



THE UPDATE

ALABAMA REAL ESTATE
COMMISSION
EMPOWER, CONNECT, AND EDUCATE

COMMISSION WELCOMES NEW COMMISSIONER JIMMIE ANN CAMPBELL



The Commission is pleased to announce the appointment and Senate confirmation of new Commissioner Jimmie Ann Campbell. Commissioner Campbell represents the Second Congressional District and her term is effective through September 30, 2025.

Commissioner Campbell is the Qualifying Broker for KW Montgomery. Before becoming a REALTOR® in 1976, she taught in the

English department in three different high schools in Alabama: Gadsden, Leeds, and Opelika. Her family moved to Montgomery in 1978 and she became an active member of the Montgomery Area Association of REALTORS® (MAAR).

Commissioner Campbell was president of the Alabama Association of REALTORS® in 2003 and president of the Montgomery Area Association of REALTORS® in 1997. In addition, she served as Women’s Council of REALTORS® (WCR) State President in 1994 and WCR Governor for Alabama in 1995. She served as an Alabama Association of REALTORS® ARPAC Trustee; served a term as chair of the REALTORS® ARPAC Trustees; and is a member of the ARPAC Hall of Fame. She also served as a Leadership AAR Trustee and has chaired the Alabama Association of REALTORS® Disaster Relief Fund since its inception in 2004. Commissioner Campbell has served on committees for the National Association of REALTORS®, as well. She is an NAR Omega Tau Rho and a REALTOR® Emeritus. She is a member of the Greater Montgomery Home Builders Association where she previously served as an instructor for the Graduate Builders Institute certification.

Congratulations, Commissioner Campbell!

EXECUTIVE DIRECTOR VAUGHN T. POE: LEADING THROUGH THE TIME OF COVID-19



Vaughn T. Poe is the Commission’s new—or not so new—executive director. Mr. Poe has been leading the Commission team since the May 2020 retirement of former executive director Pat Anderson.

Under his leadership, the Commission has adjusted policies and internal procedures throughout 2020 to ensure that licensees were able to continue providing the best

possible service to consumers in real estate transactions. “Alabama’s real estate professionals are weathering the storm and continuing to provide valuable services to consumers,” Poe said. “The Commission team members have transitioned to meet the challenges of COVID-19. Due to the prevalence of technology, we have been very resourceful in the use of virtual options to continue assisting licensees across the state.”

Poe initially joined the Commission as the chief policy officer before becoming executive director. His vast knowledge and proven leadership ability have served him and the Commission team well as we have

navigated, and helped Alabama’s licensees to navigate, the challenges presented by COVID-19.

We look forward to Executive Director Poe’s continued leadership in the coming years.



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The Alabama Real Estate Commission is Listening

The mission of the Alabama Real Estate Commission is to serve the public through licensing and regulation of licensees. Our goal is to provide that service in a consistent way, allowing licensees and consumers to feel free to bring their concerns and complaints forward and into the light.

Here at the Commission we want you to know that we are always listening. If you believe that a person or company may have violated Alabama License Law, please contact us. Whenever the Commission receives a complaint it is handled by our investigative team. Their report goes to a panel chaired by the Commission's legal counsel for a determination as to whether action should be taken against the person or company. All complaints, concerns or issues are taken seriously and can lead to further investigation.

Our enforcement jurisdiction extends over persons and companies who have an Alabama real estate license and to those who practice real estate without being properly licensed. In cases where unlicensed activity is found, the Commission may issue a cease and desist order and, upon hearing, may impose fines.



There is a lot to be said for the consumer who feels protected. When something goes wrong, you need to feel like the Alabama Real Estate Commission is there to provide you with excel-

lent service. It is our pleasure to assist you—we are listening.

Commission Names Hearing Room in Honor of Former Executive Director Pat Anderson

Our hearing room, where Commission meetings are held, will now be known as "The Patricia Anderson Room." A plaque was recently unveiled recognizing the honor. A huge congratulations and thank you to Pat for her 43 years of dedicated service to the Commission!





Online Transfer Process Redesigned

The Commission recently redesigned its online license transfer process. Online license transfer is accessible from the Commission's website under "Online Services Login." After logging in, choose Transfer/Inactivate/ChangeName from the menu of available services.

