

TENNESSEE REAL ESTATE COMMISSION MINUTES
April 13 - 14, 2011

The Tennessee Real Estate Commission convened on April 13, 2011 at 1:03 p.m. in the Davy Crockett Tower at 500 James Robertson Parkway, Room 160, Nashville, TN 37243. **The following Commission Members were present: Chairman Isaac Northern, Vice-Chairman Allen Woods, Commissioner Grover Collins, Commissioner William "Bear" Stephenson, Commissioner Valerie Joh, Commissioner Wendell Alexander, Commissioner David Flitcroft, Commissioner Michelle Haynes and Commissioner Carol Tate. Others Present: Eve Maxwell, Executive Director, Steve McDonald, Education Director, Mark Green, Assistant General Counsel, Robyn Ryan, Assistant General Counsel and Kelly McDermott, Administrative Secretary.**

The first order of business was the approval of the minutes from the March 2011 meeting **(Exhibit 2)**. **Commissioner Collins made a motion to approve the March 2011 meeting minutes; seconded by Commissioner Woods; unanimous vote; motion carried.**

The next order of business was the adoption of the agenda **(Exhibit 1)** for the April 2011 Commission meeting. Ms. Maxwell advised that an email had been sent to Chairman Northern regarding post broker education and that the Chairman had asked that the Commission discuss it during the Executive Director's Report. **Commissioner Woods made a motion to adopt the agenda as modified for the April 2011 meeting; seconded by Commissioner Stephenson; unanimous votes; motion carried.**

Joyce Bea Sterling, DREI of Career Development Center in Loudon, Kentucky made a visual and oral presentation of the course "Virtual Classroom". She requested that the TREC accept pre-licensing and continuing education credit of any Tennessee licensee who attends a virtual class at Career Development Center. She advised the Commission that the Kentucky Real Estate Commission has approved the delivery method for continuing education and pre-licensing classes. While demonstrating the software to the Commission and attendees, she explained that classes are taught in real time over the internet via web cam and that the instructor and students are able to see and communicate with each other as if in a physical classroom. The Commission asked questions of Ms. Sterling regarding student identity verification, learning assessment, instructor and classmate interaction and course evaluation by students. After the presentation, the Commission discussed that this method of delivery is the wave of the future. Commissioner Haynes both agreed that the method of delivery is innovative and ahead of the curve. It was the consensus of the Commission that each course presented using this delivery method will be considered on the merit of the individual course and the instructor. Commissioner Alexander asked if there was any cost to the TREC. Ms. Sterling confirmed that there will be no cost to the TREC. Mr. McDonald advised that Ms. Sterling is simply asking the Commission to consider the virtual classroom as a valid delivery method for courses. **Commissioner Alexander made a motion that Chairman Northern appoint a subcommittee of Commissioners to consider the matter and make a recommendation to the entire Commission at**

a future meeting; seconded by Commissioner Tate; unanimous vote; motion carried. It was decided the members of the subcommittee would be Commissioners Tate, Woods and Joh and may be held telephonically or via webinar.

TIMESHARE SALESPERSON APPLICANT INFORMAL CONFERENCES

Sandra Torisi, applicant, appeared with her potential Principal Broker Phyllis Sissum to request she be approved to apply for a Timeshare Salesperson license. Ms. Torisi disclosed to the Commission a conviction of Conspiracy to Commit Fraud in 1996. **Commissioner Joh made a motion to approve Ms. Torisi's request to be approved to apply for a Timeshare Salesperson license; seconded by Commissioner Flitcroft; vote: 7 yes, 1 no (Commissioner Alexander voted no); motion carried.**

Marla K. Browning, applicant, appeared with her potential Principal Broker Phyllis Sissum to request she be approved to apply for a Timeshare Salesperson license. Ms. Browning disclosed to the Commission a conviction of Misdemeanor Theft in 2003. **Commissioner Tate made a motion to approve Ms. Browning's request to be approved to apply for a Timeshare Salesperson license; seconded by Commissioner Collins; unanimous vote; motion carried.**

