

TENNESSEE REAL ESTATE COMMISSION MINUTES
February 3 – 4, 2010

The Tennessee Real Estate Commission convened on February 3, 2010, at 9:10 a.m. in the Davy Crockett Tower at 500 James Robertson Parkway, Room 160, Nashville, TN 37243. **The following Commission Members were present Chairman Grover Collins, Vice-Chairman Isaac Northern, Commissioner Wendell Alexander, Commissioner Allen Woods, Commissioner William "Bear" Stephenson, Commissioner David Flitcroft, Commissioner Carol Tate and Commissioner Valerie Joh. Commissioner Charles Haynes was absent. Others Present: Eve Maxwell, Executive Director, Robyn Ryan, Assistant General Counsel, Mandy Spencer, Paralegal and Kelly McDermott, Administrative Secretary.**

The first order of business was the adoption of the agenda (**Exhibit 1**) for the February 2010 Commission meeting. **Commissioner Tate made a motion to adopt the agenda; seconded by Commissioner Joh ; unanimous vote; motion carried.**

The next order of business was the approval of the minutes from the December 2009 meeting (**Exhibit 2**). **Commissioner Woods made a motion to approve the December 2009 meeting minutes; seconded by Commissioner Stephenson; unanimous vote; motion carried.**

The next order of business was the adoption of Robert's Rules of Order. **Vice-Chairman Northern made a motion to adopt Robert's Rules of Order; unanimous vote; motion carried.**

The Commissioners read and signed a Conflict of Interest Form for the State of Tennessee's Department of Commerce and Insurance.

EXECUTIVE DIRECTOR'S REPORT, EVE MAXWELL, EXECUTIVE DIRECTOR

Ms. Maxwell presented the following information to the Commission for review:

- **Complaint Statistics Report (Exhibit 3)** – Since the Commission meeting was cancelled in January, Ms. Maxwell presented the complaint report that would have been presented at the January meeting for the month of December 2009. As of December 30, 2009, TREC had a total of **173** open complaints. Of those 173 open complaints, 55 were Errors & Omissions insurance complaints. There were 15 new complaints since the December 2009 meeting. There were 171 complaints in the legal department and 2 open complaints in the TREC office awaiting response. The total number of closed complaints for the current Fiscal Year 2009-2010 was 226. Total Civil Penalties paid in December 2009 were \$70,320.00. The Commission and Staff briefly discussed how many licensees have paid and not paid their penalty for failure to obtain Errors & Omissions insurance in a timely manner. It was the consensus of the Commission that any further discussion of this issue be tabled until Assistant Commissioner Majchrzak was present the next day to address the Commission. As of January 29, 2009, TREC had a total of

129 open complaints. Of those 129 open complaints, 17 are Errors & Omissions insurance complaints. There were 31 new complaints in January 2010. There are 125 complaints in the legal department and 4 open complaints in the TREC office awaiting response. The total number of closed complaints for the current Fiscal Year 2009-2010 is 226. Total Civil Penalties paid in January 2010 were \$16,650.00.

- **Licensing Statistics (Exhibit 4)** – Since the Commission meeting was cancelled in January, Ms. Maxwell presented licensing statistics that would have been presented at the January meeting for the month of December 2009. Ms. Maxwell reported the number of real estate licenses approved in 2009 & 2010 and the number of licensees as of December 30, 2009. As of December 30, 2010, there were 28,006 active licensees, 2,176 inactive licensees and 10,400 retired licensees. There were 4,478 active firms and 350 retired firms. There were 160 new applications approved in December 2009. Ms. Maxwell reported licensing statistics as of January 29, 2010. As of January 29, 2010, there were 27,385 active licensees, 2,273 inactive licensees and 10,584 retired licensees. There were 4,466 active firms and 352 retired firms. There were 197 new applications approved in January 2010. Ms. Maxwell also presented statistics on license renewal percentages (i.e. how many sent by month, the number not renewed by the 61st day and the percentage of licensees not renewed). She also presented statistics for comparison of the number of test takers for 2006, 2007, 2008 and 2009. She presented the number of test takers by testing site for 2008, 2009 and 1/1/2010 – 01/31/2010. Further, she presented a comparison of total licensees for individuals and firms in 2008 and 2009.
- **Updates in Law** – Ms. Maxwell deferred to Commissioner Woods to review the case Gwen Fayne Et Al. v. Teresa Vincent Et Al (**Exhibit 5**) and the effect it has on TREC licensees. Commissioner Woods summarized the decision of the Tennessee Supreme Court. The case involved a For Sale by Owner where the owner was also a licensee. In this case, the home disclosures were not accurate. He explained that the buyers brought suit against the licensee who was the seller and that one of their arguments was that the licensee had violated the Tennessee Consumer Protection Act. It was the finding of the court that the Tennessee Consumer Protection Act can apply to real estate licensees when they are selling their own properties as For Sale by Owner. If the defendant is found to have violated the Tennessee Consumer Protection Act, they will lose the case and whatever damages the court may award the plaintiff. Those damages are then tripled and they owe the plaintiff's attorney their attorney's fees and costs. Commissioner Woods believed this case should be brought to the attention of real estate licensees so they can make particular efforts not fall into a situation where they would be in violation of the Tennessee Consumer Protection Act. Ms. Robyn Ryan, Assistant General Counsel, explained that the licensee as the seller was acting as a business entity and acting deceptively was enough for them to fall under the Tennessee Consumer Protection Act. Commissioner Alexander inquired if a disclosure was a binding form. Commissioner Woods advised that the disclosure is a warranty of the offer made. He explained that if the seller does not disclose information or lies then they are in violation.

