

MINUTES

A meeting of the Alabama Real Estate Commission was held August 21, 2025, at the office of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order by Commission Chairman Randy McKinney at 9:00 a.m.

Chairman McKinney called the roll, and the following Commissioners indicated their presence with a spoken "present": Commissioners Kim Barelare, Em Barran, Jimmie Ann Campbell, Jim Dye, Betsy Echols, Terri May, Randy McKinney, and Juanita Taggart Jones. Commissioner Debra Lucas Robinson was absent with notice. A quorum was declared.

Commission staff members in attendance for all or part of the meeting were Executive Director Dr. Vaughn T. Poe; Assistant Executive Director Wendy Mae Alkire; General Counsel Starla Leverette; Assistant Attorney General Zack Burr; Assistant Attorney General Serena Cronier Grayson; Investigators Marshall Simons, K.C. Baldwin, and Rickey Fennie; Legal Assistant Angie Kidd; Education Director Ryan Adair; Communications and Public Relations Director Lori Moneyham; Executive Assistant Amber Moore; Accounting and Personnel Director Jason Clifton; and Information Technology Programmer Chris Prestridge. The Hearing Officer was Jim Hampton.

The Pledge of Allegiance was recited in unison.

APPROVAL OF THE MINUTES

Chairman McKinney asked for a motion to approve the minutes from the June 26, 2025, Commission meeting. Commissioner Campbell made a motion to approve the minutes from the June 26, 2025, meeting. Commissioner Echols seconded the motion, and the motion passed 7-0-1, with Commissioner Barran abstaining due to his absence from the June meeting.

COMMISSIONER DISCUSSION

Consider Approval of New Rule 790-X-3-.17 - Agreements to Show Property

- **Discussion of Written Comments Regarding Rule 790-X-3-.17**
- **Adopt Resolution Requesting an Attorney General's Opinion Regarding the Interpretation of Code of Alabama, 1975 Section 34-27-82(e)**

Assistant Attorney General Zack Burr said Rule 790-X-3-.17 would clarify *Code of Alabama, 1975*, Section 34-27-82(e) regarding agreements to show property. He added that the Commission received written comments from the Alabama Association of REALTORS®. As a result, Commission staff determined it necessary to request an opinion on the interpretation of the statute from the Alabama attorney general.

Chairman McKinney asked for a motion regarding Rule 790-X-3-.17 and the resolution to request an Attorney General's opinion regarding the interpretation of *Code of Alabama, 1975*, Section 34-27-82(e). Commissioner May made a motion table the discussion of Rule 790-X-3-.17 and to adopt the resolution to request an Attorney General's opinion regarding the interpretation of *Code of Alabama, 1975*, Section 34-27-82(e). Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0.

Submission of Rules to Legislative Services Agency (LSA)

- **Proposed Rule Amendment 790-X-1-.21 - Distance Education Courses**

Assistant Attorney General Burr presented a proposed amendment to Rule 790-X-1-.21 to the Commissioners for approval. Education Director Ryan Adair explained that the rule amendment would allow distance education instructors, whether teaching synchronous or asynchronous courses, to decide how the examination is given to students.

Chairman McKinney asked for a motion regarding Rule Amendment 790-X-1-.21. Commissioner May made a motion to move forward with the proposed amendment to Rule 790-X-1-.21 and submit it to the Legislative Services Agency for public comment. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

- **Proposed Rule Amendment 790-X-3-.13 – Agency/Brokerage Services Disclosure**

Assistant Attorney General Burr explained that amendments to Rule 790-X-3-.13 were being proposed to correspond with license law changes that will become effective on October 1, 2025. He said the amendments could be filed with the Legislative Services Agency (LSA) as an emergency certification, allowing the rule amendments to become effective on the day the amendments are filed. Emergency certifications are only valid for a period of no longer than 120 days; therefore, the proposed amendments would still need to be submitted to LSA and go through the usual process to be adopted on a permanent basis.

Chairman McKinney asked for a motion regarding Rule 790-X-3-.13. Commissioner Barelare made a motion to file the proposed amendments with LSA as an emergency rule on October 1, 2025. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Barelare then made a motion to also move forward with the rule on a permanent basis by submitting it to LSA as a permanent (non-emergency) rule for public comment. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

- **Proposed Rule Amendment 790-X-3-.14 - Agency Disclosure Office Policy**

Assistant Attorney General Burr explained that amendments to Rule 790-X-3-.14 were being proposed to correspond with license law changes that will become effective on October 1, 2025. He said the amendments could be filed with the Legislative Services Agency (LSA) as an emergency certification, allowing the rule amendments to become effective on the day the amendments are filed. Emergency certifications are only valid for a period of no longer than 120 days; therefore, the proposed amendments would still need to be submitted to LSA and go through the usual process to be adopted on a permanent basis.

