

Rel: October 23, 2026

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ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2026-2027

CL-2026-0278

Cleabron E. Pullum

v.

**Alabama Real Estate Appraisers Board and Steve Marshall,
Attorney General of the State of Alabama**

**Appeal from Limestone Circuit Court
(CV-25-900156)**

MOORE, Presiding Judge.

Cleabron E. Pullum appeals from a judgment entered by the Limestone Circuit Court ("the circuit court") on Pullum's petition for judicial review of an order entered by the Alabama Real Estate

Appraisers Board ("the Board") revoking his real-estate-appraiser license.¹ We affirm the judgment.

Procedural History

On November 1, 2023, the Board received a complaint alleging, among other things, that Pullum had violated the Alabama Real Estate Appraisers Act, Ala. Code 1975, § 34-27A-1 et seq., and the Uniform Standards for Professional Appraisal Practice ("the USPAP") when conducting a 2023 appraisal of a property in Arley. On November 20, 2024, after a Board investigation indicated probable cause to believe that Pullum had committed the violations, on November 20, 2024, the executive director of the Board filed a "notice of hearing and complaint," in which the executive director asserted numerous charges against Pullum and notified Pullum that a hearing would be conducted before an administrative-law judge ("ALJ") on January 9, 2025, to determine whether Pullum should be disciplined based on those charges.

¹It is unclear why the attorney general is listed as an appellee. The materials in the record below indicate that Pullum served his petition for judicial review on the attorney general, and the attorney general was listed as a party in the style on some of the filings below. The attorney for the Board is an assistant attorney general, and she filed the brief on behalf of the Board and the attorney general.

Following the January 9, 2025, hearing, the ALJ issued a recommendation to the Board that included extensive findings of fact and conclusions of law. In the recommendation issued on March 9, 2025, the ALJ determined that "[t]he preponderance of the evidence support[ed] Pullum's violation of all of the USPAP violations [charged] in the Complaint" and recommended that Pullum be ordered to pay "an administrative fine of \$2,500 total [and] the taxing of the costs of th[o]se proceedings" and that he be required to "complete a [Board] approved fifteen (15) hour USPAP course." On March 10, 2025, the Board convened to consider the ALJ's recommendations in an executive session, and, on March 13, 2025, the Board, by a majority vote, entered an order ("the revocation order") in which it adopted the ALJ's recommendation as to the ALJ's findings of fact and conclusions of law but rejected the ALJ's recommendation as to discipline. The revocation order indicates that the Board "took official notice of the discipline history of [Pullum]," and it revoked his "Certified Residential Real Property Appraiser license."

On April 9, 2025, Pullum filed a notice of appeal of the revocation order with the Board, and, on April 22, 2025, Pullum timely filed in the circuit court, pursuant to the Alabama Administrative Procedure Act ("the AAPA"), Ala. Code 1975, § 41-22-1 et seq., a petition seeking judicial

review of the Board's order. See Ala. Code 1975, § 41-22-20(b) and (d). He requested, among other things, that the circuit court set aside the Board's order and permanently reinstate his Certified Residential Real Property Appraiser license. The circuit court stayed the Board's order revoking Pullum's license. On May 22, 2025, the Board filed an answer to Pullum's petition.

The circuit court ordered the parties to file briefs regarding their positions. In his brief, as amended, Pullum asserted, among other things, that, in its executive session on March 10, 2025, the Board had taken "judicial notice" of his disciplinary file dating back to 1994, without notifying him or giving him an opportunity to respond, and that the Board had exclusively relied on his disciplinary history to revoke his license. Pullum argued that the Board had violated his constitutional right to due process because, he said, "[w]ithout notice or [an] opportunity to respond, the Board considered ... Pullum's past disciplinary history -- evidence outside the hearing record -- and used that history as the sole basis for imposing license revocation." Pullum argued that the circuit court should set aside the revocation order and restore his license.

In its responsive brief, the Board acknowledged that Pullum's disciplinary history had been omitted from the administrative record.