EXECUTIVE DIRECTOR'S REPORT, EVE MAXWELL, EXECUTIVE DIRECTOR

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

- Complaint Statistics Report (Exhibit 3) – Ms. Maxwell presented complaint statistics to the Commission. As of March 31, 2011, TREC had a total of 50 open complaints. Of those 50 open complaints, none were Errors & Omissions insurance complaints. There were 19 new complaints in March 2011. There are 42 complaints in the legal department and 8 open complaints in the TREC office awaiting response. The total number of closed complaints for the current Fiscal Year 2010-2011 is 109. Total Civil Penalties paid in March 2011 were \$10,520.00.
- Licensing Statistics (Exhibit 4) – Ms. Maxwell presented licensing statistics for the month of March 2011. As of March 31, 2011, there were 24,697 active licensees, 2,521 inactive licensees and 10,407 retired licensees. There were 4,227 active firms and 337 retired firms. There were 273 new applications approved in March 2011. She presented a comparison of total licensees for individuals (active, retired and inactive) and firms in March of 2008, 2009, 2010 and 2011. She also presented license renewal percentages and the number of licenses approved in 2009, 2010 and 2011, individual licensees lost and gained from 2000 – 2011 and the average number of licensees (individuals) issued per month for each year from 1997 – 2011.

Ms. Maxwell reported on the renewal process for Errors & Omissions insurance. She presented the Commission with a table comparing the number of E&O delinquencies from the 2009 renewal cycle and the current 2011 renewal cycle. She also provided a list of licensees who are currently in broker release and not insured and also those licensees who are currently in broker release but are now insured. She advised that when you subtract licensees who are in broker release but expired from the uninsured

licensees in broker release status, she arrived at the number of 527 as the total uninsured unexpired licensees. The Commissioner discussed the various groups of licensees and how to address the situation. Commissioner Alexander asked Assistant General Counsel Mark Green for his input. The Commission ultimately determined that Mr. Green would be given time to prepare with Staff and report back to the Commission with a recommendation as to how to handle the various groups of licensees.

Ms. Maxwell, Commissioner Haynes and Mr. McDonald reported to the Commission on their experiences at the Mid-Year ARELLO conference held the previous month. Commissioner Haynes explained that many of the seminars were technology intensive and discussed how Facebook and other social media sites such as Twitter affect the real estate industry. Ms. Maxwell concurred that the media information was very helpful. She advised that she sat on several subcommittees and reported that unlicensed activity is a big issue in other states as well and she believes that it is very beneficial for regulators from diverse jurisdictions to get a different take on certain issues. Mr. McDonald also agreed that the conference is very beneficial and that the State of Tennessee and TREC should be very proud of the specificity of TREC law and that Tennessee is ahead of the game in regulation, specifically in the Timeshare industry. Commissioner Haynes commented that there were discussions regarding the regulation of auctions and stated that she had recommended Commissioner Stephenson as a resource for information at a future conference. She advised that the issue may be presented at the ARELLO Annual Conference. In that same discussion, Ms. Maxwell discussed with the Commission attending the ARELLO Annual Conference in Baltimore, Maryland in September. She stated that the Administration had indicated that no more than two staff members and two Commissioners should be submitted for consideration to attend. The Commissioners discussed who should attend the conference. It was agreed that Commissioner Stephenson's name would be submitted to the Administration to attend but no decision was reached at that time regarding another Commissioner's name to submit along with Ms. Maxwell and Mr. McDonald. The topic was deferred for future discussion.

Ms. Maxwell presented the Commission with a copy of an email from licensee Mr. Stephen Bowie sent to Chairman Northern. She summarized the letter and explained that the letter was a request asking that the Commission consider grandfathering the continuing education he has taken prior of the issuance of his principal broker license. She read the email in which Mr. Bowie stated that to complete the 120 required post broker hours, he will be required to travel two more times for a week from home and retake two other classes which he has already completed prior to his first licensed as a broker date. Chairman Northern advised the Commission that he instructed Ms. Maxwell to place the letter on the agenda for discussion because he feels it is relevant to the ongoing conversation regarding the availability of commercial courses. Ms. Maxwell stated that the requirement for the 120 post broker hours is statutory and that the statute states the hours completed must come from completed post licensing continuing education. Mr. McDonald advised that there are 287 hours of courses available for licensees to take when the need to complete their CE hours. Chairman Northern requested that since TREC has the names of the available commercial courses that Mr. McDonald pass the names and locations of all of these courses to the 23 associations so when their members ask for guidance they can offer solutions. Mr. McDonald will pass

