



BRIEFLY LEGAL

By Zack Burr, Assistant General Counsel

BROKERS BEWARE: ENSURE YOUR SALESPERSONS HAVE COMPLETED THEIR CONTINUING EDUCATION

In March 2022, Alabama Administrative Code Rule 790-X-3-.15 went into effect, detailing a qualifying broker’s responsibility for supervising the company and those licensed under the qualifying broker. One of those responsibilities is to ensure that only actively licensed persons are conducting licensed activity on behalf of the company.

If a licensee does not complete fifteen hours of continuing education during the two-year license renewal period, then the license will become inactive on October 1 of the renewal year (even-numbered years).

The Commission does not send a direct notice to the qualifying broker when a salesperson does not meet the continuing education requirement.

If a licensee does not have an active license, it will not be one of the licenses made available to the qualifying broker by the Commission following the renewal period. Thus, after a qualifying broker prints licenses for public display in October of a renewal year, the broker should check those licenses against the list of salespersons in the company.

If a salesperson performs licensed activity while a license is inactive, it will likely lead to a charge against the salesperson for conducting unlicensed activity and a charge against the qualifying broker for failing to properly supervise. License management is a big part of a qualifying broker’s responsibilities, and the Commission has given brokers tools in the form of a dashboard that is available when they log in to Online Services. Qualifying brokers can see the status of their affiliated licensees at any time throughout the year. Qualifying brokers, if you haven’t checked your list of active licensees this year, please check it now.




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Get a Head Start on CE

Another license renewal has passed and the next one will be in 2024. Even though that is approximately a year from now, you may want to get a head start preparing for it. There was a large number of licensees who did not begin taking CE courses until the final week of the previous license period. That resulted in unneeded pressure on the licensee to complete the courses prior to the deadline as well as unnecessary pressure on the schools to submit the course credit prior to the September 30 deadline. Both situations can be avoided by getting a head start and completing your CE early and verifying course credit has been submitted to the Commission.

There was a large number of licensees who were forced inactive due to CE course credit not being in their records prior to the deadline. This was due to licensees thinking they only needed to complete their CE courses by midnight on September 30. They did not think about the fact that the school needed time to submit the course credit to the Commission. We simply ask that all licensees look at the entire picture, not just their part. This is especially important for qualifying brokers who may wait too long to complete CE courses and renew a license. The result will be a license that is automatically placed on inactive status,



which will not only affect the individual qualifying broker, but will also negatively affect all licensees in the company...including those who completed CE and license renewal early.

So, do you want to avoid license renewal problems and concerns in 2024? Do not wait until September of 2024 to begin thinking about CE completion. Get a head start and begin taking your CE now so you can check that off your list. You will be glad you did.

Pearson VUE Replaces PSI As Exam Provider

Effective January 3, 2023, Pearson VUE replaced PSI and became the contracted license examination provider for the Commission and is now offering all salesperson, broker, and reciprocal license examinations.

This change in license examination providers is resulting in changes involving the license examination design and score reports.

- There will be no change to the state portions of the salesperson and broker license examinations as well as the reciprocal license examinations.
- The national portion of the salesperson license examination will be based on a different outline. However, the information is still basic real estate just like the information used by previous examination providers. The biggest change is the national portion of the broker license examination. Simulation

items were used for many years, but those have been discontinued. The broker license examination will now be using the same outline as the salesperson license examination with the only difference being the levels on which the items are written. For example, the section on Real Estate Practice on the salesperson license examination contains 14 items with **nine** based on *Knowledge*, **three** based on *Application*, and **two** based on *Analysis*. That section on the broker license examination has the same number of items, but **four** are based on *Knowledge*, **four** are based on *Application*, and **five** are based on *Analysis*. As you can see, broker examinees are tested at a higher level.

- Passing score reports are now different because they do not include a license application. The score report will simply provide the examination score and a link that can be used to access an online application provided by the Commission. This will eventually initiate an online process with all necessary steps to have a license issued.

If you know of license applicants who are still eligible to take the license examination and have been trying to schedule the examination through PSI, please share Pearson VUE's contact information below.