The Board maintained, however, that it had taken official notice of the disciplinary history during its deliberations pursuant to Ala. Code 1975, § 41-22-13(4).² Pullum filed a reply brief, noting that the Board had failed to notify him that it was taking official notice of his disciplinary history and had failed to provide him with an opportunity to rebut that adverse evidence.

On October 21, 2025, the circuit court conducted oral argument, at which the Board's counsel acknowledged that she had been unable to locate Pullum's disciplinary history in the administrative record that had been submitted to the circuit court for review. See Ala. Code 1975, § 41-22-20(g) (directing that the agency shall transmit to the reviewing court a copy of the entire record and transcript of the proceedings under

²Section 41-22-13(4), Ala. Code 1975, provides:

"Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions, or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts."

review). The Board's counsel suggested that the circuit court remand the case to allow the Board to properly admit the evidence of Pullum's disciplinary history that it had considered and to allow Pullum an opportunity to respond to that evidence.

On October 31, 2025, the circuit court entered a judgment in which it found that it was undisputed that Pullum's disciplinary history "was not introduced into evidence at the hearing and thus not a matter of record," but that, "[n]evertheless, it served as the basis for [the Board's] rejection of the [ALJ's] recommended discipline." The circuit court vacated the Board's revocation order and remanded the matter "for a new hearing consistent with due process." On December 1, 2025, Pullum filed a motion, pursuant to Rule 59(e), Ala. R. Civ. P., requesting that the circuit court amend its judgment to restore his license without remanding the case for another hearing, which, Pullum argued, was inappropriate. On March 4, 2026, the circuit court entered an order purportedly denying Pullum's motion; however, that order was a nullity because Pullum's motion had been denied by operation of law on March 2, 2026. See Rule 59.1, Ala. R. Civ. P.; Rule 6(a)(3), Ala. R. Civ. P.; and Cauthen v. Cauthen, 415 So. 3d 63, 77 (Ala. Civ. App. 2024). On April

13, 2026, Pullum filed a timely notice of appeal to this court. See Ala. Code 1975, § 41-22-21.

Finality

Before proceeding further, we must first determine whether the circuit court entered a final, appealable judgment. Although neither party has raised the issue, we must address the finality of the judicial determination ex mero motu to assure that we have appellate jurisdiction. See Moore v. Strickland, 54 So. 3d 906, 908 (Ala. Civ. App. 2010); Marsh v. Wittmeier, 280 Ala. 172, 173, 190 So. 2d 920, 920 (1966) ("A final judgment is necessary to give jurisdiction to this court on appeal."). "A judgment is final if it disposes of all the claims and controversies between all the parties," Richburg v. Richburg, 895 So. 2d 311, 313 (Ala. Civ. App. 2004), leaving nothing further for the trial court to do. See Faith Props., LLC v. First Com. Bank, 988 So. 2d 485, 490 (Ala. 2008).

Before the AAPA was enacted, our supreme court held that, if a circuit court vacated an administrative decision and remanded an administrative appeal to the administrative agency for the purpose of properly redetermining the facts and conclusions of law, the order was not a final judgment that would support an appeal because, the supreme

court determined, it did not conclusively adjudicate the controversy between the parties. See Byrd v. Sorrells, 93 So. 2d 146, 149 (1957). The AAPA now controls the procedure for judicial review of administrative decisions, and it provides that a circuit court may adjudicate an administrative appeal by, among other things, "remand[ing] the case to the agency for taking additional testimony and evidence or for further proceedings." § 41-22-20(k). In Alabama State Personnel Board v. Miller, 66 So. 3d 757, 760-61 (Ala. Civ. App. 2010), we determined that, under the AAPA, a judgment that reversed the final decision of an administrative agency and remanded the case to the administrative agency to conduct a new hearing that comported with the requirements of due process was a final, appealable judgment. This court said:

"In its judgment reversing the [Alabama State Personnel] Board's decision, the trial court disposed of all issues and controversies between the parties; there are no matters that remain pending before the trial court. Therefore, the trial court's judgment is final and this court has jurisdiction over the [Personnel] Board's appeal."