that information on to the associations. Ms. Maxwell reviewed Mr. Bowie's licensing history as a broker. She explained that his three years to complete his hours had expired and that the one year period of time in which people can pay a penalty and finish their hours will expire on June 4, 2011. She advised that if he does not get his CE hours before that date, his license will expire and he will have no option but to retest and reapply. There was some discussion about how modifications to the requirement can only be accomplished through legislation. Commissioner Alexander inquired about possibly creating a policy until legislative action can be taken. Ultimately it was the consensus of the Commission that if we approve Mr. Bowie's request the Commission could be setting a bad precedent.

EDUCATION REPORT, STEVE MCDONALD, EDUCATION DIRECTOR

Mr. Steve McDonald, Education Director, presented Courses for Commission Evaluation for the month of March 2011. **Commissioner Woods made a motion to approve all of the courses for Commission Evaluation; seconded by Commissioner Joh; unanimous vote; motion carried.**

Requests for Instructor Approval

Sally Cummings of TAR (1110) requested these previously approved instructors to be granted approval to instruct these courses:

- Janet DiChiara - Agency (6257)
- Bobby Wood - Agency (6257)
- Marlene Rakow - Agency (6257)
- Buddy Vaughn - HAFA (6521)
- Patricia Shepherd -
 - Agency (6257)
 - NAR Ethics (6256)
 - At Home with Diversity (2656)
 - Homeowner Options (6310)
- Kathy Dunn - TREC Core (6520)

Sally Cummings of TAR (1110) requested the following unapproved instructors be approved to teach the following courses.

- Oliver Barry:
 - TREC Core (6520)
 - Agency (6257)
 - NAR Ethics (6256)
- Mark Oakes:
 - TREC Core (6520)
- Jeff Pate:
 - Commercial Core (6522)
- Ryan Byrne:
 - TREC Core (6520)
- Aaron Taylor:
 - TREC Core (6520)
 - Agency (6257)
 - NAR Ethics (6256)
 - Transaction Desk Basic (5747)

- Transaction Desk - Advanced (5748)
- Effecting Negotiation (6577)

Jolynn Newhouse of Knoxville Assn of REALTORS® (1092) requested the following instructors be approved to teach the following courses:

- Betty Weaver and Patricia Shepherd:
 - KAR's Ethics (3215)
 - Agency (3214)
 - Fair Housing Class (3213)

Brant Hulsman and Richard Clemmer of D & D School of Real Estate (1183) requested the following instructor be approved to teach the following courses:

- Mike Stubblefield:
 - Basic Principles Pre-License (1810)
 - Course for New Affiliates (2042)

Commissioner Collins made a motion to approve the above instructors; seconded by Commissioner Woods; unanimous vote; motion carried.

Mr. McDonald presented statistic in a pie chart and bar graph format for every type of course and the number of corresponding courses available to licensees. He provided statistics for the following areas of study: Commercial, 2011/2012 TREC Core, Contracts, Ethics, Agency, Fair Housing, Taxation, Property Management, Basic Principles, Office Broker Management and the Course for New Affiliates. After Mr. McDonald explained how he arrived at the numbers, the Commission asked him to outline where each specific course, by type, is located to ensure licensees across the State of Tennessee are able to obtain a specific class without a great deal of travel. The request applied to onsite courses only. Chairman Northern stated that when the Commission voted to change the fee structure for education, it proved to be a hardship on some associations and therefore the local associations started offering courses through TAR who had the courses previously approved. He explained that practice made it possible for local associations to not pay the course fees and only pay fees for instructors. Commissioner Collins also expressed his concern that he believes all courses should touch on fundamental topics.

The Commission discussed the upcoming May 2011 meeting being held in Memphis. Ms. McDermott advised the Commission and Staff as to the location of the meeting room and their accommodations.

Commissioner Woods made a motion to recess the meeting until 9 a.m. the next morning; seconded by Commissioner Joh; unanimous vote; motion carried.

