

**TENNESSEE REAL ESTATE COMMISSION MINUTES**  
**July 12, 2012**

The Tennessee Real Estate Commission convened on July 12, 2012, at 9:16 a.m., in the George A. Smith Meeting Room in City Hall at 107 East Main Street, Jackson, TN 38301. The following Commission Members were present: Chairman William "Bear" Stephenson, Vice-Chairman Michelle Haynes, Commissioner Austin McMullen, Commissioner Isaac Northern, Commissioner Wendell Alexander, Commissioner David Flitcroft, Commissioner Janet DiChiara and Commissioner John Griess were present. Commissioner Grover Collins was absent. Others present: Executive Director Eve Maxwell, Education Director Steve McDonald, Assistant General Counsel Julie Cropp and Administrative Secretary Kelly McDermott.

The first order of business was the adoption of the agenda (**Exhibit 1**) for the July 2012 Commission meeting. Commissioner Flitcroft asked that, as part of the discussion on the legislative update, he be allowed to address a specific piece of proposed legislation of great import to him. **Commissioner DiChiara made a motion to adopt the agenda as amended for the July 2012 agenda; seconded by Commissioner Northern; unanimous vote; motion carried.**

The next order of business was the approval of the June 2012 minutes (**Exhibit 2**). **Commissioner Griess made a motion to approve the June 2012 minutes; seconded by Commissioner DiChiara; unanimous vote; motion carried.**

Newly elected Chairman Stephenson presented to Commissioner Northern a certificate and letter of commendation thanking him for his service as Chairman for the preceding two years. Chairman Stephenson also appointed Commissioner DiChiara as Parliamentarian for the Commission for the coming year.

**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 June 29, 2012, TREC had a total of 124 open complaints. There were 34 new complaints in June 2012. There were 111 complaints in the legal department and 13 open complaints in the TREC office awaiting response. The total number of closed complaints for the current Fiscal Year 2011-2012 is 220. Total Civil Penalties paid in June 2012 were 29,080.00.
- **Licensing Statistics** (Exhibit 4) – Ms. Maxwell presented licensing statistics for the month of June 2012. As of June 29, 2012, there were 23,624 active licensees, 934 inactive licensees and 10,033 retired licensees. There were 4,119 active firms and 325 retired firms. There were 260 new applications approved in June 2012. Further, she presented a comparison of total licensees for individuals (active, retired and inactive) and firms in June of 2008, 2009, 2010 and 2011. She also presented license renewal percentages and the average number of licenses issued per month in 1997 and 2000 – 2012, firms closed or retired from 2008 – 2012 and the applications approved from 2008 – 2012.

Ms. Maxwell reviewed the proposed 2013 meeting schedule calendar prepared by Administrative Secretary Kelly McDermott. She explained that it is only a proposed calendar and asked for comments and suggestions for times and locations from the Board. Commissioner Alexander stated that he would like to see the Commission travel more often and to different locations than they have in years past. The Commission discussed the timeline for needing the final calendar complete and the out of town meetings scheduled. They also discussed when it would be feasible to hold the East Tennessee Longevity Breakfast. Commissioner Northern suggested that state parks be looked at as an alternative as it was previously suggested by the Administration. Several parks were mentioned such as Montgomery Bell State Park and Fall Creek Fall State Park. Ms. Maxwell stated that research could be done on this proposition. There was discussion about when the TAR Spring Conference is to be held and if there had been an invitation to the Commission to conduct a Q&A panel as they have done in the past. It was discussed how to work with TAR to coordinate the panel. Joan Smith, a representative from TAR, was present and agreed to report back on the upcoming conference later in the meeting. The board discussed the idea of holding the meeting in East Tennessee the first week of March and then possibly having another meeting at the end of March to coincide with the TAR conference. Ms. Maxwell advised the Board that logistically it would be very difficult for the staff, under current conditions and restrictions, to hold two such meetings in such close proximity to each other. She also explained the limitations the staff experiences when securing facilities with recording equipment, which is a vital part of choosing a place to hold the meetings. **Commissioner Northern made a motion that the discussion be postponed to the end of the agenda; seconded by Commissioner DiChiara; unanimous vote; motion carried.** It was also decided that the East Tennessee Longevity Breakfast discussion would be deferred until the August meeting.