Id. at 761.

Our supreme court has not addressed the matter since the AAPA was enacted.

Based on Miller, we conclude that the judgment in this case is final and that we have jurisdiction over this appeal. See Ala. Code 1975, § 12-3-10 (granting Court of Civil Appeals jurisdiction over administrative appeals). The circuit court adjudicated the appeal by vacating the revocation order and remanding the case for a new hearing consistent with the requirements of due process. The judgment adjudicated all the claims between the parties, leaving nothing further for the circuit court to do. Cf. Ex parte Affinity Hosp., LLC, 85 So. 3d 1033, 1038 (Ala. Civ. App. 2011) (holding that circuit-court order remanding case to State Health Planning and Development Agency for further evidentiary proceedings was not an appealable, final judgment because it did not dispose of other claims between the parties). The judgment ended the matter, and, after Pullum's postjudgment motion was denied by operation of law, the circuit court lost jurisdiction over the case other than for enforcement purposes, reinvesting the Board with jurisdiction to carry out its remand order. See Eastern Stainless Steel v. Nicholson, 306 Md. 492, 501, 510 A.2d 248, 252 (1986).

Issues

Pullum raises three issues for our review; he asserts: (1) that the circuit court erred by remanding the case for a new hearing rather than

ordering reinstatement of Pullum's license; (2) that the revocation order should be reversed because it enforced the 2020-2021 USPAP as binding Alabama law without the Board's having properly adopted that version of the USPAP in accordance with the AAPA; and (3) that the revocation order should be reversed because substantial evidence does not support the findings used to revoke his license.

We do not consider the latter two issues. The circuit court vacated the revocation order, and the Board did not file a cross-appeal, so the judgment vacating the revocation order has become the law of the case. See Verano Alabama, LLC v. Alabama Med. Cannabis Comm'n, 418 So. 3d 112, 121 (Ala. Civ. App. 2024) ("An unchallenged ruling in a judgment ... is the law of the case."). When an administrative order is vacated and the case is remanded for a new hearing, the administrative order no longer has any legal effect, and the administrative agency must decide the petition before it anew as if no prior decision had been made. See Superior Metal Prods., Inc. v. Administrator Ohio Bureau of Emp. Servs., 41 Ohio St. 2d 143, 145, 324 N.E.2d 179, 181 (Ohio 1975); see also Birmingham Elec. Co. v. Alabama Pub. Serv. Comm'n, 254 Ala. 140, 156, 47 So. 2d 455, 470 (1949). As a result, any alleged errors contained in the revocation order are now moot. See Mobile Fueling Shipping, Inc. v.

Scott, 360 So. 2d 1028, 1028 (Ala. Civ. App. 1978) (holding that, once trial court set aside summary judgment, any alleged error committed in originally entering judgment was moot). Accordingly, our review is limited to Pullum's principal issue -- whether the circuit court erred by remanding the case for a new hearing.

Standard of Review

Pullum requests that this court review only the circuit court's decision to remand the case for a new hearing consistent with the requirements of due process. That issue involves a pure question of law that we review de novo. See Ex parte Terry, 985 So. 2d 400, 402 (Ala. 2007) (applying de novo review to circuit-court order remanding administration of estate to probate court).

Analysis

The Board was required by its own regulations to consider, among other things, "the number of complaints filed against the respondent," as well as "any other mitigating or aggravating circumstances," in determining whether Pullum's license should be revoked or suspended. See Ala. Admin. Code (Alabama Real Estate Appraisers Bd.), r. 780-X-14-.07(3). As the circuit court determined, the Board reviewed Pullum's disciplinary history and exclusively relied on that history when deciding

to revoke Pullum's license. The circuit court determined that the Board had violated Pullum's right to due process by considering that history without first notifying him and affording him an opportunity to be heard on the matter. Consequently, the circuit court determined that the case should be remanded to the Board for a second hearing free of that procedural defect.