Chairman McKinney asked for a motion regarding Rule 790-X-3-.14. Commissioner Dye made a motion to file the proposed amendments with LSA as an emergency rule on October 1, 2025. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Campbell then made a motion to also move forward with the rule on a permanent basis by submitting it to LSA as a permanent (non-emergency) rule for public comment. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

- **Proposed Rule Amendment 790-X-3-.16 – Advertising Teams**

Assistant Attorney General Burr presented a proposed amendment to Rule 790-X-3-.16 for Commissioners' approval. Chairman McKinney asked for a motion regarding Rule 790-X-3-.16. Commissioner Campbell made a motion to move forward with the proposed amendment to Rule 790-X-3-.16 and submit it to the Legislative Services Agency for public comment. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Designated Single Agency

Commissioner Dye stated that he believes the statutory changes that will go into effect on October 1, 2025, will allow qualifying brokers to designate themselves as single agents. Assistant Attorney General Burr expressed that his concern with that interpretation is that qualifying brokers have a responsibility to supervise the licensees under them and the designation of the qualifying broker as a single agent, on the opposite of the transaction of the qualifying broker's licensee, could be an impediment of the supervision. Multiple commissioners spoke on the topic expressing varying opinions as to the practice of qualifying brokers designating themselves as single agents.

Disciplinary CE: Availability of In-Person Instruction versus Online Education Options

Education Director Ryan Adair advised Commissioners that licensees who were ordered to complete disciplinary continuing education were having difficulty finding the necessary courses within the allotted time frame. He explained that there are fewer options for in-person instruction courses and less course availability overall during a non-renewal year.

License Law Book Update

Commissioner May said she and Commission staff met with representatives of the Alabama Center for Real Estate (ACRE) in July 2025 to discuss printing current Alabama real estate license law in book format. While this is a frequent request of licensees, printed books become obsolete quickly as Alabama real estate license law evolves with rule and legislation changes. Since 2019, the Commission has provided current license law through its website and mobile app only. Commissioner May said the ACRE staff is interested and willing to help the Commission find a viable, affordable, and updatable printed option for the license law books to meet licensees' requests for a book format. She added that ACRE director, Stuart Norton, was preparing pricing estimates that she will present to the Commission at a later date.

Discussion of Policy Regarding Publication of Revocations in Newspapers

Communications and Public Relations Director Lori Moneyham explained that, in March 1999, the Commission adopted a policy to publish notices of license revocations in newspapers in the revoked licensee's county to give proper announcement to consumers that the licensee was no longer licensed to practice real estate. She said that since then traditional newspapers have declined to the point where there are few to no suitable options for publishing legal notices. The Commission now makes its disciplinary actions, including revocations, available through searchable databases on the Commission's and Association of Real Estate License Law Officials (ARELLO) websites and in the Commission's newsletter, *The Update*. Director Poe added that there was also significant cost with publishing revocations.

Chairman McKinney asked for a motion to dispense with the publication of license revocations in newspapers and to continue providing the information through other digital means. Commissioner Barran made a motion to dispense with the publication of license revocations in newspapers and to continue providing the information through other digital means. Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

EXECUTIVE DIRECTOR'S REPORT

Director Poe advised that information usually included in the executive director's report included in the Commissioners' meeting packets as part of an agency profile. Accounting Director Jason Clifton provided a financial report. Mr. Clifton said the August financial report included activity from October 1, 2024 - July 31, 2025. He said actual revenue was 25 percent higher than projected, while actual expenditures were one percent higher than expected.

HEARINGS – 9:30 a.m. Docket

Stacy Foard - Request for a Rehearing, Case Number 25-260

Upon discussion of the evidence and testimony presented in this matter, Commissioner May made a motion to approve Ms. Foard's request. Commissioner Barelare seconded the motion, and the motion passed 6-1-1, with Commissioner Dye voting against the motion and Commissioner Barran abstaining due to his absence from the June meeting.

Alabama Real Estate Commission VS. Daniel Thompson, Case Number 25-329

Daniel Thompson, Qualifying Broker, Birmingham, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by "violating or disregarding any provision of this chapter or any rule, regulation, or order of the commission" by failing to comply with Section 34-27-31(j) in that he did not notify the Commission of the institution of criminal charges against him within ten days; on **Count 2** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by "violating or disregarding any provision of this chapter or any rule, regulation, or order of the commission" by failing to comply with Section 34-27-31(k) in that he did not notify the Commission of the disposition of criminal charges against him within ten days; and on **Count 3** for violating *Code of Alabama, 1975, Section 34-27-36(a)(19)* by "violating or disregarding any provision of this chapter or any rule, regulation, or order of the commission" by failing to comply with Section 34-27-31(j) in that he did not notify the Commission of the institution of criminal charges against him within ten days.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Dye made a motion to find Mr. Thompson guilty on Counts 1, 2, and 3. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Dye made a motion to impose a fine of \$1,000 each on Counts 1, 2, and 3. Commissioner Barran seconded the motion, and the motion passed unanimously 8-0-0.