This application can be used by temporary salespersons, salespersons, and associate brokers who need to activate or inactivate a license, change their legal name, or transfer a license to another active, licensed company. The transfer menu has been streamlined to easily allow licensees to make changes specific to their license type and status. It also allows licensees to make a legal name change in the process of activating, inactivating, or transferring to another active company license. Therefore, if you need to transfer your license we think you will find this new procedure easy to navigate.

As a reminder, temporary salespersons can only activate or transfer their licenses within the first six months of licensure. However, we have only enabled the activation and transfer procedure for temporary salespersons within the first five months of licensure to prevent them from paying a transfer fee, only to be placed inactive at the six-month interval for not having their permanent salesperson license issued. Also, since qualifying brokers cannot perform online transfers or name changes, the transfer process is not available for them. All qualifying brokers must contact a member of the Licensing Division for assistance with their transfer request.



Don't Let Your Guard Down...Beware of Malicious Email

With the speed at which our email inboxes can fill up, it is easy to get overwhelmed. As you are going through your daily emails, however, you need to be aware of emails that can cause you to fall victim to fraud, identity theft and other malicious activities. Even an email from someone you know can have red flags signaling that it is not actually from that person. Here are some things to watch for in your emails.

BE WARY OF EMAILS THAT ASK YOU TO CONFIRM PERSONAL INFORMATION.

Beware of emails that ask you to confirm things like login credentials or banking information. Don't reply or click on any links in the email. If you believe the email is legitimate, you should search online for the organization and contact them directly.

ANALYZE THE SALUTATION.

Does the email have an impersonal greeting such as "Valued Customer?" Businesses will usually use a more personal salutation with your first and last names.

BEWARE OF URGENT LANGUAGE IN THE SUBJECT LINE.

Provoking a sense of fear or urgency is a common phishing tactic. Subject lines that claim your account had an "unauthorized login

attempt" or that your "account has been suspended" are red flags. The sense of urgency can lead people not to think about what is actually happening.

DON'T CLICK OR OPEN UNFAMILIAR ATTACHMENTS.

Attachments could contain malware or viruses. Malware can damage files on your computer, steal passwords, or spy on you without you knowing it is occurring. Ransomware can actually lock all your files and hold them hostage until you pay the attacker's ransom.

BEWARE OF OFFERS THAT SEEM TOO GOOD TO BE REAL.

That old saying, "if it sounds too good to be true, it probably is" really applies to detecting a phishing email. Emails offering rewards, vacations, cash, gift cards, pretty much anything of value are usually fake and are meant to cause you to let your guard down. Once you let your guard down, the attacker will get something from you much more valuable than the gift promised.

In this fast-paced world, with so much communication at your fingertips, slow down, take a breath and focus on emails that are unexpected. Don't become a victim. Protect your identity, account numbers, login credentials and those important files that you can't live without.



Preparing for 2021

2020 was an unusual year requiring many changes to assist applicants and licensees during the COVID-19 pandemic. However, we are now in the year 2021 and steps have been taken to return to normal. All deadlines will be enforced as identified in License Law and the COVID-19 deadline extensions have ended. Each deadline is explained below:

- Salesperson and Broker Prelicense course deadlines are returning, which will require all students to complete the prelicense course within one year of beginning the course.
- All license examination deadlines will return to six (6) months. Individuals who are currently eligible to take the license examination have been notified of their deadlines by letter and email.
- The Temporary Salesperson License application must be completed and submitted with payment within 90 days of passing the license examination.
- The 30-hour Post License course deadlines return to completion within six (6) months to remain on active status and completion within 12 months before the temporary salesperson license will lapse.
- The Original Salesperson License deadline requires the proper application to be completed and submitted with payment after completing the post license course.
- Continuing Education courses must be completed by September 30, 2022 and the new 3-hour **Risk Management: Initial Contact to Accepted Offer** course must be taken to satisfy the CE requirement. (NOTE: The new course is not required for licensees who had 15 hours of CE, renewed early in 2020 and completed all 15 hours of CE for the 2022 renewal prior to January 1, 2021.)