Ms. Maxwell asked for the Commission's consideration on the wording of Question Five of the PSI prequalifying questions regarding prior criminal convictions. Ms. Maxwell read into the record the approved wording (from the January 2008 meeting) of the question. It reads "Have you ever pled guilty, pled nolo contendere, or been convicted of any criminal offense? (Include traffic violations that are alcohol and drug related)." She advised the Commission that although it seems quite clear that a person should disclose a DUI, they do not always do so and claim they do not understand the question. Ms. Maxwell also outlined how some other states handle asking for an applicant to disclose prior convictions. She said, however, that she does not want to have a list of offenses to disclose because that might make it too specific and someone could omit a conviction that the Board would want disclosed. It was ultimately decided to leave the wording of the questions as it is now. Commissioner Haynes did ask if Ms. Maxwell could look into how other states handle appearance before the board for those who must appear who have past convictions. She specifically is interested in setting a time limit on how far back a conviction has to have occurred before the person does not appear (i.e. a felony from 15-20 years ago). Chairman Stephenson asked Ms. Maxwell to do the requested research and report back to the board at the August meeting.

Ms. Maxwell reported to the Commission on activity levels among the audit staff of TREC. The report showed how much time each of the auditors has spent on location doing audits for the first six months of 2012. She explained that this information is based on surveys that are returned to TREC by the principal broker after an audit and that only about 50% of the

requested audits are returned. The report also listed how many violations on average each auditor issues for review by Ms. Maxwell. She explained that the auditor will typically follow up on a firm with a violation within a certain period of time. She also explained that per the auditors' new job plans, they are required to perform at least 500 audits per year. Commissioner Haynes asked if, based on the lower numbers provided in the report, if that goal is attainable. Ms. Maxwell stated that she believes it is in fact doable but there may be a need for reevaluation next year if the auditors are unable to meet that goal. Commissioner Alexander asked Ms. Maxwell where she is on the checklist for auditors for when they audit paperless firms. Ms. Maxwell told the Commission that several of the auditors had audited a firm, over the course of two days, who use paperless system for documentation. She said they had learned much about the process the affiliates follow for documenting their sales. She stated that it is crucial for a principal broker to be prepared on the front end to set up the system properly and maintain it. She said this was very important to ensure that important documents can be retrieved despite system/software upgrades or technical issues with a paperless program. Commissioner Alexander asked Ms. Maxwell to send the information she sent him regarding paperless transactions to all of the Commissioners and to add it to the agenda for the August or September meeting. He stated that a policy is needed in the near future to ensure documents are not lost.

**The Commission conducted a review of all of the existing policies currently active for TREC.** They read and discussed each policy and voted to retain, replace or delete the policy.

- **2012-CPS-002 Policy on Transactions Involving Asset Management Companies** – Adopted April 5, 2012

**Commissioner Griess made a motion to retain the policy; seconded by Commissioner Alexander; unanimous vote; motion carried.**

- **2012-CPS-001 Policy on Internet Advertising** – Adopted March 7, 2012

**Commissioner Griess made a motion to retain the policy; seconded by Commissioner Alexander; unanimous vote; motion carried.**

- **2011-CPS-001 Policy on Lapsed E&O insurance** – Adopted June 9, 2011

**Commissioner Northern made a motion to retain the policy until a new RFP and E&O policy are in place for the new term; seconded by Commissioner Alexander; unanimous vote; motion carried.**

- **2010-CPS-002 Death or Extended Absence of Principal Broker** – Adopted November 4, 2010

**Commissioner Alexander made a motion to retain the policy until the content of it becomes a rule; seconded by Commissioner Griess; unanimous vote; motion carried.**

- **2010-CPS-001 Principal Broker Required to Appear for Informal Conferences** – Adopted October 8, 2010

**Commissioner Northern made a motion to retain the policy but to amend the title to read “Informal Appearances” instead of “Informal Conferences” upon the recommendation of staff; seconded by Commissioner Griess; unanimous vote; motion carried.**

- **2009-CPS-004 Commission Ethics Course** – Adopted February 12, 2009

**Commissioner Alexander made a motion to retain the policy; seconded by Commissioner DiChiara; unanimous vote; motion carried.**

- **2009-CPS-003 Certified Copy of Conviction Required** – Adopted February 12, 2009

**Commissioner Northern made a motion to retain the policy; seconded by Commissioner Alexander; Commissioner McMullen offered a friendly amendment that the language reflect the same as that of question five of the pre-qualifying questions asked by PSI; friendly amendment accepted; unanimous vote; motion carried.**