Tennessee real estate licensees are in particularly more trouble if they are in a situation where they are signing the disclosure because they are subject to addition of the Tennessee Consumer Protection Act law. Ms. Ryan explained that if you are deceptive as a licensee, then you can be raised to the level of a business entity for the Tennessee Consumer Protection Act. Commissioner Woods advised that every seller must disclose of what they are aware and not be misleading in disclosure statements. He further explained that if you are a licensee, you are subject to more penalties than the average seller. Commissioner Alexander presented a scenario of the licensee being a representative of a seller and they have the seller fill out the disclosure form and then deliver it to them. He inquired as to the licensee's liability regarding that disclosure statement. Commissioner Woods advised that if a licensee is a representative of a seller the licensee is liable in that scenario if they participate in the fraud by the seller or they try to cover it up. Commissioner Flitcroft explained that a licensee has an obligation to disclose anything that would affect safety or value. Commissioner Woods stated that a person in this situation may also have a complaint filed with TREC by the buyer. He advised licensees to make sure they take their time and stressed the importance of accuracy in disclosure.

EDUCATION REPORT, EVE MAXWELL, EXECUTIVE DIRECTOR

Ms. Maxwell discussed some preliminary requests prior to her presentation of the Courses for Commission Evaluation. A decision regarding the course "Accredited Staging Professional" was previously deferred and Ms. Maxwell represented it to the Commission. Vice-Chairman Northern had previously reviewed the course "Accredited Staging Professional" online and reported to the Commission at the December 2009 meeting. He reported that he believes the course to be useful and relative to the real estate industry. Commissioner Alexander suggested at the December 2009 meeting that the course be deferred another month to give other Commissioners an opportunity to review the course. **After discussion, Commissioner Northern made a motion to approve the course "Accredited Staging Professional"; seconded by Commissioner Tate; unanimous vote; motion carried.**

Ms. Maxwell presented a request by Nicci Lundquist of the Memphis Area Association of Realtors regarding the course "How to Build a Website" (course #6197). At the September 2009 meeting, the Commission approved this course for four hours of continuing education, rather than the six that MAAR had requested. Ms. Lundquist explained in her request that after teaching the course, it is imperative they have an additional two hours to fully cover the material and answer questions. She sent an affidavit from the instructor John Mayfield and some additional materials to add to the original application for the course including a time line of the course. **Commissioner Alexander made a motion to stand by the Commission's previous decision to approve the course for four hours; seconded by Commissioner Stephenson; unanimous vote; motion carried.**