In Board of Dental Examiners v. King, 364 So. 2d 319 (Ala. Civ. App. 1978), a case the circuit court cited in the final judgment, the Alabama Board of Dental Examiners conducted an evidentiary hearing, during which Dr. Grady King, a dentist, was questioned regarding violations of professional standards. After the hearing, the members of that board considered a voluminous disciplinary file detailing multiple charges against Dr. King dating back over 15 years, which file had not been submitted into evidence, and, based partially on that information, it revoked his license to practice dentistry. Upon judicial review, the Madison Circuit Court determined that Dr. King's due-process rights had been violated when the administrative board considered evidence that was not in the administrative record to enhance his punishment. On appeal, this court held that an administrative board may revoke an occupational license only in a manner consistent with the requirements

of due process and that the revocation may be based only on information introduced into evidence at the revocation hearing. We further held that, if an administrative board considers matters not of record when revoking an occupational license, it violates the license holder's right to a fair hearing. This court affirmed the judgment of the Madison Circuit Court vacating the administrative order revoking Dr. King's license.

Like in King, in this case the circuit court determined that, when deliberating on the appropriate sanction for Pullum's violations of professional real-estate-appraisal standards, the Board relied on information regarding Pullum's prior disciplinary history that had not been presented as evidence in the administrative proceeding. The circuit court concluded that the Board had violated Pullum's right to due process, and it vacated the administrative order revoking Pullum's license. Unlike in King, however, the circuit court further ordered that the case be remanded to the Board for another evidentiary hearing consistent with the requirements of due process. Pullum maintains that the circuit court erred in remanding the case instead of just vacating the revocation order and reinstating his license.

Pullum cites City of Huntsville v. Biles, 489 So. 2d 509, 514-15 (Ala. 1986), in support of his argument. In Biles, two firemen employed by the

City of Huntsville brought a civil action against the City for terminating their employment in violation of their right to due process, pursuant to 42 U.S.C. § 1983, which provides remedies to a person who, under color of state law, suffers a deprivation of his or her federal constitutional rights. The record showed that the firemen had been discharged from their employment by the Huntsville mayor upon a recommendation of other city officials, and the firemen appealed the decision to the city council, as was their right. The city council affirmed the termination decision by a 3-2 vote. One of the councilmen who voted to affirm had expressed an intention, before hearing any of the evidence, to uphold whatever decision the mayor had made regarding the firemen. Based on that record, the Supreme Court of Alabama held that the Madison Circuit Court had properly determined that the firemen had been denied the right to an impartial tribunal, and it affirmed a judgment reinstating their employment, with backpay, holding that, under 42 U.S.C. § 1983, the proper remedy "is to return the plaintiffs to the position in which they would have been if the violation of their rights had not occurred." 489 So. 2d at 515.

Pullum argues that Biles requires that his license be reinstated to return him to the position he would have occupied had the due-process

violation not occurred. We note, however, that Pullum did not bring a § 1983 claim against the Board members; he filed a petition for judicial review of the Board's decision, which is a distinct claim. See, e.g., Covin v. Alabama Bd. of Exam'rs in Counseling, 712 So. 2d 1103, 1106-07 (Ala. Civ. App. 1998). Section 41-22-20(k) governs the remedies available in a judicial-review proceeding, and it provides, in pertinent part:

"Except where judicial review is by trial de novo, the agency order shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court may affirm the agency action or remand the case to the agency for taking additional testimony and evidence or for further proceedings. The court may reverse or modify the decision or grant other appropriate relief from the agency action, equitable or legal, including declaratory relief, if the court finds that the agency action is due to be set aside or modified under standards set forth in appeal or review statutes applicable to that agency or if substantial rights of the petitioner have been prejudiced because the agency action is any one or more of the following:

"(1) In violation of constitutional or statutory provisions;

"....

"(4) Made upon unlawful procedure"

(Emphasis added.)

