



By Chris Booth, General Counsel

A REMINDER ON **ADVERTISING RESTRICTIONS:** Using **FACEBOOK** and **TWITTER**



name of the qualifying broker or company appearing prominently on the advertising; or if the licensee is a salesperson or associate broker, advertising himself or herself as a real estate agent without the name or trade name of the qualifying broker or company under whom the salesperson or associate broker is licensed appearing prominently on the advertising.

Note that if you include the licensed company name in advertisements you kill two birds with one stone. First, including the company name will identify the advertisement as being placed for brokerage services. Second, if you are a salesperson or associate broker, then you fulfill the obligation to identify the company or qualifying broker under which you are operating. There is no longer a size or ratio requirement, only that the name be prominent.

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The Alabama Real Estate Commission’s restrictions on licensees’ advertising are relatively simple. So what exactly are the advertising restrictions on licensees in their brokerage activities according to Alabama License Law?

- **Section 34-27-36(a)(6)** Publishing or causing to be published any advertisement which deceives or which is likely to deceive the public, or which in any manner tends to create a misleading impression or which fails to identify the person causing the advertisement to be placed as a licensed broker or salesperson.
- **Section 34-27-36(a)(15)** If a qualifying broker or company, allowing a salesperson or associate broker licensed under him or her to advertise himself or herself as a real estate agent without the name or trade

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UTILIZING QR CODES

Many licensees are making good use of QR codes. They are using them on fliers and yard signs to send clients to listing information and provide access to more pictures or a video walkthrough. They are also being included on business cards to take clients to their company's website or to import directions to an open house. There are a number of purposes for QR codes and these are just a few of them.



In case you are not creating and utilizing your own QR codes, what are you waiting for? A lot of websites offer free and/or subscription packages to make them.

A web search for the words *QR code generator* will help you find a website to customize your own codes. Also free QR code readers can be downloaded to your mobile device from the Apple or Android app store. Then you will always be ready to point your mobile device camera at a QR code and get information.

And to think that QR codes were first only utilized to help track parts in vehicle manufacturing when now you see them everywhere. Well soon you will see QR codes on Commission forms and applications, too! These QR codes will allow for even more "quick response" processes and improved changes to our online form functions to assist you.

Stay tuned for more information. In the meantime, tryout our QR codes that we created on this page... just for fun.

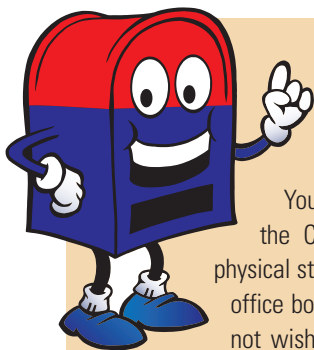


Myth Regarding Referral and Retired Statuses Busted!

The Licensing Division receives inquiries from licensees who have retired or taken a break from being actively involved in real estate and wish to place their licenses on “referral or retired” status. Many are interested in this status because they no longer wish to be active, but wish to make referrals to other licensees for a fee. However, there is no such status recognized by the Commission.

If you maintain a current real estate license it can only be placed on active or inactive status. If you wish to make referrals to other licensees for a fee then you must maintain an active real estate license, meaning it must be registered under an active qualifying broker and company license. You must also complete 15 hours of continuing education in order to maintain an active license during each licensing period. In short, there is no difference in maintaining an active license in order to make referrals for a fee or maintaining an active license to list, sell, lease or engage in other real estate activities.

Also, the Commission does not have a list of companies and brokers who hold licenses for licensees who wish to only make referrals. It is the responsibility of licensees to research a company and a broker who will accommodate those who wish only to engage in making referrals.



Important Reminders Regarding Your Home Address

You are required to provide your home address to the Commission. This home address must be the physical street address of your home and cannot be a post office box number or some other mail location. If you do not wish to receive mail from the Commission at your home, you can provide a separate mailing address which may be a PO box number or another address altogether.

Please periodically verify that the Commission has your correct address on record, particularly if you change your residence. Alabama License Law Section 34-27-35(h) requires licensees to notify the Commission within 30 days of an address change. Address information, as well as all contact information, can be reviewed and updated from the Commission’s website by logging in to your licensing record under Online Services. If you update your home address information online and do not have a separate mailing address, then you do not need to fill out the mailing address field as well. The mailing address field should only be completed if you have a mailing address that is separate from your home address. You can also submit your current home address and contact information changes by mail, email or fax to the Commission’s Licensing Division. These change requests must include your name, signature and license number.