Ms. Maxwell presented Courses for Commission Evaluation and Courses Requiring Discussion (**Exhibit 6**). The Courses for Discussion were "Architectural Style" (F23), "Technology Tools for the Changing Rules in Real Estate" (F24), "HP12c Calculator and the Six Function of One Dollar" (F25) and "FEMA's Flood Map Modernization" (F26). Commissioner Woods addressed whether courses F23, F24 & F25 are relevant to protecting the consumer. Commissioner Alexander supported course F25. **Commissioner Northern made a motion to move the courses "HP12c Calculator and the Six Function of One Dollar" and "FEMA's Flood Map Modernization" from the Courses for Discussion to the Courses for Commission Evaluation; seconded by Commissioner Joh; vote: 6 yes, 0 no; Commissioner Woods abstained; motion carried.** Commissioner Joh expressed support for the course "Architectural Style" (F23) and Commissioner Tate stated her support of the course "Technology Tools for the Changing Rules of Real Estate" (F24). **Commissioner Joh made a motion to approve all of the Courses for Commission Evaluation as amended and the courses "Architectural Style" (F23) and "Technology Tools for the Changing Rules in Real Estate" (F24); seconded by Commissioner Stephenson; vote: 6 yes, 0 no, Commissioner Woods abstained; motion carried.**

INSTRUCTOR APPROVAL REQUESTS

TAR requested that Susan Barnette be approved to teach approved Realtor and Accredited Buyer Representative Courses offered by the Tennessee Association of Realtors. **Commissioner Stephenson made a motion to approve the request; seconded by Vice-Chairman Northern; unanimous vote; motion carried.**

SunTrust Mortgage requested that Elizabeth Elkins be approved to teach the approved Back to Basics Real Estate Finance Course offered by SunTrust Mortgage. **Vice-Chairman Northern made a motion to approve the request; seconded by Commissioner Joh; unanimous vote; motion carried.**

WCRE (Women in Real Estate) requested that David McGahren be approved to participate as a panel member during a panel presentation at the annual seminar in place of Bill Hawkins, who has had a conflict arise. Mr. McGahren is to participate as an industrial real estate specialist. **Commissioner Joh made a motion to approve the request; seconded by Commissioner Stephenson; unanimous vote; motion carried.**

The Tennessee Human Rights Commission and the Tennessee Fair Housing Council sought approval for Deanna Cooper, John Trasvina, Michael Allen, Rosalind Robinson and Sapna Raj as instructors at the Commission approved Tennessee Fair Housing Conference. **Commissioner Alexander made a motion to approve the request; seconded by Vice-Chairman Northern; unanimous vote; motion carried.**

Volunteer State Community College, sought approval for Hildia McDonald to be approved as an instructor to teach the 30 hour classroom course, Course for New Affiliates and the 60 hour Pre Licensing Course. **Commissioner Stephenson made a motion to approve the request; seconded by Commissioner Tate; unanimous vote; motion carried.**

Chairman Collins recessed the meeting for lunch at 10:53 a.m. and reconvened at 1:17 p.m.

INFORMAL CONFERENCE

Ms. Janie Hopkins, license #266628, is appearing with her principal broker John Begley to request a waiver of the 50 mile rule. **Commissioner Alexander made a motion to deny the request; seconded by Commissioner Stephenson; roll call vote: 3 yes, 3 no, Commissioner Flitcroft abstained and Chairman Collins passed; motion failed for lack of a majority. The request was denied.**

LEGAL REPORT, ROBYN RYAN, ASSISTANT GENERAL COUNSEL

- 1) **2007078371**– Commissioner Stephenson made a motion to dismiss; seconded by Vice-Chairman Northern; unanimous vote; motion carried.
- 2) **2008004171 &**
- 3) **2008004172** – Commissioner Stephenson made a motion to dismiss; seconded by Vice-Chairman Northern; unanimous vote; motion carried.
- 4) **2008006031** – Commissioner Stephenson made a motion to dismiss; seconded by Vice-Chairman Northern; unanimous vote; motion carried.
- 5) **2007050761** – Commissioner Alexander had previously reviewed the complaint and recommended the complaint be dismissed. **Commissioner Woods made a motion to take Commissioner Alexander’s recommendation to dismiss; seconded by Commissioner Tate; vote: 4 yes, 0 no, Commissioner Joh, Commissioner Alexander and Commissioner Flitcroft abstained; motion carried.**
- 6) **2007062901 &**
- 7) **2007062902** – Commissioner Alexander made a motion to accept legal counsel’s recommendation and issue a Consent Order with a civil penalty of \$1000.00 for failure to respond and dismiss as to Respondent 1; seconded by Commissioner Joh; unanimous vote; motion carried.
- 8) **2008012841** – Commissioner Tate had previously reviewed the complaint and recommended it be dismissed. **Commissioner Alexander made a motion to accept Commissioner Tate’s recommendation to dismiss; seconded by Commissioner Stephenson; unanimous vote; motion carried.**
- 9) **2008000801** – An informal teleconference was heard on December 17, 2009 with Vice-Chairman Northern, the Respondent, Eve Maxwell and Robyn Ryan present. Vice-Chairman Northern recommended a Consent Order be issued with a civil penalty of \$500.00. **Commissioner Flitcroft made a motion to accept Vice-Chairman Northern’s recommendation and impose a civil penalty of \$500.00; seconded by Commissioner Alexander; vote: 6 yes, 0 no, Vice-Chairman Northern abstained; motion carried.**
- 10) **2008004481** – Commissioner Alexander made a motion to accept legal counsel’s recommendation to dismiss; seconded by Vice-Chairman Northern; unanimous vote; motion carried.
- 11) **2007078761** – Commissioner Joh made a motion to dismiss; seconded by Commissioner Stephenson; vote: 6 yes, 0 no, Vice-Chairman Northern abstained; motion carried.