In Bice v. Taylor, 157 So. 3d 161 (Ala. Civ. App. 2014), this court determined that the superintendent of the Alabama Department of Education had violated the due-process rights of a teacher by revoking his teaching certificate without first complying with Ala. Code 1975, § 41-22-15.³ This court held that that violation could "easily be cured by remanding the case for [the superintendent] either to read the record before deciding the case or to provide [the teacher] a proposed order, to which [the teacher] may file exceptions, and to allow [the teacher] to brief and orally argue his points." 157 So. 3d at 170. This court reversed the judgment ordering that the teacher's teaching certificate be reinstated and remanded the case for further administrative proceedings to cure the

³Section 41-22-15, Ala. Code 1975, provides, in pertinent part:

"If any official of the agency who is to participate in the final decision has not heard the case or read the record and his or her vote would affect the final decision, the final decision shall not be made until a proposed order is prepared and an opportunity is afforded to each party adversely affected by the proposed order to file exceptions and present briefs and oral argument to the official not having heard the case or read the record. The proposed order shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision prepared by the person who conducted the hearing or one who read the record. The proposed order shall become the final decision of the agency without further proceedings, unless there are exceptions filed or an appeal to the agency within the time provided by rule."

due-process violation, citing § 41-22-20(k). See also State Bd. of Heating & Air Conditioning Contractors v. Wilson, 726 So. 2d 679 (Ala. Civ. App. 1998) (affirming a judgment concluding that an agency action had denied due-process rights to the appellant and remanding the case for rehearing).

Like in Bice, in this case the circuit court determined that the lone specific due-process violation it had identified -- the Board's reliance on evidence outside the record without notifying Pullum and providing him an opportunity to respond -- could be cured by the conducting of a new hearing consistent with due process. Given the context in which the judgment was entered, we conclude that the circuit court intended that, at the new hearing, the Board would, among other things, provide Pullum with a copy of the records it reviewed regarding his disciplinary history and provide Pullum an opportunity to challenge and rebut that evidence before the Board reconsidered the proper sanction to impose for any violations it found that Pullum had committed. Through that procedure, Pullum will be afforded the proper notice and opportunity to be heard on the matter, which was absent from the original administrative proceeding.

Pullum argues, however, that the due-process violation the circuit court identified cannot be cured by remanding the case for a new hearing that essentially provides the Board with a "do over" to "construct the record it should have made before acting." Pullum's brief, pp. 3, 32. Pullum maintains that, once the due-process violation occurred, it could not be remedied by any action other than vacating the revocation order and restoring his license. According to Pullum, because the circuit court found that the Board had violated his due-process rights by considering his disciplinary history in determining that his license should be revoked, he cannot be disciplined at all for his professional misconduct. Pullum maintains that his license must be reinstated without further consequences. However, the cases upon which he relies -- Stallworth v. City of Evergreen, 680 So. 2d 229 (Ala. 1996), and Ex parte Case, 925 So. 2d 956 (Ala. 2005) -- do not support his position.

In Stallworth, a municipal employee lost his employment through a constitutionally defective pretermination procedure. The employee was provided a fair post-termination hearing, but our supreme court held that "no matter how fair and adequate the procedures at the post-termination hearing may [have been], the initial decision made after the pretermination hearing inevitably ... diminished significantly the

employee's chances of prevailing at the post-termination hearing." 680 So. 2d at 235. Thus, the supreme court reversed a judgment determining that the employee had been validly discharged from his employment. In Case, the Alabama State Bar Disciplinary Commission suspended the license of an attorney through ex parte procedures outlined in the Alabama Rules of Disciplinary Procedure. The supreme court determined that the procedural rules violated due-process principles by failing to provide the attorney with notice of the proposed suspension and the opportunity to be heard before the suspension was implemented. Thus, the supreme court ordered the commission to dissolve the suspension order. Neither Stallworth nor Case address whether a circuit court hearing a petition for judicial review of an administrative order may remand the case for a second hearing consistent with due process. Bice and similar cases, including Miller, supra, specifically recognize that a circuit court can remand a case to cure a due-process violation, and those cases control.⁴

⁴Consistent with Bice v. Taylor, 157 So. 3d 161 (Ala. Civ. App. 2014), the prevailing rule across the country provides that, when a reviewing court identifies a due-process violation in an administrative-license proceeding, the proper remedy is not outright reversal of the resulting administrative order; the proper remedy is to remand the matter to the agency for further proceedings to provide the licensee the