Who Can Compensate a Salesperson?

Code of Alabama, 1975 Section 34-27-36(14) prohibits a salesperson from accepting valuable consideration for conducting a licensed activity from any person except his or her qualifying broker. Obviously, this means that a salesperson cannot receive commission for selling or leasing property from anyone except a qualifying broker. However, there are other financial transactions that a salesperson may engage in when providing services that create more uncertainty. Two that come to mind are receiving a fee from another salesperson for covering a showing and receiving a reimbursement from a client for paying for a property enhancement.

The Commission is aware that it is common for a salesperson to ask another

salesperson to cover a showing when scheduling conflicts arise. In fact, a website has recently been created that seeks to link salespersons that have scheduling conflicts with persons willing to cover the showing for a small fee.

Code of Alabama, 1975 Section 34-27-30 prohibits an unlicensed person from selling or renting property that is not owned by him/her. Showing a property is such a major step in the selling and renting process that *Alabama Administrative Code Section 790-X-1-.04* specifically prohibits clerical or office employees of a real estate company from physically showing listed properties. Since the law prohibits a salesperson from accepting valuable consideration for conducting a licensed activity from any person except his/her

qualifying broker, compensation (even a gift certificate) for covering a showing can only be provided to the salesperson through his/her qualifying broker.

Salespersons may choose to front the money for property enhancement, such as painting, remodeling, cleaning, or lawn service. The property owner will hopefully reimburse the salesperson for the expense at an agreed upon time. Since a reimbursement is not compensation for performing an act, license law does not require the reimbursement to be paid to the salesperson through the broker. However, brokerage companies may be wise to implement policies regulating when, where, and how a salesperson may front money for a client and how that money may be reimbursed.



DISCIPLINARY ACTIONS

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

DISPOSITION

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

Brian Senn

License No. 000129279

Salesperson; Birmingham, AL

Date of Hearing: October 22, 2020

Fined \$250

Elizabeth Hopp

License No. 000127113

Salesperson; Madison, Alabama

Date of Hearing: January 23, 2020

Fined \$250

Amanda Oakes

License No. 000124972

Salesperson; Mobile, Alabama

Date of Hearing: January 23, 2020

Fined \$150

Brittney Saraceni

License No. 000120550

Temporary Salesperson; Huntsville, Alabama

Date of Hearing: January 23, 2020

Fined \$250

Walter Simmons

License No. 000109200

Salesperson; Huntsville, Alabama

Date of Hearing: January 23, 2020

Fined \$1000

DISPOSITION

The below were found guilty of violating Section 34-27-36(a)(8)a. for commingling money belonging to others with their own funds and guilty of 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 or accounts in a financial institution located in Alabama.

Barbi Jo Carroll

License No. 000090239

Qualifying Broker; Phenix City, Alabama

Date of Hearing: August 20, 2020

Fined \$5000

Property Rental One Shop

License No. 000099054

Company; Phenix City, Alabama

Date of Hearing: August 20, 2020

Fined \$5000

DISPOSITION

The below was found guilty of violating Section 34-27-36(a)(14) for accepting a commission and fee and other valuable consideration, from someone other than his qualifying broker, for performing an act for which a real estate license is required.

Bradley Chambers

License No. 000111844

Salesperson; Foley, Alabama

Date of Hearing: August 20, 2020

Fined \$2500; License Revoked

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 the funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama.

Dustin Woodley

License No. 000078696-0; 000078696-2

Qualifying Broker; Prattville, Alabama

Date of Hearing: June 25, 2020

Fined \$2500

Camelot Properties II

License No. 000110786

Company; Prattville, Alabama

Date of Hearing: June 25, 2020

Fined \$2500

(Continued on page 6)



FEBRUARY 2020 – NOVEMBER 2020

APPLICATION FOR LICENSURE

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

APPROVED 38
DENIED..... 6

DETERMINATION OF ELIGIBILITY

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

APPROVED 15
DENIED..... 5

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

FROM LICENSEES 3,687
FROM PUBLIC..... 1,492
ANONYMOUS/COMMISSION 71

DISPOSITION

The below was found guilty of violating Section 34-27-36(a)(15) for, as the qualifying broker, allowing a salesperson licensed under her to advertise himself or herself as a real estate salesperson without including the name of the qualifying broker or company on that advertising.