Chairman Northern recessed the meeting at 4:00 p.m. on Wednesday, April 13, 2011.

The Tennessee Real Estate Commission reconvened on April 14, 2011 at 9:11 a.m. in the Davy Crockett Tower at 500 James Robertson Parkway, Room 160, Nashville, TN 37243. **The following Commission Members were present: Chairman Isaac Northern, Vice-Chairman Allen Woods, Commissioner Grover Collins, Commissioner William "Bear" Stephenson, Commissioner Valerie Joh, Commissioner Wendell Alexander, Commissioner David Flitcroft, Commissioner Michelle Haynes and Commissioner Carol Tate. Others Present: Eve Maxwell, Executive Director, Steve McDonald, Education Director, Mark Green, Assistant General Counsel, Robyn Ryan, Assistant General Counsel and Kelly McDermott, Administrative Secretary.**

Following up on a topic discussed the previous day, Mr. McDonald presented the Commission with a list of contract classes offered to licensees. After some discussion regarding the information, Mr. McDonald explained that if a licensee did a search on the TREC website of the word "contract", the courses presented in his report are the courses they would find. Mr. McDonald stated he could definitely make a more comprehensive report at a future meeting given more time to do proper research. Commissioner Alexander requested that Mr. McDonald provide information regarding all contract courses including the name of the provider, the delivery method, the location of the provider and the number of hours offered per course. He would also like for Mr. McDonald to come up with a model for all contract writing courses that include certain points that every provider must teach in the course. **Commissioner Alexander made a motion that by the June 2011 meeting, Mr. McDonald will have set forth a criteria for each class and it will contain at least 10 - 15 basic elements that each course would need to contain to be presented for approval to the Commission and prior to this matter being brought to the June 2011 meeting, one or more Commissioners will review the points as outlined by Mr. McDonald and give their input and then that input will be presented at the June 2011 meeting and additionally every course presented to be approved from July 2011 forward will need to comply with this new criteria and those courses that have already been approved must comply by the end of this current renewal period which is December 31, 2012; seconded by Commissioner Stephenson; unanimous vote; motion carried.**

Mr. Green addressed Commissioner Alexander's question regarding a recommendation for handling Errors & Omissions delinquency. Ms. Ryan assisted Mr. Green as she was the attorney during the last renewal cycle of E&O and was very familiar with the issue. Commissioner Alexander asked if the licensees in broker release status will be treated the same way as those who are active and uninsured. Staff confirmed that anyone who is in broker release and wishes to reactivate their license with a new firm would first have to address any E&O penalties or issues. Ms. Ryan explained that the Commission cannot automatically suspend a license and outlined the process that must be followed. She explained that all of the licensees with E&O delinquency issues must be given the opportunity to settle the matter by agreeing to comply and pay any applicable penalty. She stated that if the person does not comply with the Consent Order, then the Commission may authorize a formal hearing. The Commission discussed the penalties to be assessed and voted on each group of individuals separately.

Commissioner Flitcroft made a motion that licensees who purchased E&O insurance between the 91st day and the 104th day (meeting day of April 14, 2011) will be issued a Consent Order with a civil penalty of \$500.00 and requiring the completion of six (6) hours of continuing education in Ethics within three (3) months; seconded by Commissioner Woods; opened to discussion; Commissioner Stephenson made a friendly amendment to require four (4) hours of continuing education in Ethics within three (3) months instead of six (6) hours; Commissioner Flitcroft and Commissioner Woods accepted the friendly amendment; after some discussion, Commissioner Flitcroft restated the motion as amended to state "A licensee who has failed to comply with the Commission's requirement to be insured in the first 91 days of the renewal cycle but as of April 14, 2011 has insurance, will be assessed a civil penalty of \$500.00 and be required to complete four (4) hours of continuing education in Ethics within three (3) months"; motion carried unanimously.

Commissioner Flitcroft made a motion that the principal broker of a licensee or licensees who purchased E&O insurance between the 91st day and the 104th day (meeting day of April 14, 2011) will be issued a Consent Order with a civil penalty of \$500.00 and be required to complete four (4) hours of continuing education in Ethics within three (3) months; seconded by Commissioner Stephenson; unanimous vote; motion carried.