Are You Using a Company Address as Your Mailing Address?



Active licensees may list their company’s address as the mailing address under their license profile if they prefer to receive their Commission mail at their company office rather than at their home address. If this is the case, it is important to remember to update your mailing address information if you transfer your license to another active company or inactivate your license.

Failing to do so will result in important correspondence from the Commission not getting to you.

Also, if you use an email address issued by your real estate company and you transfer or inactivate your license, remember to update your email address. It is important to have a current email address on record with the Commission since we send important information and deadline reminders regarding your license by email. Email addresses can also be updated online or by providing the information in writing to the Commission’s Licensing Division. Please include your name, signature and license number with these requests.

Remember, it is your responsibility to periodically check the contact information we have on file for you and correct it within the limits of the law.



CONTINUING EDUCATION REQUIREMENTS



It seems like there is always an article addressing continuing education (CE) requirements. If license renewal only takes place every two years, why is CE important less than one year after license renewal has been completed?

1. There are many licensees who must activate a license at some point during a license period. A CE reminder allows qualifying brokers to accurately tell an individual the CE requirement for license activation.
2. There are some licensees who like to begin taking CE early for the next license renewal in 2016. A CE reminder helps them choose the correct courses to take.
3. Reading this information more than once per license period will help licensees remember the requirement.

This CE reminder is for the benefit of all licensees who need to activate a license for the first time during this license period or begin taking CE for the next license renewal. In order to do so, an individual must take six (6) hours of Risk Management and nine (9) hours of other 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 for license activation or renewal.



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**...both associate and qualifying.



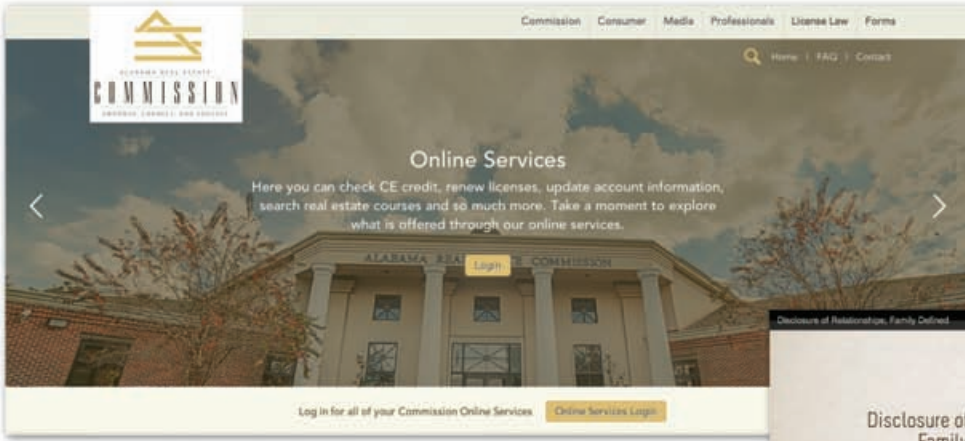
Level 2 for Risk Management also includes the *Risk Management for Salespersons* course and Risk Management courses in other areas approved by the Commission.

If you are a **Qualifying Broker** or an **Associate Broker**, you must take *Risk Management: Avoiding Violations and Risk Management for Brokers*. There is no other way to satisfy the Risk Management requirement.

If you are a **Salesperson**, you must take *Risk Management: Avoiding Violations*. The other three hours of Risk Management can be *Risk Management for Salespersons*, *Risk Management for Brokers* or some other approved Risk Management course.

IMPORTANT

All inactive licensees who complete the 15 hours of CE to activate their 2015-2016 license for the first time are addressing a deficiency and must take the current 15 hours (including the Risk Management courses) by September 30, 2016, in order to renew a license on active status for the next license period. **Rule 790-X-2-.13** of License Law explains the activation of inactive licenses and the CE required afterward.



New Videos Are Great for Sales Meetings

The Commission has produced two videos that can be very useful in your sales meetings. *Disclosure of Relationships; Family Defined* explains what is required of licensees who sell family property.

Failed Transactions Files, Who Needs Them?—You Do! covers retention of documents from failed offers.



These, and other videos, can be viewed by going to arec.alabama.gov and choosing *Videos* under the *Media* tab. You can also LIKE our YouTube channel, *ARECalabamagov*, to view our videos and receive notification when new videos are posted.