As the circuit court concluded, the Board improperly relied on evidence outside the record without notifying Pullum or providing him with an opportunity to challenge, rebut, or mitigate the effect of that evidence. In Bice, we recognized that, when a circuit court identifies a specific due-process violation, the case should be remanded to redress that violation. We agree with the circuit court that the due-process violation can be cured by remanding the case for a new hearing in which Pullum is provided both with notice of the disciplinary history that the Board considered and the right to be heard before any decision on the appropriate sanction occurs. We do not perceive the judgment as giving

omitted due process. See Department of Highway Safety & Motor Vehicles v. Clay, 152 So. 3d 1259 (Fla. Dist. Ct. App. 2014) (holding that circuit court had erred in quashing order suspending license based on due-process violations instead of remanding the case for proper administrative proceedings to give the agency an opportunity to cure the violations); Slupecki v. Administrative Dir. of Cts., State of Hawaii, 110 Haw. 407, 416, 133 P.3d 1199, 1208 (2006); Indiana Fam. & Soc. Servs. Admin. v. Jones, 691 N.E.2d 1354, 1358 (Ind. Ct. App. 1998); City of Philadelphia, Bd. of License & Inspection Rev. v. 2600 Lewis, Inc., 661 A.2d 20, 23 (Pa. Commw. Ct. 1995) (holding that remand to provide a proper hearing is the only way to remedy a due-process violation); Barazi v. West Virginia State Coll., 201 W. Va. 527, 533, 498 S.E.2d 720, 726 (1997) (holding that the proper remedy for due-process violations in administrative proceedings requires remand of the case to the appropriate tribunal with directions to order the administrative agency to remedy the violation); State ex rel. Meeks v. Gagnon, 95 Wis. 2d 115, 128, 289 N.W.2d 357, 365 (Wis. Ct. App. 1980) (holding that remand, not outright reversal, is appropriate remedy to correct due-process violation).

the Board a second chance to develop sufficient evidence to support its revocation decision. See, e.g., EEOC v. Westinghouse Elec. Corp., 925 F.2d 619, 631 n.20 (3d Cir. 1991) (holding that court should not remand case for administrative agency to have a "second bite at the apple" to produce evidence to support a desired finding after the agency has failed to carry its requisite burden as to a particular issue); see also Guerrero v. City of Kenosha Hous. Auth., 337 Wis. 2d 484, 805 N.W.2d 127 (Wis. Ct. App. 2011) (holding that, when remanding a case to cure a due-process violation, a court should not allow administrative agency to supplement the administrative record with new charges or new evidence to sustain its original determination). Rather, the remand order provides Pullum with the appropriate procedure to challenge the same evidence upon which the Board previously based its decision to revoke his license.

In reaching our decision, we explicitly reject the notion that an administrative agency that has committed a due-process violation during a disciplinary hearing should automatically be foreclosed from taking any further action against a licensee on the same charges. Disciplinary proceedings like the one in this case are intended to protect the public from unprofessional real-estate-appraisal practices. See Ala. Admin. Code (Alabama Real Estate Appraisers Bd.), r. 780-X-1-.01 (providing

that the Board was created "to ensure that the public is protected against dangers arising from attempts of incompetent or unscrupulous persons to practice the profession of real estate appraisal" by providing "swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated" by the Board). That goal cannot be achieved by discontinuing legitimate disciplinary proceedings because of a curable, standalone due-process violation. A licensee should not be able to escape punishment for unprofessional conduct based on a procedural error that can be easily remedied by remanding for a new hearing providing the licensee constitutionally adequate procedure. In compliance with § 41-22-20(k), the circuit court fashioned a remedy that redresses the due-process violation that prejudiced Pullum while simultaneously protecting the public interest, and we cannot say that it erred in doing so.

Conclusion

Based on the foregoing analysis, we affirm the judgment.

AFFIRMED.

Edwards, Hanson, Fridy, and Bowden, JJ., concur.