- **2009-CPS-002 Priority Given to Egregious Complaints** – Adopted February 12, 2009

**Commissioner Northern made a motion to retain the policy; seconded by Commissioner Alexander; unanimous vote; motion carried.**

- **2008-CPS-001 Reinstatement of an Expired License** – Adopted January 10, 2008

There was a discussion among staff and board members regarding the provision of the policy regarding a former licensee’s ability to request a waiver for reinstatement by appearing before the board (subsection 3-2). Ms. Maxwell explained that it has not been the actual policy of the Commission to allow people to appear and request a waiver and wondered if the policy should be adjusted to reflect this practice. The discussion also turned briefly to whether continuing education should be required to place a license in retirement. This discussion was ultimately deferred to the part of the agenda addressing legislation as the matter would require a statute change. To this end, Commissioner Northern suggested the discussion regarding required continuing education for retirement be moved to the “Legislative Update” portion of the agenda. The discussion returned to removing the waiver language from the policy. **Commissioner Haynes made a motion to defer any further action so legal staff can create some language to reflect the current practice of the Commission and bring it back to the Board for review; seconded by Commissioner McMullen; unanimous vote; motion carried.**

- **2001-CPS-002 Vacation Lodging Service Escrow Accounts** – Adopted February 7, 2001

Commissioner Flitcroft made a motion to repeal the policy because it is contrary to statute; seconded by Commissioner Griess; unanimous vote; motion carried.

- **2001-CPS-001 Interest Bearing Escrow Accounts** – Adopted March 7, 2001

Commissioner Flitcroft made a motion to retain the first portion of the policy but to delete the second portion of the policy (1 through 4) because it is contrary to statute; seconded by Commissioner Northern; unanimous vote; motion carried.

- **2000-CPS-007 Vacation Lodging Services** – Adopted June 7, 2000

Commissioner Flitcroft made a motion to repeal the policy; seconded by Commissioner Northern; unanimous vote; motion carried.

- **2000-CPS-002 Duplicate or Confusingly Similar Names** – Adopted January 5, 2000

Commissioner Northern made a motion to retain the policy; seconded by Commissioner McMullen; unanimous vote; motion carried.

- **2000-CPS-001 Credit for Post License Education Taken in Another Jurisdiction Prior to Licensure in Tennessee** – Adopted January 5, 2000

Commissioner Northern made a motion to retain the policy; seconded by Commissioner DiChiara; unanimous vote; motion carried.

- **1996-CPS-004 Selection Criteria: William C. (Bill) Tune, Jr. Award for Excellence in Education** – Adopted October 3, 1996

Commissioner Alexander made a motion to retain the policy; seconded by Commissioner Northern; unanimous vote; motion carried.

- **1995-CPS-003 The Conduct of Receiving Fees or Rebates from Home Inspectors by Real Estate Licensees for Referring Business Constitutes Improper Dealing and As Such Violates T.C.A. 62-13-312(20)** – Adopted April 5, 1999

Commissioner Alexander made a motion to retain the policy; seconded by Commissioner DiChiara; unanimous vote; motion carried.

- **1994-CPS-003 Instructor Course** – Adopted November 10, 1994

**Commissioner DiChiara made a motion to repeal the policy; seconded by Commissioner McMullen; unanimous vote; motion carried.**

- **1989-CPS-005 Commissions Earned by Affiliate Brokers** – Adopted October 13, 1989

**Commissioner Alexander made a motion to retain the policy; seconded by Commissioner DiChiara; opened to discussion; Commissioner Griess asked what provision is present for Commission payments for licensees who pass away; Ms. Maxwell also stated that the title should probably read “affiliated licensees” instead of “affiliate broker”; Commissioner Haynes made a motion to defer the matter until new language can be brought back by legal addressing the passing of a licensee and the change in title; seconded by Commissioner Griess; unanimous vote; motion carried.**

Chairman Stephenson recessed the meeting at 11:37 a.m. for lunch and the meeting was reconvened at 1:11 p.m.

