

# FINGERPRINTS

## Now Required as Part of License Applications

*By Teresa D. Hoffman, Assistant Executive Director*

As you already know, Criminal History Record Information (CHRI) is required of all applicants for an Alabama real estate license.

To this point CHRI has been obtained utilizing identifying information, however, the Commission has been informed by the Alabama Law Enforcement Agency (ALEA) that CHRI will now be fingerprint-based because this is more reliable than utilizing identifying information only. As of July 1, 2015, an application for real estate licensure must include a set of professionally rolled fingerprints along with the Application to Review Alabama Criminal History Record Information among other things.

The Commission is requesting that in every prelicense course, instructors spend an appropriate amount of time discussing the license application process with their students. Of course, the Commission welcomes any and all questions and will be happy to help if you prefer to simply refer questions to our office. Following is the Applicant information on this topic:

### Procedures Related to Fingerprint-based Criminal History Records Information

◆ **WHERE TO GO:** you must have your prints professionally rolled at a law enforcement agency.

The Alabama Law Enforcement Agency (ALEA) office in Montgomery will print you without requiring you to call ahead to make an appointment or requiring a fee for printing. The entrance to the ALEA office utilized for this purpose is located at 834 Adams Avenue, Montgomery, Alabama 36104.

You may also utilize a police or sheriff's department more convenient to you (including out-of-state), but not all offices actually take fingerprints so you should contact them first. You will also want to find out if the location you choose requires that you make an appointment and whether they charge a fee for printing. These policies vary by location, so we are unable to supply this information for you.

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# Are You One of the 3,400 People With an EXPIRED LICENSE?

# REMiNDER



## Read On...

If you are one of the approximately 3,400 licensees whose license(s) expired on September 30, 2014 because you did not renew by the September 30, 2014 expiration deadline, then the law provides a one-year grace period to renew your expired license. Therefore, if an expired license is not renewed by midnight September 30, 2015 it will lapse.

An expired license may be renewed between now and midnight September 30, 2015 by going to [arec.alabama.gov](http://arec.alabama.gov), clicking on "Online Services Login" and following the instructions from there. If you wish to renew by mail, send your renewal form and fee to the Alabama Real Estate Commission at 1201 Carmichael Way, Montgomery, AL 36106. If you need assistance with either method of renewing, contact the Licensing Division of the Alabama Real Estate Commission.

Remember, should the license lapse it cannot be activated or renewed. This means that should you decide in the future to engage in activities that require a real estate license, you will again have to meet all requirements to obtain a license including retaking the 60 hour salesperson's prelicense course and taking and passing the licensing examination. If you are currently a broker, you would have to start over as a salesperson. The exception to this is those whose lapsed license is a reciprocal broker's license. In this case, the applicant would complete the 6 hour reciprocal broker's prelicense course and take and pass the reciprocal broker's exam.

If you are aware of any member of the real estate community who has an expired license and you think this information may be of importance to them, please pass it along.



## Fingerprints Required *Continued from page 1*

### ◆ WHAT TO TAKE:

**A. A blank fingerprint card.** This will be provided with application materials at examination sites in Alabama upon passing the examination. Those taking the examination outside Alabama must request a card to be sent by mail from the Commission Office. **DO NOT FOLD the fingerprint cards.**

### **B. You must have proper I.D. in order to get printed.**

One of the following should be accepted:

- a. A valid unexpired United States state-issued photo driver license or photo ID (non-driver) card;
- b. A valid unexpired Active Duty, Retiree or Reservist military ID card (DD Form 2 or 2A);
- c. A valid unexpired United States Military Dependent ID card (for spouse or children of Active Duty Military personnel);
- d. A valid unexpired United States Citizenship and Immigration Service Documentation, which may include either:
  - i. Certificate of Naturalization N-550, N-570, N-578; or
  - ii. Certificate of Citizenship N-560, N-561, N-645
- e. A valid unexpired United States Passport; or
- f. A valid unexpired Foreign Passport which meets the following requirements:
  - i. A foreign passport must contain a Valid United States Visa or I-94 to be used as a primary proof of identification; or
  - ii. A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if untranslated into English and/or expired.