DISPOSITION

The below were 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.

Ebonie Brown

License No. 000088762

Salesperson; Hoover, Alabama
Date of Hearing: December 4, 2014
Fined \$250

Brian J. Johnson

License No. 000101490

Salesperson; Vinemont, Alabama
Date of Hearing: December 4, 2014
Fined \$250

Jason Christopher White

License No. 000104392

Salesperson; Atmore, Alabama
Date of Hearing: December 4, 2014
Fined \$250

Mickey Berry

License No. 000093664

Salesperson; Birmingham, Alabama
Date of Hearing: October 23, 2014
Fined \$500

Joy C. DeSouza

License No. 000080053

Salesperson; Huntsville, Alabama
Date of Hearing: October 23, 2014
Fined \$250

Sharon Lynn McDonald

License No. 000086172

Salesperson; McCalla, Alabama
Date of Hearing: October 23, 2014
Fined \$250

Jean H. Nowell

License No. 000034841

Salesperson; Daleville, Alabama
Date of Hearing: October 23, 2014
Fined \$250

Letitia Weaver

License No. 0000076217

Salesperson; Huntsville, Alabama
Date of Hearing: September 29, 2014
Fined \$250



David (Jake) Arriola

License No. 000101552

Salesperson; Ozark, Alabama
Date of Hearing: August 21, 2014
Fined \$250

DISPOSITION

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

John C. Boller

License No. 000044370

Qualifying Broker; Gulf Shores, Alabama
Date of Hearing: December 4, 2014
Fined \$400 with \$100 of fine stayed for mitigating circumstances presented by Mr. Boller, leaving a total fine of \$300.

DISPOSITION

The below were found guilty of violating Section 34-27-36(a)(8)(b) for failing to deposit and account for at all times funds being held for others in a separate federally insured account by having a shortage of funds in the trust account.

David L. Brewer

License No. 000011266

Qualifying Broker; Montgomery, Alabama
Date of Hearing: December 4, 2014
Fined \$2,500; License suspended for 90 days. Suspension was stayed until March 15, 2015, pending Mr. Brewer's completion of Level 1 and Level 2 Risk Management courses in the classroom before March 15, 2015.

Brewer Real Estate Company

License No. 000030876

Company; Montgomery, Alabama
Date of Hearing: December 4, 2014
Fined \$2,500

DISPOSITION

The below was found guilty on Count 1 of violating Section 34-27-36(a)(23)a. by entering a plea of guilty to felony charges and on Count 2 for violating Section 34-27-36(a)(19) for failing to comply with Section 34-27-31(j) in that he failed to notify the Commission within 10 days after notice to him of the institution of a criminal prosecution against him and again after the disposition of the felony action.

Richard Steven Tucker

License No. 000081984

Associate Broker; Montgomery, Alabama
Date of Hearing: December 4, 2014
Count 1 - Fined \$1,000
Count 2 - License revoked

DISPOSITION

The below was found guilty of violating Section 34-27-36(a)(19) by disregarding an order of the Commission in that he failed to complete payment of a fine.

Efrain Hernandez

License No. 000088476

Suspended Salesperson; Enterprise, Alabama
Date of Hearing: October 23, 2014

DISPOSITION

The below was found guilty on Count 1 of violating Rule 790-X-3-.03(2) through Section 34-27-36(a)(19) for failing to pay to his qualifying broker trust funds, in this matter rents and security deposits, coming into his possession in trust for other parties immediately upon receipt of same and guilty on Count 2 for violating Section 34-27-36(a)(14) as a licensed associate broker by accepting a commission or other valuable consideration for performing acts for which a license is required from someone other than his qualifying broker.

Roe A. Collins Sr.

License No. 000070596

Associate Broker; Gulf Shores, Alabama
Date of Hearing: August 21, 2014
Count 1 - Fined \$2,500
Count 2 - Fined \$2,500

DISPOSITION

The below was found guilty on Count 1 of violating Section 34-27-36(a)(19) by failing to comply with Section 34-27-30(3) in that he held out that Mann Investments, LLC, an unlicensed company, could participate in the leasing of real property belonging to another and collecting a fee for so doing and guilty on Count 2 for violating Section 34-27-36(a)(14) as a licensed associate broker by accepting a commission or other valuable consideration for performing acts for which a license is required from someone other than his qualifying broker.

Richard Weldon Mann Jr.