#### **EXECUTIVE DIRECTOR’S REPORT, EVE MAXWELL, EXECUTIVE DIRECTOR (continued)**

Ms. Maxwell reported to the Commission on Grandfathered Brokers. She presented a written report on how many Brokers were grandfathered and their dates first licensed. She outlined the following information. She explained that Brokers were grandfathered if they obtained their Broker license on or before 12/31/2004 but those licensed as a Broker 1/1/2005 or after have to complete 16 hours of continuing education after they finish their 120 post Broker hours. She explained that for Affiliate Brokers, those licensed as of 7/1/1980, have to complete the 16 hours of continuing education and those licensed prior to 7/1/1980 are not required to complete the 16 hours of continuing education. She reported the following statistics for Brokers and Principal Brokers who are grandfathered. Of the 5,504 Grandfathered Brokers, 2,297 are Principal Brokers. Of those 2,297 Principal Brokers, 650 were licensed prior to 7/1/1980 and 1,646 were first licensed as Brokers between 7/2/1980 and 12/31/2004. She explained that she had been asked by Commissioner DiChiara to examine if a correlation might exist between Principal Brokers who are grandfathered and the number of complaints filed against those people. Ms. Maxwell stated that she did a review of complaints and it appears that around 80 Grandfathered Brokers and Affiliate Brokers who have had an issue with continuous complaints. Ms. Maxwell explained that to have a more concrete number, a comprehensive analysis would have to be done on the file of each grandfathered person. Commissioner DiChiara stated that she is concerned about those Brokers who were licensed between 7/2/1980 and 12/31/2004 because there have been many rule changes in that time period that would be important information for a Broker to know. Commissioner Northern stated that, although not technically required, there are many Brokers who do take education courses to stay on top of changes in the industry. Commissioner DiChiara stated that those who do take the education are not the ones of greatest concern or who have the most complaints. She said her concern is regarding Brokers who may give their affiliated licensees poor advice because they are not knowledgeable themselves about current rules, regulations and practices. She suggested a change in statute may be necessary to remedy the issue. Commissioner Griess stated that perhaps the discussion

could be moved to the portion of the agenda addressing legislative proposals/recommendations. **Commissioner Haynes made a motion to move the discussion to the Legislative Update Discussion portion of the agenda; seconded by Commissioner Alexander; unanimous vote; motion carried.**

#### **EDUCATION REPORT, STEVE MCDONALD, EDUCATION DIRECTOR**

Mr. McDonald presented the Courses for Commission Evaluation and Discussion. **Commissioner DiChiara made a motion to approve the Courses for Commission Evaluation (J1 – J18); seconded by Commissioner Northern; unanimous vote; motion carried.** The Commission discussed the Course for Commission Discussion (J19) “Office Broker Management” provided by ITS School of Real Estate (#1537). Mr. McDonald advised that the provider had asked that the discussion be deferred to allow time for changes to the curriculum. **Commissioner Haynes made a motion to defer upon request of the provider; seconded by Commissioner Northern; unanimous vote; motion carried.**

Mr. McDonald presented the following Instructor Reviews for the month of June 2012:

- Faye Ellis of Middle Tennessee CCIM (#1298) requested the approval of Janet Miller, Susan Earnest, and Frank Simpson to teach the Economic Outlook course (#6502).
- Sally Cummings of Tennessee Association of REALTORS® requested the approval of Patricia Alters to teach GRI 404 Working Effectively with Sellers (# 6761).

**Commissioner DiChiara made a motion to approve the above instructors; seconded by Commissioner Haynes; unanimous vote; motion carried.**

Mr. McDonald advised the attendees of the upcoming opportunity to receive two hours of no fee continuing education at the upcoming west Tennessee Education Seminars in Jackson and Memphis.

#### **LEGAL REPORT, JULIE CROPP, ASSISTANT GENERAL COUNSEL**

Ms. Cropp explained to the Commission that General Counsel Wayne Pugh asked for a report on any proposed legislation that the Commission would like considered. Therefore, she presented the Commission with a couple of “housekeeping” matters and then discussed other proposed legislation ideas to pass along to the Administration. **Following is a list of the proposed legislation that the Commission ultimately decided to submit to the Administration and the reason for doing so.**

1. **Subject/Title of Legislation: Revision of T.C.A. § 62-13-303(a)(3)(A):** Remove language stating that affiliate brokers must complete the 30 Course for New Affiliates course within six (6) months of obtaining a license. Instead, change language to state that affiliate brokers must complete the 30 hour Course for New Affiliates course as a prerequisite to licensure.  
**Reason:** Language should be amended to state that affiliate brokers must complete the 30 hour Course for New Affiliates as a prerequisite to licensure in order to be consistent with the current provision of T.C.A. § 62-13-303(a)(3)(B).

