

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Rule No. Rule No. 790-X-3-.06

Rule Title: Probable Cause Determination

           New   X   Amend            Repeal            Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?           Yes          

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?           Yes          

Is there another, less restrictive method of regulation available that could adequately protect the public?           No          

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?           No          

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?           N/A          

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?           Yes          

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Does the proposed rule have an economic impact?           No          

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Patricia Anderson*

Date 8-18-16

DATE FILED  
(STAMP)

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Real Estate Commission

Rule No: Rule 790-X-3-.06

Rule Title: Probable Cause Determination

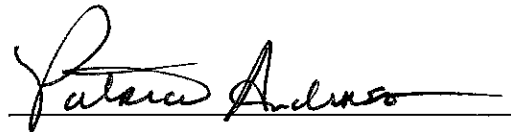
Intended Action: Amend Rule

Substance of Proposed Action: The proposed amendment adds the Executive Director along with the case investigator and the Attorney General or his representative in determining whether probable cause exists to file a formal complaint against a real estate licensee.

Date, Time, Place, Manner of Presenting Views: Comments can be presented at the public hearing scheduled at 9:00 a.m. on September 29, 2016 at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Patricia Anderson, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on October 7, 2016.

Final Date For Comment and Completion of Notice: October 7, 2016

Contact Person at Agency: Patricia Anderson, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106.  
(334) 242-5544.

A handwritten signature in black ink, appearing to read "Patricia Anderson", is written over a horizontal line.

Patricia Anderson  
Executive Director

**Rule 790-X-3-.06. Probable Cause Determination**

The investigator to whom a particular matter is assigned, in consultation with the Attorney General or his representative and the Executive Director, shall determine whether probable cause exists regarding that matter for filing a formal complaint and/or holding a hearing for the refusal, suspension or revocation of a license or the fining or reprimanding of a licensee.

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**Author:** Alabama Real Estate Commission

**Statutory Authority:** Code of Ala. 1975, § § 34-27-8, 34-27-36.

**History:** Filed September 30, 1982. **Amended:** Filed November 21, 1983.