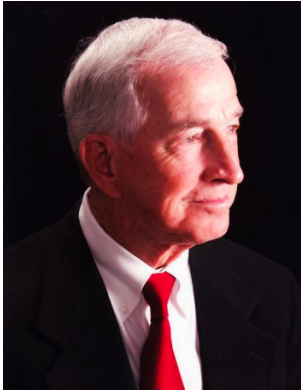
Website: <https://home.pearsonvue.com/al/realestate>

Phone: 888-926-9488

Email: pearsonvuecustomerservice@pearson.com

Commission Mourns Passing of Former Commissioners Bill Poole and Chester Mallory

The Commission was saddened to learn of the recent passing of two former Commissioners. Both Commissioners Poole and Mallory were very instrumental in the growth of the Commission. They not only served the citizens of Alabama, but they also served as friends and mentors to so many in the real estate community overall.



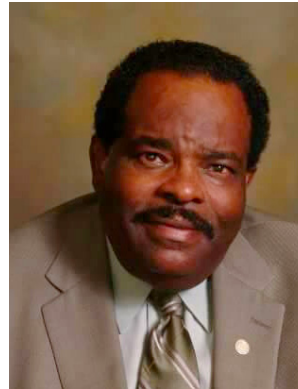
Bill Ernest Poole passed away on December 13, 2022, in Huntsville, Ala. at the age of 86.

He was appointed as an Alabama Real Estate Commissioner, representing the Fifth Congressional District, in 1995 and served through 1997. He was Commission chairman from 2000-2007. During his tenure the Commission implemented RECAD, dissolved mandatory E&O, partnered in the development of the Alabama Center for Real Estate

(ACRE) at The University of Alabama in Tuscaloosa, instituted major education initiatives with both licensees and instructors, and promoted technological advancement with its web presence and online services.

In addition to being instrumental in the creation of ACRE, he served as past Chairman of ACRE and was an Advisory Emeritus on the ACRE Advisory Board. Bill also served in many leadership capacities in the real estate profession on a local, state, and national level. He was past president of the Huntsville Association of REALTORS® and the Alabama Association of REALTORS® (AAR). He was recognized as the 2008 Alabama REALTOR® of the Year by AAR and was awarded the David D. Roberts Award in 1999.

Bill was very active in the community and enjoyed fun times with family and friends. After attaining his private pilot license, he fulfilled a lifelong dream of owning a personal aircraft and spent many hours flying the skies. Bill also enjoyed the outdoors and was an avid golfer. He will always be remembered by his golf friends as Chairman of the "Poole Group." While golf was the hobby, it was the cherished and blessed time with the Poole Group friends he enjoyed the most.



Chester D. Mallory passed away on December 17, 2022 in Montgomery, Ala. at the age of 82.

Chester was in real estate for 50 years and was owner/broker of Mallory Realty in Montgomery, which he opened in 1972. He was appointed to the Alabama Real Estate Commission in 1998 as an Industry Member-at-Large and served until 2008.

During his tenure as Commissioner, he contributed significantly to the advancement of technological initiatives, promoting quality education offerings and instructor training, and promoting enhanced communication in print and on the Commission's website. He also lent his time and expertise to the search for a quality exam provider to administer the salesperson and broker examinations to licensees.

Chester was an active member of the National Association of REALTORS®, the Alabama Association of REALTORS®, and the Montgomery Area Association of REALTORS®, which he served as president in 1996.

He was also actively involved with the Association of Real Estate License Law Officials (ARELLO®). He contributed countless hours making sure Alabama was well represented on ARELLO® committees and at meetings and conferences.

Chester was a longtime civic leader. In addition to being a Commissioner, he also served on the boards of numerous other organizations including the Alabama Real Estate Appraisers Board, Montgomery Airport Authority, Montgomery Area Chamber of Commerce, Montgomery City-County Public Library, Gift of Life Foundation, and Montgomery Ballet. Chester also taught psychology at Alabama State University for many years.

Montgomery Mayor Steven Reed stated that Chester "left a legacy of love for his community above all. His name will always be synonymous with success, especially among Black-owned businesses and entrepreneurs in our city. However, we will remember him most for his spirit for service, civic pride and financial support for causes that helped move the needle in Montgomery."



LICENSING REVIEW

By Anthony Griffin, Licensing Administrator

It's Not Too Late to Renew Your Expired License

If you have an inactive license that expired on September 30, 2022, you have until September 30, 2023 to renew the license, with a late fee, to get it back to current status and updated to a September 30, 2024 expiration date. If you do not renew your license during this grace

period it will lapse on October 1, 2023. A lapsed license cannot be renewed. Once your license lapses, you must meet all licensing requirements as if you have never been licensed.