◆ **WHAT TO DO WITH THE FINGERPRINTS:** Take the fingerprints with you when you leave the printing location. The fingerprints MUST be submitted to the Alabama Real Estate Commission with your real estate license application materials as instructed in the license application information. **DO NOT FOLD the fingerprint cards.**

◆ **90-DAY DEADLINE:** The completed application materials, *which include the fingerprints*, MUST be submitted to the Alabama Real Estate Commission within 90 days of your examination date. The 90-day timeframe is measured from examination date to postmark for those applications mailed to the Commission. Failure to meet this deadline will mean your exam score is null and void.

◆ **NOTICE:** Occasionally, there is trouble with the fingerprints. Should that occur you will be contacted by the Commission and required to submit another set of prints.

◆ **QUESTIONS:** Again, we welcome your questions and will be happy to assist applicants through this process. You can find this information on the Commission's website, [arec.alabama.gov](http://arec.alabama.gov), or contact us at 334.242.5544.



## Senate Confirms Commissioner Sharp for Second Term

Congratulations to Commissioner  
Danny Sharp upon his reappointment  
to a second term!

Commissioner Sharp, who represents the 2nd Congressional District, was reappointed by Gov. Robert Bentley and confirmed by the Alabama Senate. His second term will run from October 1, 2015 to September 30, 2020.

Commissioner Sharp is the qualifying broker of Coldwell Banker Commercial Alfred Saliba Realty in Dothan, Alabama. He is a member of the Dothan Association of REALTORS®, the Alabama Association of REALTORS®, and the National Association of REALTORS®. He is also a former Alabama Center for Real Estate Trustee.

Commissioner Sharp is an active community leader and enjoys spending time with his family.



# LOCATION, LOCATION, LOCATION for Qualifying Brokers and Offices



In real estate, the often cited phrase of “location, location, location” is made when referring to the suitability of particular real properties. Here are two instances where the same mantra can be recited under Alabama Real Estate License Law: when considering where a qualifying broker lives in relation to his office and the office location itself.

With regard to the location of a qualifying broker there are two sections of license law that largely govern licensing requirements. These sections of license law are Section 34-27-32 and Section 34-27-34. The subsection that we are concerned with in this article is Section 34-27-34(a)(1) which states, “A broker may serve as qualifying broker for a salesperson or associate broker only if licensed in Alabama, his or her principal business is that of a real estate broker, and he or she shall be in a position to actually supervise the real estate activities of the associate broker or salesperson on a full-time basis.” The key part to this subsection is

***“shall be in a position to actually supervise...on a full-time basis.”***

*(Continued on page 5)*



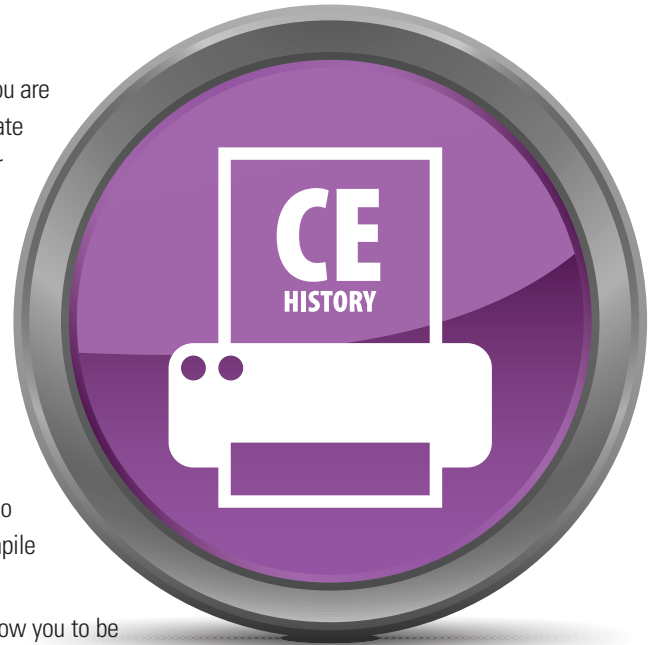


# Printing Continuing Education Credit for Your Records

Have you ever needed to quickly obtain a copy of your CE credit history? Perhaps you are applying for a reciprocal license in another state or you are being honored by a real estate organization for your many years of service. Some licensees may be so proud of their CE that they want to frame it and hang it on the wall. In order to access this memorable CE credit, you log in to the Commission's website but quickly realize that you can only view your current and most recent CE credit. What should you do?