2. **Subject/Title of Legislation: Removal of T.C.A. § 62-13-303(e)(2)(B), T.C.A. § 62-13-303(f)(2)(B), and T.C.A. § 62-13-303(j)(2)(B):** These subsections require that applications for an affiliate broker's license, and timeshare salesperson's license must be accompanied by satisfactory proof of applicant's residency within the state.  
**Reason:** These subsections requiring proof of Tennessee residency should be removed because a license cannot be denied based on this.  
**Discussion by Commission:** Commissioner Northern made a motion to remove the listed statutes in light of the AG's opinion regarding residency requirements; seconded by Commissioner Haynes; unanimous vote; motion carried.
3. **Subject/Title of Legislation: Removal of T.C.A. § 62-13-318:** Commission would like to amend language of this statute, which requires completion of all education requirements prior to a licensee placing a license into a retired status. Instead, the Commission would like no CE completion requirement in order to place a license into a retired status but would prefer a requirement that a licensee must have all required CE to reinstate a license.  
**Reason:** The Commission believes that it is a more logical requirement to have all CE completed to reinstate a license rather than the current language which requires completion of CE prior to license retirement.  
**Discussion by Commission:** Commissioner Northern made a motion to authorize Ms. Cropp and Ms. Maxwell to take this matter to the Administration and ask them for their input and then report back the Commission at a future board meeting; seconded by Commissioner Haynes; unanimous vote; motion carried.
4. **Subject/Title of Legislation: Revision of T.C.A. § 62-13-301:** The Commission would like to amend the language of this statute to "put more teeth into" their ability to discipline unlicensed activity. Commissioner Flitcroft provided a handout which included proposed language based on Oklahoma statute.  
**Reason:** The Commission would like to reduce the amount of unlicensed activity.  
**Discussion by Commission:** Commissioner Flitcroft made a motion that Staff present the idea to the Administration for feedback and inclusion in the proposed legislation package; seconded by Commissioner Haynes; unanimous vote; motion carried.
5. **Subject/Title of Legislation: Revision of T.C.A. § 62-13-102(4):** The Commission would like to add BPOs to the list of real estate related activities addressed with the section of the chapter.  
**Reason:** Though BPOs do not appear to be clearly addressed with the Broker Act, the Commission believes that this should be added to the list of real estate related activities.

Also during the course of the discussion regarding proposed legislation, several matters were discussed but were not ultimately included in the report to the Administration.

The Commissioners discussed a potential change in statute regarding Grandfathered Brokers. **Commissioner DiChiara made a motion that any Broker who was licensed after 7/2/1980 must take the 16 hours of continuing education every two years; seconded by Commissioner Flitcroft; discussion; roll call vote: 3 yes (Commissioners DiChiara, Flitcroft and Northern); 5 no**

**(Commissioners Alexander, Griess, Haynes, McMullen and Stephenson); motion failed for lack of a majority.**

The Commission also briefly discussed legislation regarding the suspension of licensees who do not purchase E&O insurance in a timely manner. The Commission, as part of the discussion in June regarding the E&O RFP, asked TAR to carry the bill to the legislature.

Following is an excerpt from the minutes of that meeting:

*“Commissioner Alexander made a motion for TREC to ask TAR to introduce a bill to the legislature that if a licensee does not renew his/her E&O insurance then his/her license can be automatically suspended without a formal hearing or a Consent Order and that the E&O not be changed to renew on a staggered basis but stay the same as it is now (end of the calendar year, every two years); seconded by Commissioner Collins; unanimous vote; motion carried.”*

Commissioner Alexander asked that the Staff keep the Commission informed on the status of this legislation to be proposed by TAR.

This concluded the discussion of the proposed legislation. Ms. Cropp gave the Commission a brief update on the status of the E&O RPF and the rules that were adopted at the June 2012 meeting and their progress on being sent to the Office of Contract Review and the Attorney General’s Office’s respectively.

At the beginning of the text of each legal report (complaint report) the following text is inserted and Ms. Cropp read it into the record: “Any consent order authorized by the Commission should be signed by Respondent and returned within thirty (30) days. If said consent order is not signed and returned within the allotted time, the matter may proceed to a formal hearing.”