Keeping your license renewed and current will prevent it from a lapsed status. This can be

to your advantage if real estate-related activities are in your future. If you know someone with an expired real estate license, please pass this information on to them.

Changes to Rule 790-X-1-.07

Synopsis: Prelicense instructor applicants must score a grade of 70 or higher at a New Instructor Orientation to receive instructor approval. The testing includes a general real estate test, a license law test, and a 20-minute presentation. A score below 70 will require remedial instructor training and attendance at another Orientation.

RULE 790-X-1-.07 QUALIFICATIONS FOR PRELICENSE AND POST LICENSE INSTRUCTORS.

(1) In order to be approved to instruct real estate coursework, all real estate prelicense and post license instructor applicants shall:

- (a) Apply on a form prescribed by the Commission.
- (b) Hold a current broker's license in order to attain approval and must maintain a current broker's license in order to continue approval to teach prelicense and post license courses.

(2) If a prelicense and post license instructor applicant has previously been found guilty of violating any provision of the Real Estate License Law or any rule, regulation, or order of the licensing authority in any state, the applicant shall first gain approval of the Commission through a hearing.

(3) Additional qualifications for all prelicense and post license instructor applicants, with the exception of full-time college and university prelicense and continuing education course instructors, shall be evaluated as follows:

(a) Instructor applicants shall meet the prerequisite qualifications as specified by the Commission. ~~The Commission shall rate the individual's qualifications~~ in education, industry experience and teaching experience. The qualifications will be evaluated using a point system. An individual shall obtain a minimum of 70 points ~~to be approved as an instructor~~ prior to being admitted to a mandatory orientation. The five major areas of evaluation and maximum points per category are:

- 1. Active real estate license experience-20 points
 - 2. Real estate education-20 points
 - 3. Formal education-20 points
 - 4. Teaching experience-~~30~~35 points
 - 5. Real estate and related experience-~~10~~5 points
- (b) Each major category shall be comprised of subcategories thereby allowing consideration of a variety of qualifications.

(c) The Commission shall require that an instructor applicant submit appropriate documentation in order to be awarded points in any category or subcategory. No points can be awarded without supporting documents. If appropriate documentation is not received within 10 days of submission of the application, the application shall be denied and the application fee and all documentation shall be returned.

(4) All instructor applicants shall attend a mandatory orientation after qualifications have been evaluated and the initial application has been approved. The orientation shall be comprised of two scored parts:

(a) A pretest evaluating the applicant's real estate and license law content knowledge.

(b) A presentation on a real estate examination topic given by the applicant as part of the orientation.

(c) The presentation shall be evaluated individually by a panel of experts utilizing a set of standardized criteria. The presentation evaluation score shall be an average of the individual panelists' scores.

(d) A minimum orientation final score of 70 shall be mandatory to obtain final instructor approval. This is a combined score of both the content knowledge and the presentation performance. A score below 70 shall require remedial instructor training identified by the Commission to receive approval to attend a future orientation. Attendance at future orientations shall be required until the minimum score of 70 is achieved.

~~(4)~~ (5) Full-time college and university prelicense and continuing education course instructors shall be qualified when certified by their respective educational institutions.

~~(5)~~ (6) All prelicense and post license instructors shall have written approval from the Commission prior to teaching an approved course.

~~(6)~~ (7) All prelicense and post license instructors will be periodically reviewed and evaluated by the Commission.

~~(7)~~ (8) All prelicense and post license instructors shall attend Commission sponsored orientation courses and seminars when directed to do so by the Commission. Failure to do so will result in instructor approval being subject to disciplinary action in accordance with Rule 790-X-1-.17.

~~(8)~~ (9) Prelicense and post license instructors shall not earn continuing education credit for courses taught.

App Makes License Law Available Whenever You Need It!

The Alabama Real Estate License Law app is a legal reference that allows users to view and bookmark Alabama real estate license law and time-share law on the go. It contains select provisions from the *Code of Alabama* 1975 and the *Alabama Administrative Code Rules and Regulations*. New Rules and Rule amendments are available on the app as soon as they become effective so you always have the most current version of license law.