The third group of licensees the Commission discussed was licensees who were still uninsured as of April 14, 2011. It was the consensus of the Commission that these individuals are a danger to the public by not being compliance. **Commissioner Alexander made a motion to extend Policy 2010-CPS-003 [Policy on Lapsed E&O insurance] effective December 1, 2010 plus require four (4) hours of continuing education in Ethics within three (3) months; seconded by Commissioner Joh; unanimous vote; motion carried. The policy states "If a licensee fails to renew an Errors & Omissions insurance policy prior to expiration, that licensee may be subject to a civil penalty of up to one thousand dollars (\$1,000.00) per day for each day that licensee remains uninsured or other discipline including license suspension or revocation. A Principal Broker who fails to ensure each affiliated licensee maintains Errors & Omissions insurance may be subject to a civil penalty of one thousand dollars (\$1,000.00) per uninsured licensee."**

Commissioner Joh made a motion that a Principal Broker with a licensee or licensees that are not currently insured as of April 14, 2011 be assessed a civil penalty of one thousand dollars (\$1,000.00) per uninsured affiliate and be required to complete four (4) hours of continuing education in Ethics within three (3) months; seconded by Commissioner Woods; unanimous vote; motion carried.

Commissioner Alexander asked legal counsel if the Commission can carry over the established policy renewal cycle to renewal cycle therefore removing the need to address this issue every two years. Commissioner Haynes made note that new

Commissioners will be appointed to the Commission in years to come and they may not wish to follow the policy. Commissioner Alexander clarified that the policy should remain in effect for every future renewal cycle unless the policy is rescinded by the Commission. Ms. Ryan advised the Commission that they may create a policy adding the changes made today or amend the current policy. **Commissioner Woods made a motion to amend the current policy, Policy 2010-CPS-003 [Policy on Lapsed Errors & Omissions Insurance] to include all of the changes made that day (April 14, 2011) to continue forth into the future renewal periods; seconded by Commissioner Joh; unanimous vote; motion carried.**

Ms. Ryan asked the Commission if they again wished for an Administrative Law Judge (ALJ) to hear the Errors & Omissions insurance formal hearings. **Commissioner Woods made a motion that any licensee who received penalties under the new amended policy and do not agree to a Consent Order will have a formal hearing heard by an Administrative Law Judge and not the TREC Board of Commissioners; seconded by Commissioner Joh; opened to discussion.** Ms. Ryan advised the Commission that an ALJ can decide to impose any penalty and not necessarily take the Commission's recommendation. Commissioner Alexander suggested the Commission reconsider the issue after TREC Staff determines how many people do not comply with the Consent Order. **Therefore, Commissioner Woods withdrew his motion for the time being.**

There was a discussion regarding holding a panel discussion at the May 2011 meeting in Memphis regarding the HUD REO program. Commissioner Alexander stated that he and a panel of Commissioners and a representative of his office can lead the discussion which will analyze aspects of transaction problems with HUD, foreclosures and short sales where a lender is involved. Commissioner Tate and Commissioner Collins will be on the panel which will help the entire Commission understand violations of the Broker's Act as it relates to HUD. It was decided the roundtable discussion would be held on Friday, May 13 at 9:00 a.m. at the regular monthly TREC meeting with the understanding that if the formal hearing from the previous day is not complete, the panel discussion will be postponed until after the hearing adjourns. Chairman Northern asked that Staff publicize the presentation to the local associations so they can encourage their members to attend.

Commissioner Stephenson brought up for discussion a proposed bill introduced into legislation by Senator Doug Overby. He explained that the bill proposes a requirement to remove VLS (Vacation Lodging Services) from the jurisdiction of the TREC and have them overseen by Consumer Affairs. **Commissioner Stephenson made a motion that the Commission go on record in support of Senate Bill #0915/House Bill 1575 and that TREC notify Senator Overby and Representative Swain that TREC wants VLS removed from their jurisdiction; seconded by Commissioner Woods; opened to discussion; Commissioner Haynes suggested the Commission should go record that they support the idea but not specifically Senate Bill #0915/House Bill 1575; after discussion, Commissioner Stephenson revised his motion to state that he proposes the Commission go on record that they support the idea of removing VLS for the jurisdiction of TREC; unanimous vote; motion carried.**

Mark Green advised the Commission that Senator Overby has also sponsored Senate Bill #0916 that adds language to T.C.A. § 62-13-104(b) that VLS firms would not be regulated for advertising. Commissioner Alexander asked TREC Staff to draft a notice to Senator Overby and Representative Swain of the position of the Commission and the Commission members will sign the document.