- 12) **2008003971 – Commissioner Alexander made a motion to dismiss; seconded by Commissioner Tate; unanimous vote; motion carried.**
- 13) **2008002621 – Commissioner Alexander made a motion to dismiss; seconded by Commissioner Joh; unanimous vote; motion carried.**
- 14) **2008002501 – Commissioner Alexander made a motion to dismiss; seconded by Commissioner Tate; unanimous vote; motion carried.**
- 15) **2008013231 – Commissioner Stephenson made a motion to accept legal counsel’s recommendation to close and flag the file; seconded by Commissioner Flitcroft; opened to discussion; roll call vote: 5 yes, 1 no; Vice-Chairman Northern was out of the room; motion carried. Commissioner Flitcroft made a motion to open a TREC complaint against the person who paid the “finder’s fee” or was responsible for paying the “finder’s fee” to the respondent and also investigate the possibility of any involvement by the Principal Broker in the payment of the fee; seconded by Commissioner Alexander; Commissioner Joh made a friendly amendment that the investigation be of the firm; Commissioner Flitcroft accepted her friendly amendment; seconded by Commissioner Alexander; after discussion, Commissioner Flitcroft withdrew his motion. Commissioner Alexander made a motion to defer so legal counsel can further investigate; seconded by Commissioner Flitcroft; unanimous vote; motion carried.**
- 16) **2008003911 – Commissioner Woods made a motion to dismiss; seconded by Commissioner Tate; unanimous vote; motion carried.**
- 17) **2008004031 – Commissioner Alexander requested that a thorough investigation of the firm be conducted. Commissioner Flitcroft made a motion that this complaint be deferred until the audit is completed; seconded by Commissioner Stephenson; unanimous vote; motion carried.**
- 18) **2008005691 – Commissioner Alexander made a motion to accept legal counsel’s recommendation to issue a Consent Order with a civil penalty of \$3,500.00 (\$500.00 per transaction) for failure to supervise; seconded by Commissioner Tate; unanimous vote; motion carried.**
- 19) **2008004021 – Commissioner Joh made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
- 20) **2008004111 – Commissioner Tate made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
- 21) **2008004131 – Commissioner Woods made a motion to close and flag the file; seconded by Commissioner Flitcroft; the complaint was deferred temporarily to allow legal counsel to secure specific information. Ms. Ryan later reported the requested information. Commissioner Woods made a motion to close and flag the flag; seconded by Commissioner Flitcroft; unanimous vote; motion carried.**