License No. 000089220

Associate Broker; Mobile, Alabama

Date of Hearing: August 6, 2014

Count 1 - Fined \$2,500

Count 2 - License revoked

DISPOSITION

The below were found guilty on Counts 1 and 2 of violating Section 34-27-84(a)(1) through Section 34-27-36(a)(19) for failing to provide brokerage services to all parties to a transaction honestly and in good faith and guilty on Counts 3 and 4 of violating Section 34-27-85(a)(1) through Section 34-27-36(a)(19) for failing to loyally represent the best interests of the clients by placing the interests of the clients ahead of the interests of any other party.

Billie D. Moore

License No. 000029935

Associate Broker; Huntsville, Alabama

Date of Hearing: August 24, 2012

Counts 1, 2, 3 and 4 - License revoked on all counts

Val Moore Realty and Management Company

License No. 000074477

Company; Huntsville, Alabama

Date of Hearing: August 24, 2012

Counts 1, 2, 3 and 4 - License revoked on all counts

The below was found guilty on Counts 5, 6 and 7 of violating Section 34-27-36(a)(26) for engaging in conduct which constitutes or demonstrates dishonest dealings, bad faith or untrustworthiness when he, through his actions with Billie D. Moore and Val Moore Realty and Management Company, entered into and then failed to perform his obligations under a residential agreement with three different clients.

Clarence Andrew Anderson

License No. 000040737

Associate Broker; Huntsville, Alabama

Date of Hearing: August 24, 2012

Counts 5, 6 and 7 - License revoked on all counts

DISPOSITION

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

Ronnie Edward Hale

License No. 0000101923

Associate Broker; Riverton, Utah

Date of Hearing: January 20, 2015

Ricky L. Whitworth DBA Whitworth Realty

License No. 0000103789

Company; Fultondale, Alabama

Date of Hearing: January 20, 2015

William Lloyd Whitworth Jr.

License No. 000094359

Qualifying Broker; Fultondale, Alabama

Date of Hearing: January 20, 2015

OTHER ADMINISTRATIVE ACTIONS

[September 2014 - January 2015]

APPLICATION FOR LICENSURE

Approved 9

Denied 6

DETERMINATION OF ELIGIBILITY

Approved 2

Denied 1

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

From Licensees 1258

From Public 715

Anonymous/Commission 66

Briefly Legal: *Continued from page 1*

How Does This Apply to Online Advertising?

We understand that technology is constantly changing; however, if you cause the online ad to be published, you must follow the advertising requirements of license law.

Other than personal websites, we most commonly see Facebook and Twitter used for advertising licensed activity. For Facebook, your company name or broker's name should appear prominently on your main page and in every post that is used for your brokerage activity. In order to have your company name on each post you will need to include your company in the name of your Facebook page or in the body of the post. For instance if my Facebook page is just named *Chris Booth* and I post a new listing then I will need to include my company name, *Chris Booth Realty*, in the body of my post. However, if my Facebook page is named *Chris Booth — Chris Booth Realty*, then every time I post a listing my company name will appear.



Twitter is a little bit different situation. Since Twitter has a restriction on the number of characters in a tweet, we take a slightly different view that is based on the reality of the situation. In order to include your company name you would have to use some of the 140 characters that you are limited to use in a tweet. For some companies this could be quite a substantial number of the limited characters. So the Commission will allow "one click" to get to the company name. This means that your company name will need to be on your main Twitter page that can be reached by clicking on the name of your account in the tweet. Remember that your company name will still need to be *prominently* displayed on your main page. If there are any other sites you use and want specific guidance on, please contact us.

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.

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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Be Our Guest... 2015 Commission Meetings

The Alabama Real Estate Commission is scheduled to meet at 9:00 a.m. at the Commission offices in Montgomery, 1201 Carmichael Way, on the following dates in 2015. Commission meetings are always open to licensees and the public.

- **April 23**
- **May 21**
- **June 25**
- **July 23**
- **August 19**
- **September 24**
- **October 22**
- **November 18**



The meeting dates and locations are subject to change. Please check the Commission's website (arec.alabama.gov); Facebook ([facebook.com/ARECalabamagov](https://www.facebook.com/ARECalabamagov)); or Twitter (twitter.com/ARECalabamagov) for the most current information. Meeting dates are also posted on the Alabama Secretary of State's website at sos.alabama.gov in accordance with the Alabama Open Meetings Act.