Commissioner Haynes made a motion to take a stand against Senate Bill #0916/House Bill 1574 regarding VLS advertising under the same terms and conditions of the previous motion; seconded by Commissioner Collins; unanimous vote; motion carried.

Ms. Ryan gave the Commissioners an update on all upcoming scheduled formal hearings. She advised that there is a formal hearing set for May but not June but that it is possible that one will be added to the agenda for June if several licensees do not comply with their Consent Orders by the end of April 2011. She discussed with the Commission three cases that are on appeal in the Chancery Court. She explained that Mr. David Moore, Mr. Charles Moore and Mr. Stephen Warner have all filed an appeal with the Chancery Court. Ms. Ryan said the trial in Chancery Court is not a de novo trial and the Court will only judge whether the Commission had the power to do what they did under the facts as heard. She further explained that in some instances, the person can ask that new evidence be introduced. Commissioner Alexander advised the Commission that he had received a phone call from Mr. David Moore earlier and that Mr. Moore had said "Do you know who I am?" to which he answered "Yes, I know who you are." and then Commissioner Alexander said that Mr. Moore hung up the phone and then he attempted to call Mr. Moore back from his recent call list but there was no answer. Ms. Ryan explained that two things can happen in harassment: 1) a criminal action for a protective order but it requires a specific threat or 2) injunctive relief. Ms. Ryan stated that she would advise Mr. Wayne Pugh, General Counsel of the phone call and he can determine what can and cannot be done to address the situation. Ms. Ryan asked the Commission to contact her if they receive any more phone calls or threats. Commissioner Woods asked Ms. Ryan to alert him to when the trials will be heard in Chancery Court and he will try to attend. This concluded Ms. Ryan's report but she was asked to stay at the meeting by the Chairman to assist if needed.

Mr. Green advised the Commission that there are three bills in the legislature that he analyzed that involve the Commission. He read the content of SB #1067, SB # 1199 and SB # 1200. Chairman Northern advised his fellow Commissioners that they may, of course, approach the legislature as an individual but should not do so on behalf of the Commission unless the Commission passes a resolution that the entire board is in agreement. Mr. Green stated he would email a copy of each bill to the Commissioners.

LEGAL REPORT, MARK GREEN, ASSISTANT GENERAL COUNSEL

1) 2010031531 &

2) 2010031532 – These complaints were previously deferred so Commissioner Tate could review them and make a recommendation. She advised the Commission that the complaints will require more review than she anticipated and the complaints were again deferred.

- 3) 2010035741 &
- 4) 2010335742 – These complaints were previously deferred so Commissioner Tate could review them and make a recommendation. She advised the Commission that the complaints will require more review than she anticipated and the complaints were again deferred.
- 5) 2010036081 &
- 6) 2010036082 – Commissioner Flitcroft made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.
- 7) 2010006251 – Commissioner Alexander made a motion to accept legal counsel’s recommendation to defer to investigations; seconded by Commissioner Joh; unanimous vote; motion carried.
- 8) 2010036481 – Commissioner Alexander made a motion to authorize a formal hearing against the old PB (Respondent) and the other party responsible; seconded by Commissioner Collins; unanimous vote; motion carried. There was a discussion regarding opening a complaint against the new Principal Broker but the Commission was advised by Staff that the complaint could be opened administratively.
- 9) 2010029501 – 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 violation of T.C.A. §62-13-403(6) [failure to account for or remit funds belonging to another] and additionally require a Respondent to complete four (4) hours of continuing education in Agency within four (4) months; seconded by Commissioner Flitcroft; unanimous vote; motion carried.
- 10) 2011001271 – Commissioner Collins made a motion to accept legal counsel’s recommendation to issue a Consent Order with a civil penalty of \$1,000.00 for violation of T.C.A. §62-13-312(20) [improper conduct] and additionally open a complaint against the former licensee involved who is now retired that also allegedly took the money because she was active at the time of the transaction; seconded by Commissioner Alexander; unanimous vote; motion carried.
- 11) 2011000961 &
- 12) 2011000962 – Commissioner Collins made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Alexander; unanimous vote; motion carried.
- 13) 2010035911 – No motion. The matter will be re-presented at a future meeting. Commissioner Flitcroft asked that the complaint be referred to Consumer Protection (Affairs). No motion required.
- 14) 2010036741 &
- 15) 2011001101 – Commissioner Collins made a motion to accept legal counsel’s recommendation to issue a Consent Order with a civil penalty of \$1,000.00 in lieu of a formal hearing to both Respondents and require each Respondent to complete eight (8) hours of continuing education to be completed within six (6) months; no second; opened to discussion; Commissioner Alexander made a motion suggesting an informal conference be held with legal counsel, Commissioner Woods and the Respondent and if he declines the informal conference, then