- 22) **2008002481 – Commissioner Alexander made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
- 23) **2008001691 – Commissioner Alexander made a motion to dismiss; seconded by Commissioner Joh; unanimous vote; motion carried.**
- 24) **2008004081 – Commissioner Woods made a motion to send a Letter of Warning as well as require the respondent to complete 6 hours of continuing education in contract writing within 12 months; opened to discussion; Commissioner Collins offered a friendly amendment to require the 6 hours of continuing education be completed in three months not 12; Commissioner Woods accepted the friendly amendment; reopened to discussion; Commissioner Alexander offered a friendly amendment that the respondent also attend a two day TREC meeting within six months; Commissioner Woods accepted Commissioner Alexander’s friendly amendment; seconded by Commissioner Flitcroft; unanimous vote; motion as amended carried.**
- 25) **2007058211 – Commissioner Joh made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
- 26) **2008011221 &**
- 27) **2008011222 – Vice-Chairman Northern made a motion to accept legal counsel’s recommendation to defer and investigate the businesses owned by Respondents for unlicensed activity; seconded by Commissioner Joh; opened to discussion; unanimous vote; motion carried.**
- 28) **2008004011 – Commissioner Alexander made a motion that the complaint be deferred and reviewed by Commissioner Woods; seconded by Commissioner Flitcroft; unanimous vote; motion carried.**
- 29) **2008001631 &**
- 30) **2008001632 – Commissioner Woods made a motion to dismiss; seconded by Commissioner Joh; unanimous vote; motion carried.**
- 31) **2008014121 – Commissioner Joh made a motion to dismiss; seconded by Commissioner Alexander; unanimous vote; motion carried.**
- 32) **2008007201 – Commissioner Flitcroft made a motion to dismiss; seconded by Commissioner Joh; unanimous vote; motion carried.**
- 33) **2008006991 – Commissioner Joh made a motion to dismiss; seconded by Commissioner Tate; unanimous vote; motion carried.**
- 34) **2008011901 &**
- 35) **2008011902 – Commissioner Joh made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
- 36) **2008011261 &**
- 37) **2008011262 – Commissioner Woods made a motion to accept legal counsel’s recommendation to issue a Consent Order with a civil penalty of \$1,000.00 for failure to respond T.C.A. §62-13-313 and \$1,000.00 for failing to account for moneys coming into the licensee’s possession belonging to others T.C.A. §62-13-312; seconded by Commissioner Joh; Vice-Chairman Northern offered a friendly**

- amendment to flag the file; Commissioner Woods accepted the friendly amendment; unanimous vote; motion as amended carried.**
- 38) 2008004571 &**
 - 39) 2008004572 &**
 - 40) 2008004573 – Commissioner Stephenson made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
 - 41) 2008024881 &**
 - 42) 2008024882 – Commissioner Tate made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**

Ms. Ryan discussed pending legislation that may affect the real estate industry in Tennessee. There was a discussion regarding the licensing of Vacation Lodging Services. Ms. Ryan reviewed the Legal File Summary and Consent Order Log. She gave the Commission scheduling information regarding upcoming Formal Hearings.

At a previous meeting, the Commission had asked Ms. Ryan to investigate the possibility of Rice Insurance sending renewal notices 120 days before policy expiration. Ms. Ryan advised that Rice has a current practice of sending non-renewal notices 90 days before expiration so she suggested that we work with Rice and suggest the renewal notices be sent 90 days prior to expiration as well. Ms. Ryan suggested that further action be taken at the meeting at which the Commission votes on renewing the E&O policy with Rice.

Chairman Collins recessed the meeting Wednesday, February 3, 2010 at 4:07 p.m.

TENNESSEE REAL ESTATE COMMISSION

February 4, 2010

The Tennessee Real Estate Commission reconvened on February 4, 2010 at 9:10 a.m. in the Davy Crockett Tower at 500 James Robertson Parkway, Room 160, Nashville, TN 37243. **The following Commission Members were present Chairman Grover Collins, Vice-Chairman Isaac Northern, Commissioner Wendell Alexander, Commissioner William "Bear" Stephenson, Commissioner David Flitcroft, Commissioner Carol Tate and Commissioner Valerie Joh. Commissioner Allen Woods joined the meeting at 9:52 a.m. Commissioner Charles Haynes was absent. Others Present: Eve Maxwell, Executive Director, Robyn Ryan, Assistant General Counsel, Mandy Spencer, Paralegal and Kelly McDermott, Administrative Secretary.**

The Commission stood in recess at 9:13 a.m. to conduct a formal hearing in the matter of Grant Ross George McGregor, license #306918, Docket # 12.18-104595A.

The Commission ordered the revocation of the license of Grant Ross George McGregor, license #306918, Docket #12.18-104595A. They assessed a civil penalty of \$1,000.00 and further ordered that Mr. McGregor pay the costs of the formal hearing.

The formal hearing adjourned at 9:55 a.m.

