2010

Counts #6 and #7: Fined \$1,000

DISPOSITION

Respondents **Joseph P. Long** and **Payton Realty, Inc. dba RE/MAX of Montgomery** were found guilty of Count #1 for violating Section 34-27-36(a)(8)b. by failing to deposit and account for at all times all funds being held for others by having a shortage of funds in the escrow account; Count #2 for violating Section 34-27-36(a)(8)b. by failing to deposit and account

for at all times all funds being held for others by having a shortage of funds in the escrow account; Counts #3 and #4 for violating Section 34-27-36(a)(8)a. by commingling money belonging to others with their own funds. Respondent Long was found guilty of Count #5 for violating Rule 790-X-1-.17(3) through Section 34-27-36(a)(19) as it is a violation for a real estate instructor to be found guilty of the Counts set out as #1 through #4.

Joseph P. Long

License No. 000034999

Qualifying Broker; Montgomery, Alabama

Date of Hearing: February 24, 2011

Count #1: Fined \$250

Count #2: \$2,500

Count #3: \$1,000

Count #4: Broker licenses are suspended for 60 days

Count #5: Instructor approval revoked.

Payton Realty, Inc.

dba RE/MAX of Montgomery

License No. 000052120

Company; Montgomery, Alabama

Date of Hearing: February 24, 2011

Count #1: Fined \$250

Count #2: Reprimanded

Count #3: Fined \$1,000

Count #4: Reprimanded

DISPOSITION

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

Donald F. McFee

License No. 000082591

Salesperson; Gadsden, Alabama

Date of Hearing: April 22, 2011

Joan C. Teeters

License No. 000069347

Associate Broker; Foley, Alabama

Date of Hearing: April 22, 2011

OTHER ADMINISTRATIVE ACTIONS

DETERMINATION OF LICENSURE

Approved..... 5
 Denied 1

DETERMINATION OF ELIGIBILITY

Approved..... 2
 Denied 1

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

From Licensees 972
 From Public..... 406
 Anonymous..... 13

HOW DO I...? LICENSING FAQs

Continued from page 3

printed and submitted to the Commission for processing. If you are unable to retrieve the forms from our website you can contact the Commission office for assistance.

Q. I am having problems logging into online services with my security questions. Can Commission staff members assist me with this?

Yes. Just call the Commission office and ask to speak with a staff member who can assist you with your security questions and we will be glad to help you. We will need you to verify your license number, date of birth, and the last four digits of your social security number so please have this information available.

Q. I have tried to print my license(s) online after successfully logging in; however, when I select "Official Document Printing," there are no licenses available to print. Why?

First, only the qualifying broker can view and print licenses

online. If you are the qualifying broker and still cannot view the available licenses to print you may have erroneously logged into your personal license record and not the company license record. To log into the company record, enter the company license number and then your personal information. If you still cannot view and print licenses online please contact the Commission for assistance.

Q. My license expired September 30, 2010 since I failed to renew it. How long do I have to renew my license before it lapses?

You have until September 30, 2011, to renew your real estate license. After this date the license will lapse and will no longer be current. A lapsed license cannot be activated and is no longer renewable. If you wish to engage in activities that involve a real estate license you must start over as if you were never licensed. Between September 1, 2010, and September 30, 2011, the fee to renew a salesperson license is \$325 and \$345 for a broker's license. These fees include the license fee, late fee, and research and education fee.



1201 Carmichael Way • Montgomery, AL 36106

OUR MISSION

To serve the public through the licensing and regulating of Real Estate licensees.

OUR VISION

To ensure excellence in the real estate profession.

OUR VALUES

Excellence in stewardship, service, innovation, and integrity.

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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 Web site at

www.arec.alabama.gov.

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LICENSE LAW IQ Answers. See page 4 for the questions.

ANSWERS:

- B** Rule 790-X-1-.11(1)(a)
- C** Section 34-27-35(j)(1) and Rule 790-X-1-.11(1)
- D** Section 34-27-36(a)
- A** Section 34-27-32(h)(3)
- B** Section 34-27-36(a)(8)(c).
- B** It is up to each company to supply documentation to be used in transactions
- C** Rule 790-X-3-.04(1)
- A** Section 34-27-82(c)
- A** Section 34-27-32(c)(1)
- B** Licensing FAQ's
- C** Licensing FAQ's
- C** Licensing FAQ's

GRADING SCALE:

- | | |
|-----------------|---|
| 100 | Excellent |
| 95 | Outstanding |
| 90 | Impressive |
| 85 | Good |
| 80 | Not so hot |
| 75 | You may want to read up on License Law |
| 70 | You may want to consider taking a License Law CE course |
| Below 70 | You may want to seriously consider taking a License Law CE course |

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