Laura L. Cardwell-Dennis

License No. 000064374
 Qualifying Broker; Trussville, Alabama
 Date of Hearing: January 23, 2020
Fined \$2000

DISPOSITION

The below were found guilty of violating Section 34-27-36(a)(6) for publishing or causing to be published any advertisement which deceives, or which is likely to deceive the public and guilty of violating Section 34-27-36(a)(15) for advertising as real estate salespersons without the name of the qualifying broker or company name under whom they are licensed.

Benjamin Matthew Styes

License No. 000100734
 Salesperson; Trussville, Alabama
 Date of Hearing: January 23, 2020
Fined \$1000

Jean Thrasher

License No. 000087795
 Salesperson; Trussville, Alabama
 Date of Hearing: January 23, 2020
Fined \$1000

DISPOSITION

The below was found guilty of violating Section 34-27-36(a)(19) by failing to comply with Section 34-27-30 (1), (3) and (8) by operating an unlicensed company for the purpose of renting real property she did not own for a fee and guilty of violating Section 34-27-36(a)(19) by failing to comply with Commission Rule 790-X-3-.03(2) by failing to immediately pay over to her qualifying broker all funds coming into her possession in trust for others.

Tina Marie Daversa

License No. 000116373
 Salesperson; Daphne, Alabama
 Date of Hearing: September 26, 2019
Fined \$5000; License Revoked



2021 Commission Meeting Schedule

Check the Commission’s website and Facebook, Twitter and Instagram sites for up-to-date meeting information. The meeting dates and information are also posted on the Alabama 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. These are the 2021 meeting dates.

January 21

February 18

March 18

April 22

May 20

June 17

July 22

August 19

September 23

October 21

November 18



Commission Welcomes New Assistant General Counsel

We are pleased to announce that Zackery (Zack) Burr has joined the Commission team as Assistant General Counsel. Before joining the Commission, Zack was assistant attorney general at the Alabama Department of Human Resources. He also served as assistant attorney general at the Alabama Law Enforcement Agency – Department of Public Safety.



Zack is a 2005 summa cum laude graduate of the University of Montevallo with a B.A. in history. He received his law degree in 2008 from the University of Alabama School of Law, where he was senior editor of the *Law & Psychology Review*.

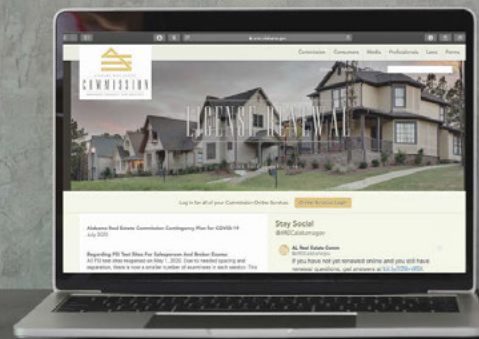
Zack will be working with our General Counsel Starla Van Steenis in the legal division. We welcome Zack to our team!

KEEP CURRENT WITH YOUR CONTACT INFORMATION

MAKE SURE THESE ARE CORRECT WITH THE COMMISSION:

- RESIDENCE ADDRESS • BUSINESS ADDRESS
- EMAIL • PHONE NUMBER

VISIT OUR WEBSITE: AREC.ALABAMA.GOV



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

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

SECTION 34-27-35(H)

THE UPDATE

ALABAMA REAL ESTATE

COMMISSION

EMPOWER, CONNECT, AND EDUCATE



EMPOWER Empowering the real estate professional and the consumer.



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



EDUCATE Educating the real estate professional and the consumer.

COMMISSIONERS

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Reid Cummings, Mobile, *Vice Chairman*
Emmette Barran, Decatur
Jimmie Ann Campbell, Montgomery
Joyce Shivers Harris, Selma
Terri C. May, Sawyerville
Susan T. Smith, Fort Payne
Bill Watts, Birmingham

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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, 2022

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

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