Licensees often need to obtain copies of their CE credit that was earned in previous license periods. Since our system only provides access to archived CE credit from the previous license period, we strongly encourage licensees to print copies of their current and most recent CE credit history while it is available to them. If this is done on a regular basis, personal records can be maintained and kept current, allowing you to have your documentation on hand whenever the need arises. You will also avoid having to wait for Commission staff to search your record in an attempt to compile your history. Very old records may have even been purged.

It is a good practice to check your CE credit history on a regular basis. This will allow you to be aware of any courses needed for license activation and/or renewal. Taking the extra step to copy your record will ensure that you always have the documentation that you need when you need it.



### **Briefly Legal:** *Continued from page 4*

The Commission had previously considered this issue when it was discovered that a qualifying broker's office was located in Alabama and his residence was in a distant state. The qualifying broker stated that he would be able to supervise his licensees by telephone, fax and email. The Commission considered this argument but also considered the entirety of the requirement that the qualifying broker be able to supervise his licensees on a *full-time basis*. The Commission ultimately decided that a qualifying broker's residence needs to be physically close enough that he or she can be in the licensed office location on a full-time basis. As a result of this ruling the Commission staff cannot approve a qualifying broker for an office when that broker's residence is a significant distance from the office.

The second location issue is the location of a licensed office. Subsection 34-27-2(a)(11) states the requirements for a place of business for licensees and their licensed companies. Paragraph a.

of this subsection allows a broker who lives in a rural area of the state to operate a licensed company from his or her home. A "rural area" is defined as one that falls outside the city limits of a municipality. If your residence is located within the city limits of a municipality then paragraph b. of subsection 34-27-2(a)(11) requires that the office location must be separate from the residence.

A qualifying broker permitted to have a licensed home office must meet the same requirements as other licensed offices for signage, phone and maintenance of files, but home offices also have two additional requirements. These requirements restrict having other salespersons or associate brokers licensed under these companies and the office space cannot be used for residential occupancy.

While "location, location, location" may be important to you in your brokerage activities, it also applies to some requirements under license law. If you have any questions on this or any other topic, please contact the Commission.



# FACEBOOK: A FEW HELPFUL TIPS

## Facebook has the potential to be a terrifying place.

You've seen in the news about how this and other forms of social media have been used for hacking, identity theft, extortion and even robbery in some cases. But it doesn't have to be scary as long as you're careful about your posts and responses. This article takes a look at a few situations where it is important to be careful on Facebook.

**W**ith spyware that you may inadvertently install on your computer, your Facebook account can become compromised. This means someone else has access to it, which could lead to the exploitation of your email address, computer password and banking account

information. It could be possible for hackers to gain access to these accounts and take over your Facebook, possibly locking you out of your account in the process. The hackers then have the ability to scan through your email and possibly gain personal and banking information.

The damage doesn't have to stop there. Hackers can also send spam email to your email contacts with bogus accounts that appear to be from banking institutions or credit card companies in an attempt to obtain login information and get other people's money. They can send your friends links to malicious spyware, malware or viruses that can compromise or render devices useless in an attempt to hack their accounts.

The good news is that you do have some measure of control over your own cyber-security. Here are a few helpful hints:

First, be mindful of what you post. If your status says, "I'm out of town for 6 days" or "I'll be home tomorrow," you could be giving thieves information

*(Continued on page 7)*





## DISPOSITION

The below was found guilty of violating Section 34-27-36(a)(16) for 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.