In addition to providing access to Alabama real estate laws including rules, regulations and time-share on your mobile device with offline capabilities, other app features include:

- Ability to search subject matter by keyword
- An account feature that allows Alabama licensees to log in and view bookmarks saved across desktop and mobile
- Ability to bookmark sections and rules to be easily referenced later *Please note that bookmarks are device-specific unless the user logs in to the app. Login to the app requires the same login used for the Alabama Real Estate Commission Online Services, and bookmarks can then be synced between mobile devices and the website.*

The app is available for free download on Apple, Android and Google devices. Search for "Alabama Real Estate" in your device's app store and download the Alabama License Law app. Once downloaded, internet access is not required to use the mobile app. License Law on the mobile app will update whenever a user has an internet connection. When devices are set to update automatically, users will not have to open the app to get updated License Law.

Download the app today and you will always have the latest version of Alabama License Law.

Congratulations to Dr. David Bowen on His Retirement!



The new year has brought some changes to the Commission team. Long-time team member, **Dr. David Bowen** officially retired as of January 1 after working in the Education Division for 18-plus years. David assisted with the New Instructor Orientation, but his focus was always on the approval of prelicense instructors, CE instructors, licensed schools, approved schools, and CE courses. As the Commission advanced with technology, David became the main contact between the Education Division and the IT Division. We appreciate David's contributions to the Education Division and to the Commission. He will be missed!

Welcome New Team Members Dr. Brittini Jones Anderson and Serena Cronier



Dr. Brittini Jones Anderson is the newest Education Specialist in our Education Division. Brittini earned a doctoral degree in education from Washington University in St. Louis, Missouri. She has been employed by Auburn University at Montgomery as well as Troy University. She will soon be auditing education courses and schools and will also be a part of instructor trainings. Brittini is a member of Delta Sigma Theta Sorority Inc. She enjoys spending time with family, attending concerts and live sporting events, and trying new restaurants.



Serena Cronier is the Commission's newest attorney. She will be working with our current attorneys, General Counsel Starla Leverette and Assistant General Counsel Zack Burr in our Legal Division. Serena received her law license in 2016. She has worked for the Montgomery County Public Defender's Office as a Senior Trial Attorney; for the Division of Human Resources as an Assistant Attorney General; and for the Board of Pardons and Paroles as an Assistant Attorney General. When not practicing law, her hobbies include hunting, fishing, traveling, and spending time with her family and fiancé, and their four dogs.

We are excited that Brittini and Serena have joined our team!



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.

Alecia Alexandria Cockrell

License No. 000137346

Salesperson; Bessemer, Alabama

Date of Hearing: June 23, 2022

Fined \$100

George Arthur McEwen Jr.

License No. 000064159

Salesperson; Mobile, Alabama

Date of Hearing: October 13, 2022

Fined \$150

Jorden Emmanuel Seal

License No. 000148513

Salesperson; Atlanta, Georgia

Date of Hearing: October 13, 2022

Fined \$150

Wayland Lintrell Charles Jr.

License No. 000140234

Salesperson; Tuscaloosa, Alabama

Date of Hearing: November 17, 2022

Fined \$250

Lauren Michelle Gibbs-English

License No. 000142945

Salesperson; Alabaster, Alabama

Date of Hearing: November 17, 2022

Fined \$250

Rebekah Conklin Gregory

License No. 000115198

Salesperson; Trussville, Alabama

Date of Hearing: November 17, 2022

Fined \$250



Sherry Harbor

License No. 000089948

Salesperson; Hamilton, Alabama

Date of Hearing: November 17, 2022

Fined \$250

Eung Seuk Lee

License No. 000128138

Salesperson; Pike Road, Alabama

Date of Hearing: November 17, 2022

Fined \$250

Mark Porter McGinnis

License No. 000118119

Salesperson; Cullman, Alabama

Date of Hearing: November 17, 2022

Fined \$100

Tracey Moore

License No. 000126947

Salesperson; Decatur, Alabama

Date of Hearing: November 17, 2022

Fined \$250

The below were found guilty of violating Section 34-27-36(a)(1) for failing to comply with Section 34-27-35(k) in that no act for which a license is required shall be performed under an inactive license and for violating Section 34-27-30 and Rule 790-X-.03(1) by engaging in activity that requires a real estate license.

Kim H. Hagen

License No. 000048413

Qualifying Broker; Carrollton, Georgia

Date of Hearing: August 18, 2022

Fined \$2,500

Hagen Auction Company Inc.