Steve Majchrzak, Assistant Commissioner of Regulatory Boards, addressed the Commission regarding several issues of concern. Mr. Majchrzak discussed the hiring of a new Education Director for TREC, the Sunset Audit of TREC and the role of auditors and investigators for the Department of Commerce & Insurance. He discussed the issue of the large number of licensees who have failed to pay their penalty for failure to purchase Errors & Omissions insurance in a timely manner. Per Commission policy, licensees who purchased their E&O insurance in the first four months of 2009 were assessed a civil penalty ranging from \$50.00 to \$200.00. There are approximately 761 licensees who have secured Errors & Omissions insurance but have not paid their agreed citation for failure to obtain E&O insurance in a timely manner. Assistant Commissioner Majchrzak discussed with the Commission options for resolving the execution of these unpaid agreed citations. **Commissioner Alexander made a motion to authorize legal staff to take the licensees who had a gap in insurance coverage who have not paid their agreed citation and have their cases heard before an Administrative Law Judge (ALJ) seconded by Commissioner Flitcroft; opened to discussion.** Wayne Pugh, General Counsel, discussed the procedures for the hearings. He advised that the Commission has the authority to allow formal hearings to be heard by an ALJ under the USPA. He explained that the Real Estate Commission can direct the matter to be heard by the ALJ sitting alone and the ALJ would issue an initial order. He advised that either party can appeal that order to the Real Estate Commission. The Tennessee Real Estate Commission can review those orders on its own motion and that review would be limited to just the record.

Commissioner Alexander asked for assurance that there will be consistency between decisions made by the ALJ and decisions made by the Commission. Currently said licensees would pay a penalty by Commission policy. It was explained to the Commission that the judgment of the ALJ is subject to Commission review. Vice-Chairman Northern asked for confirmation that legal counsel, when presenting the cases, will use the same guidelines the Commission imposed in the past. Legal Counsel confirmed this to be the procedure. Mr. Pugh advised that before TREC can move forward with the hearings, he must speak with the Chief Judge at the Secretary of State's office and that the litigation office would help Ms. Ryan present the cases.

It was discussed that some licensees had their insurance policies backdated to close the gap. However, the Commission affirmed their position that while the person was uninsured they were in violation of statute and therefore subject to penalty. When it was discussed whether the licensees could still pay their penalty, it was the consensus that until formal charges are filed, the licensee can pay the agreed citation. There was a vote on the earlier motion. **Commissioner Alexander made a motion to authorize legal staff to take the licensees who had a gap in insurance coverage who have not paid their agreed citation and have their cases heard before an Administrative Law Judge (ALJ) seconded by Commissioner Flitcroft; opened to discussion; after discussion the motion carried unanimously.**

Mr. Majchrzak discussed the substantial amount of time and work devoted to taking care of the issues with Errors & Omissions insurance. He advised that the E&O contract is up for renewal and that there is a history to the contract and history to the manner to which the contract is designed. He suggested that some of the problems with non-compliance might be a result of the staggering of license renewals since the Errors & Omission policies do not expire with their real estate licenses. Assistant Commissioner Majchrzak stated he would like, if it is the will of the Commission, to meet with the TREC director and legal counsel to review the proposed contract terms that are both in the RFP and the contract for extension. The intention of the meeting would be to see if there is anything that can be done through the process to better align the provisions offered in the state offered insurance package with the timing of license renewals and bring back to the Commission a final recommendation. **Vice-Chairman Northern made a motion to accept Assistant Commissioner Majchrzak's recommendation to allow he and staff to review the current renewing E&O policy and RFP and current disposition of license expiration and work to find a solution so that the Commission and TREC Staff are not presented with the same situation upon the expiration of the current policy at the end of 2010; seconded by Commissioner Joh; unanimous vote; motion carried.**

Chairman Collins advised the Commission that an Attorney General's opinion that was previously requested by the Commission has been received. He asked for the Commission's support to allow legal counsel to review the opinion and interpret it and report back to the Commission. **Commissioner Alexander made a motion to allow legal counsel to review and interpret the Attorney General's opinion and report back to the Commission at a later date; seconded by Commissioner Flitcroft; unanimous vote; motion carried.**

COMMISSIONER REPORTS

Chairman Grover Collins, Vice Chairman Isaac Northern, Commissioner William "Bear" Stephenson, Commissioner Valerie Joh, Commissioner Allen Woods, Commissioner Carol Tate, Commissioner Wendell Alexander, and Commissioner David Flitcroft reported on matters of concern to them and to the Commission. It was determined that Ms. Maxwell's next performance review would be at the June 2010 Commission meeting by a committee of all Commissioners.

Commissioner Alexander made a motion the meeting be adjourned; seconded by Commissioner Tate; unanimous vote; motion carried.

Chairman Collins adjourned the meeting Thursday, February 4, 2009 at 11:38 a.m.