### Scott D. Sawyer

**License No. 000095710**

Qualifying Broker; Mobile, Alabama

Date of Hearing: April 23, 2015

**Fined \$250**

## DISPOSITION

The below was found guilty on Count 1 of violating Section 34-27-36(a)(19) for using

a listing contract that contained a provision for automatic extension, contrary to Commission Rule 790-X-3-.05 and guilty on Count 2 of violating Section 34-27-36(a)(25) for failing to include a fixed expiration date on a written listing agreement.

### Craig F. Dyas

**License No. 000016005**

Qualifying Broker; Fairhope, Alabama

Date of Hearing: March 19, 2015

**Count 1 and 2: Reprimanded and required to complete six hours in license law by taking the six-hour Reciprocal Broker Prelicense course within three months of the issued order.**

## DISPOSITION

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

### Melissa Anne Hutcheson

**License No. 000096648**

Qualifying Broker; Montgomery, Alabama

Date of Hearing: May 21, 2015

### Gary Love

**License No. 000061414**

Salesperson; Alabaster, Alabama

Date of Hearing: May 21, 2015

### Statewide Management Inc.

**License No. 000069069**

Company; Montgomery, Alabama

Date of Hearing: May 21, 2015

### Rachel Tullier

**License No. 000093868**

Qualifying Broker; Mobile, Alabama

Date of Hearing: May 21, 2015

## OTHER ADMINISTRATIVE ACTIONS

**February - June 2015**

### APPLICATION FOR LICENSURE

Approved ..... 10

Denied ..... 2

### DETERMINATION OF ELIGIBILITY

Approved ..... 2

Denied ..... 0

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

From Licensees ..... 1303

From Public ..... 716

Anonymous/Commission ..... 49

## Technologically Speaking *Continued from page 6*

that you are not home. They have the potential to rob you in the allotted timeframe presented. But if you limit your posts to vague details or privately message your friends, you're more effectively protecting your whereabouts.

Second, remember that Facebook statuses, tweets, and posts are all searchable on the Internet. Be careful that you don't make that mistake and broadcast your locations and situations to the world. Nothing on the Internet completely disappears. Once you publish it it's out there forever.

Third, be careful whom you accept as a friend. Sometimes, people will try to imitate your identity in order to gain the

trust of your friends. They will then attempt to exploit your friends into giving money or personal information. A good way of testing this is by searching for yourself on Facebook and Google. Someone may be imitating your likeness.

Finally, be smart when dealing with locations on the Internet. Avoid clicking on pop-ups, advertisements or untrusted links. Make sure that the organization you are dealing with is credible and keep a watchful eye for people trying to exploit you.

All of this said, don't let ill-intentioned people sabotage your Internet experience. Facebook can be a fun and useful tool and a great way of keeping up with friends and relatives. Just be careful out there, and try to remember these tips.

# THE UPDATE

ALABAMA REAL ESTATE

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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, 2016

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

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## WARNING: Section 8 Housing Scams

Alabama Attorney General Luther Strange recently issued a warning about scams involving Section 8 housing. The scams target landlords, needy families and senior citizens. Using ads and emails, the scams promise to put people on the Section 8 housing list for a fee. Scammers are stealing money and obtaining personal information that allows them to access credit reports and bank account information.

**Do not be fooled by these scams.** Remember, housing authorities:

- **DO NOT** charge fees
- **WILL NOT** reach out to you by phone or email and suggest you join a waiting list
- **WILL NEVER** ask you to wire money or pay with a prepaid card

Consumers who see these kinds of scams should file a complaint with the Federal Trade Commission (FTC) through its website at <https://www.ftc.gov/complaint>, or by email to the U.S. Department of Housing and Urban Development (HUD) at [Hotline@HUDOIG.gov](mailto:Hotline@HUDOIG.gov). For information, call the FTC at 1-877-FTC-HELP (382-4357) or HUD's Public Housing Authority at 800-955-2232.

Please share this information with consumers and other licensees. Read more at the Alabama attorney general's website [ago.state.al.us](http://ago.state.al.us).