License No. 000054726

Company; Carrollton, Georgia

Date of Hearing: August 18, 2022

Fined \$2,500

(Continued on page 7)

OCTOBER 2022 – JANUARY 2023

APPLICATION FOR LICENSURE

(Includes Applications for Temporary, 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 (i.e. salesperson to broker).

| | |
|-----------------------|---|
| APPROVED | 7 |
| DENIED | 2 |

DETERMINATION OF ELIGIBILITY

(Applications for Licensing Eligibility Determination)
 These numbers represent persons who 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 | 1 |
| DENIED | 0 |

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

| | |
|-----------------------------------|-----|
| FROM LICENSEES | 859 |
| FROM PUBLIC | 495 |
| ANONYMOUS/COMMISSION | 33 |

The below was found guilty of violating Section 34-27-36(a)(26) for exhibiting conduct that demonstrates dishonest dealings, bad faith, or untrustworthiness.

Davetta Denise Ferguson

License No. 000123772
 Associate Broker; Montgomery, Alabama
 Date of Hearing: September 22, 2022
License revoked

The below were found guilty of violating Section 34-27-36(a)(8)a. for failing within a reasonable time to properly account for or remit money coming into their possession which belonged to others and for commingling money belonging to others.

Shawn Lee Kent

License No. 000100209-1
 Qualifying Broker; Huntsville, Alabama
 Date of Hearing: September 22, 2022
Fined \$2,500

Home South Property Management Inc.

License No. 000121834
 Company; Huntsville, Alabama
 Date of Hearing: September 22, 2022
Fined \$2,500

Stuart Brandon Fowler

License No. 000053622
 Qualifying Broker; Gulf Shores, Alabama
 Date of Hearing: October 13, 2022
Fined \$2,500 and license revoked

The below was found guilty of violating Section 34-27-36(a)(19) by failing to comply with Section 34-27-31(j) by not notifying the Commission of his arrest and criminal charges within ten days.

Daniel Payton Humphries

License No. 000098404
 Salesperson; Orange Beach, Alabama
 Date of Hearing: November 17, 2023
Fined \$1,000

Online Payments to Commission Show As “State of Alabama” on Statements

Do not cancel online payments made to the Commission because you do not see “Alabama Real Estate Commission” as the vendor on your credit card or bank statement. Online payments that are made to the Alabama Real Estate Commission **will show on your credit card/bank statements as “State of Alabama.”** All online payments by credit card, debit card or eCheck are processed through Alabama Interactive, the contracted vendor for processing online transactions for all state agencies; this includes the Alabama Real Estate Commission. Therefore, the payment will show as “State of Alabama.”

Some licensees have cancelled payment when they did not see “Alabama Real Estate Commission” as the vendor on their statement. This has resulted in renewal fees and other fees and fines being unpaid. When a licensee cancels an online payment to the Commission or reports it as an unauthorized charge, the Commission is notified that the payment did not go through. The transaction is then treated as it were a bad check because we did not receive the payment.

Cancelled payments by licensees have resulted in formal complaints being filed against those licensees for violating Alabama real estate license law section 34-27-36(a)(16), which states that it is a violation to “present to the Commission, as payment for a fee or fine, a check that is returned unpaid.” If you make an online payment to the Commission, please contact us before you cancel or dispute the transaction because your statement shows payment to “State of Alabama.” We will be happy to verify what the online payment was for and the amount that was paid.

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.

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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, 2024

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

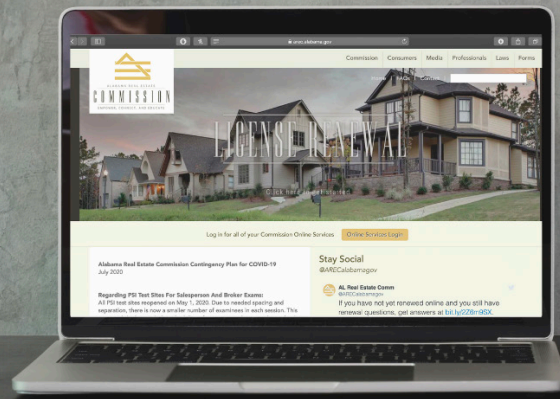
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KEEP CURRENT WITH YOUR CONTACT INFORMATION

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(G)