David Nathaniel Caine - Application for a Real Estate Temporary Salesperson License, Case Number 25-349

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to approve Mr. Caine's application. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Sade Martin - Application for Determination of Licensing Eligibility, Case Number 25-221

Assistant Attorney General Serena Cronier Grayson advised Commissioners that this hearing had been dismissed.

Valerie Dalmau - Application for a Real Estate Temporary Salesperson License, Case Number 25-364

Assistant Attorney General Serena Cronier Grayson advised Commissioners that this hearing had been dismissed.

Beverly Sue Luther - Application for Determination of Licensing Eligibility, Case Number 25-310

Assistant Attorney General Serena Cronier Grayson advised Commissioners that this hearing had been dismissed.

Heather Nichole Gamble - Application for Determination of Licensing Eligibility, Case Number 25-368

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barelare made a motion to approve Ms. Gamble's application. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Robert McKemie – Hardship Request to Renew a Lapsed Salesperson License, Case Number 25-433

Upon discussion of the evidence and testimony presented in this matter, Commissioner Campbell made a motion to deny Mr. McKemie's application. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

Alabama Real Estate Commission VS. Christopher Burdette, Case Number 25-306

Christopher Burdette, Salesperson, Birmingham, Alabama was charged on **Count 1** for violating *Code of Alabama, 1975, Section 34-27-36(a)(36)* by having entered a plea of guilty to the felony of Conspiracy to Operate an Illegal Gambling Business; and on **Count 2** for violating *Code of Alabama, 1975, Section 34-27-36(a)(36)* by having entered a plea of guilty to the felony of Money Laundering.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Barran made a motion to find Mr. Thompson guilty on Counts 1 and 2. Commissioner Dye seconded the motion, and the motion passed unanimously 8-0-0. Commissioner Barran made a motion to impose a fine of \$2,500 each on Counts 1 and 2 and revocation of license on Counts 1 and 2. Commissioner Dye seconded the motion, and the motion passed 5-3-0, with Commissioners Barelare, Campbell, and McKinney voting against the motion.

BAD PAYMENTS

Alabama Real Estate Commission VS. Jack Lawrence Robertson, Case Number 25-089

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Brandi Gann, Case Number 25-176

General Counsel Starla Leverette advised Commissioners that this case had been continued to the September 18, 2025, meeting.

Alabama Real Estate Commission VS. Joshua D. Ray, Case Number 25-018

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. John Leighton Keele, Case Number 25-527

General Counsel Starla Leverette advised Commissioners that this case had been moved to Consent Decrees.

Alabama Real Estate Commission VS. Charlene Lalita Rowland, Case Number 25-490

General Counsel Starla Leverette advised Commissioners that this hearing had been dismissed.

Alabama Real Estate Commission VS. Breanna Neal, Case Number 25-510

General Counsel Starla Leverette advised Commissioners that this case had been continued to the September 18, 2025, meeting.

CONSENT DECREES

Alabama Real Estate Commission VS. Haleigh Tibbs Lehofer, Case Number 25-345

Alabama Real Estate Commission VS. Thomas Adams, Case Number 25-050

Commissioner Barran made a motion to accept the Consent Decrees. Commissioner Echols seconded the motion, and the motion passed unanimously 8-0-0.

NON-APPEARING

Amanda Trehern – Application for a Rehearing, Case Number 25-074

Upon discussion of the evidence and testimony presented in this matter, Commissioner Echols made a motion to approve Ms. Trehern's request. Commissioner Campbell seconded the motion, and the motion passed 6-1-1, with Commissioner Dye voting against the motion and Commissioner Barran abstaining due to his absence from the June 2025 meeting.

The Commission will determine whether it conducts its disciplinary hearing disposition discussions and decisions in an Open Meeting or call an Executive Session.

Chairman McKinney asked for a motion to remain in open session or go into executive session to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barran made a motion that Commissioners go into executive session until 12:50 p.m. to deliberate these cases in accordance with the Alabama Open Meetings Act, *Code of Alabama* 36-25A-7(a)(9). Commissioner Barelare seconded the motion, and the motion passed unanimously 8-0-0.

At 12:55 p.m., Commissioners returned with all Commissioners named during the initial 9:00 a.m. roll call present. Chairman McKinney asked for a motion to return to open session. Commissioner Barran made a motion to return to open session. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Confirm October 23, 2025, Meeting Date and Location for the Record: Thursday, October 23, 2025, 9:00 a.m., in Montgomery, Alabama. Commissioner Echols made a motion to confirm the next meeting for October 23, 2025, at 9:00 a.m., in Montgomery, Alabama. Commissioner Campbell seconded the motion, and the motion passed unanimously 8-0-0.

Next Commission Meeting: Thursday, September 18, 2025, at 9:00 a.m. in Montgomery, Alabama.

There being no further business, Commissioner Barran made a motion to adjourn the meeting at 1:08 p.m. Commissioner May seconded the motion, and the motion passed unanimously 8-0-0.

Done this 21st day of August 2025.

Randy McKinney, Chair

Amber Moore, Recording Secretary