- the Commission may vote to authorize a formal hearing; seconded by Commissioner Flitcroft; unanimous vote; motion carried.
- 16) **2010037021– Commissioner Flitcroft made a motion to issue a Consent Order that requires Respondent to complete four (4) hours of continuing education in Agency and four (4) hours of continuing education in Contracts to be completed within six (6) months; seconded by Commissioner Joh; opened to discussion; after discussion Commissioner Flitcroft withdrew his motion; Commissioner Collins made a motion to dismiss; seconded by Commissioner Tate; unanimous vote; motion carried.**
 - 17) **2011000371 &**
 - 18) **2011000372 – Commissioner Woods made a motion to dismiss; seconded by Commissioner Collins; unanimous vote; motion carried.**
 - 19) **2011001121 – Commissioner Collins made a motion to dismiss; seconded by Commissioner Woods; unanimous vote; motion carried.**
 - 20) **2010037051 – 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 violation of T.C.A. §62-13-313(2) [failure to respond to the complaint filed against them]; seconded by Commissioner Alexander; unanimous vote; motion carried.**
 - 21) **2010002081 &**
 - 22) **2010002082 &**
 - 23) **2011002083 – Mr. Green advised the Commission that additional information has been received and so it requires further review before being presented. Commissioner Alexander made a motion to accept legal counsel’s recommendation and defer the complaints; seconded by Commissioner Woods; unanimous vote; motion carried.**

Mr. Green reviewed the Consent Order Log with the Commission.

Ms. Maxwell asked if a decision had been reached regarding who would like to have their name submitted to attend the ARELLO Annual Conference. It was determined that Ms. Maxwell, Mr. McDonald and Commissioners Stephenson and Haynes name’s would be submitted to the Administration.

Mr. Collins made a motion to consider Mr. Jules Wade, Executive Director of MAAR as recipient of the Bill C. Tune Award for excellence in real estate education; seconded by Commissioner Tate; opened to discussion. Ms. Maxwell explained the process to request funds for such an event and that there is only limited time before the Memphis meeting but that an effort could be made to hold such an event. **There was no vote on the motion.**

Commissioner Alexander stated in his Commissioner Report that he does not want to forget all the time and effort former Commissioner Charles Haynes had put into acknowledging licensees who have been licensed for 40 plus years as a real estate licensee. He suggested the tradition of honoring these licensing be continued. **Commissioner Haynes made a motion to repeat the 40 year award breakfast each year rotating through the three grand divisions of the State of**

Tennessee starting in Middle Tennessee; seconded by Commissioner Joh; Commissioner Alexander offered a friendly amendment that the first longevity breakfast be held in Middle Tennessee in honor of Commissioner Charles Haynes and that his wife, Commissioner Michelle Haynes, help organize the breakfast along with himself and Commissioner Stephenson; unanimous vote; motion carried.

Also during his Commissioner reports, Commissioner Alexander thanked everyone who contacted him and offered support during his recent illness.

There were no additional Commissioner reports. **Commissioner Woods made a motion to adjourn the meeting; seconded by Commissioner Joh; unanimous vote; motion carried.**

Chairman Northern adjourned the meeting at 12:08 p.m. on Thursday, April 14, 2011