- 1) 2011032091 – Commissioner DiChiara made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Haynes; unanimous vote; motion carried.**
- 2) 2012002621 – Commissioner McMullen made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Flitcroft; vote: 6 yes, 2 no (Commissioners Haynes and DiChiara voted no); motion carried.**
- 3) 2012004901 – Commissioner Flitcroft made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner McMullen; unanimous vote; motion carried.**
- 4) 2012006421 – Commissioner Flitcroft made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Northern; unanimous vote; motion carried.**
- 5) 2012006471 – Commissioner Griess made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner DiChiara; unanimous vote; motion carried.**
- 6) 2012006551 – Commissioner Griess made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner DiChiara; unanimous vote; motion carried.**

- 7) 2012006681 &
- 8) 2012006691 &
- 9) 2012006701 – Commissioner Northern made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Griess; unanimous vote; motion carried.
- 10) 2012007041 &
- 11) 2012007051 – Commissioner DiChiara made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner McMullen; unanimous vote; motion carried.
- 12) 2012007351 &
- 13) 2012007352 &
- 14) 2012007361 – Commissioner Flitcroft made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Northern; unanimous vote; motion carried.
- 15) 2012007391 &
- 16) 2012007392 – Commissioner Griess made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner DiChiara; unanimous vote; motion carried.
- 17) 2012007621 – Commissioner Haynes made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner DiChiara; vote: 6 yes, 0 no, Commissioner Griess abstained; motion carried.
- 18) 2012008021 &
- 19) 2012008022 &
- 20) 2012008023 – Commissioner Northern made a motion to accept legal counsel’s recommendation to dismiss as to Respondents 2 and 3 and as to Respondent 1, issue a Consent Order with a civil penalty of \$1,000.00 for operating a property management firm without a license in violation of T.C.A. § 62-13-312(b)(14), T.C.A. § 62-13-309(a)(1)(A) which requires each office to have a real estate firm license, a principal broker, and a fixed location with adequate facilities for affiliated licensees, and Rule 1260-02-.01(1) which states no licensee shall engage in any real estate activity in any office unless there is a principal broker who devotes his full time to the management of such office; seconded by Commissioner DiChiara; unanimous vote; motion carried.
- 21) 2012008031 – Commissioner Flitcroft made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Haynes; unanimous vote; motion carried.
- 22) 2012008041 – Commissioner Northern made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Haynes; unanimous vote; motion carried.
- 23) 2012008071 &
- 24) 2012008111 &
- 25) 2012008151 – Commissioner Haynes made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Northern; vote: 7 yes, 0 no, Commissioner Flitcroft abstained; motion carried.

- 26) 2012008311 &  
27) 2012008321 – Commissioner Haynes made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Griess; unanimous vote; motion carried.  
28) 2012008781 – Commissioner Northern made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Haynes; unanimous vote; motion carried.  
29) 2012009601 &  
30) 2012009691 - Commissioner Haynes made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner DiChiara; unanimous vote; motion carried.  
31) 2012009901 - Commissioner Flitcroft made a motion to accept legal counsel’s recommendation to dismiss; seconded by Commissioner Haynes; unanimous vote; motion carried.

Ms. Cropp presented the Commission with a copy of the Consent Order Log. **Commissioner Alexander made a motion to accept the Consent Order Log as presented; seconded by Commissioner DiChiara; unanimous vote; motion carried.**

The Commission returned to the earlier discussion of the 2013 meeting schedule. They touched on such topics as the TAR Spring Conference (March 26-27, 2013), dates and locations for those dates. Chairman Stephenson suggested that some members of the Commission may want to come in for the TAR Q&A panel instead of trying to tie it to a regular meeting. They briefly talked about state parks and the availability of meeting space and recording equipment at state parks throughout Tennessee. It was ultimately determined they would adopt the dates for the first quarter, not necessarily the location; thus giving the Staff the time to study possible new locations and report back to the Commission at the August meeting. **Commissioner Griess made a motion to lock the dates in for January, February and March 2013 but not the locations; seconded by Commissioner Flitcroft; unanimous vote; motion carried.** Any further discussion of the East Tennessee Longevity Breakfast was also deferred until locations and dates have been determined at the August meeting.

Chairman Stephenson adjourned the meeting on Thursday, July 12, 2012 at 3:43 p.m.