

Notice of April 1-2, 2015 meeting of Real Estate Commission
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**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE**

Tennessee Real Estate Commission
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AGENDA

**TENNESSEE REAL ESTATE COMMISSION
NOTICE of COMMISSION MEETING**

DAVY CROCKETT TOWER Room 1 A
500 James Robertson Parkway
Nashville, Tennessee 37243

Wednesday, April 1, 2015

Call To Order: 9:00 A.M.

Informal Appearance: James Dale Courtney, Applicant; Charles A. Rodgers,
Principal Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Informal Appearance: Jean Chambers, Applicant; Charles Lewis McGuire,
Principal Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Informal Appearance: Tony A. Gainous, Applicant; Ben Wilson, Principal
Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Please note that the order of items on the agenda is subject to change and that after publication and prior to, or during the meeting, items may be supplemented, deleted or added.

Commission meetings will be conducted by permitting participation of the Commission members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at (615) 741-8307.

50 Mile Rule Appearance: Jeffrey King, Principal Broker; Michael Finn, Applicant: Rule 1260-02-.01(2) contains a requirement that an affiliate broker (other than a property manager) cannot live more than fifty (50) miles by a straight line calculation from the firm office, but the rule also allows for possible waiver, upon request by the principal broker. Appearances are made for the purpose of the Commission determining whether or not it has been demonstrated to the Commission's satisfaction that the distance involved is not unreasonable and that adequate supervision can be provided, and thus whether waiver will be granted.

Legal Report: The legal report, presented to the Commission at each meeting, consists of summaries prepared by legal counsel of complaints which have been filed with TREC. The summaries are prepared in an anonymous fashion, and allegations within each complaint are summarized as well as the content of responses given to complaints filed. The Commission discusses the matters to determine whether there is probable cause that a violation of the Broker Act and/or the Commission's rules has taken place, and the Commission authorizes appropriate action. The matters to be presented include:

- 2014026241
- 2014026181
- 2014026191
- 2014028611
- 2014028621
- 2014028651
- 2014028661
- 2014028701
- 2014028711
- 2014028721
- 2014028731
- 2014029681
- 2014028761
- 2014028801
- 2014028901
- 2014029011
- 2014029931
- 2014029951

Please note that the cases listed include only those in preparation at the time of publication of the Agenda and that after publication and prior to presentation, cases may be supplemented, deleted or added.

Consent Order Log: The Consent Order log consists of a spreadsheet maintained by legal counsel which lists information about Consent Orders which have been authorized by the Commission at previous meetings and sent to Respondents but have not yet been accepted. This log is maintained as a tracking mechanism to ensure that any Consent Order which is not accepted is timely transferred to a litigating attorney to prepare the matter for a formal hearing.

Legislative Update: Legal Counsel presents a verbal report of the current status of legislation affecting the Commission.

Matter of Kevin A. Gheens: Presentation by legal counsel of State's Motion to Dismiss the Notice of Appeal filed by Kevin A. Gheens in Docket No. 12.18-127090J, Case No. L13-REC-RBS-2013023201. An Administrative Law Judge entered an Initial Order against Mr. Gheens on October 20, 2014. Mr. Gheens filed an appeal on December 29, 2014. On January 7, 2015, the Commission voted to allow Mr. Gheens 30 days to file a brief in support of his filed appeal. Mr. Gheens was notified that he had until March 5, 2015 to file a brief. No brief has been filed by Mr. Gheens.

Education Report: Rule 1260-05-.01 requires satisfactory completion of certain courses in real estate by applicants for, and holders of, licenses as a broker or affiliate broker. The Broker Act and the Rules establish standards and procedures governing the establishment and operation of courses and instructors designed to satisfy those requirements, including, but not limited to, approval by the Commission. Courses and instructors which have been properly and timely submitted to the Commission and reviewed by the Education Director are presented in a table format to the Commission for discussion and determination whether the course should be approved for Tennessee real estate licensees and/or applicants and whether an instructor should be approved to teach a specified course.

Licensing Statistics: Executive Director presents tables which contain statistics from the past month and from past years. The statistics may include the number of: licensees, exams given, licenses issued and licenses not renewed.

Principal Brokers Working But Not Residing in Tennessee: Rule 1260-02-.01(2) contains a requirement that an affiliate broker (other than a property manager) cannot live more than fifty (50) miles by a straight line calculation from the firm office, but this Rule does not establish any distance restriction on the location of the residence of the principal broker in relation to the firm office. After March 4, 2015 presentation by Executive Director of data regarding number of licensed Tennessee firms physically located in Tennessee with principal brokers who have a residence address in a state other than Tennessee, Commission members requested Executive Director compile additional statistics for presentation at the April 1, 2015 meeting.

E&O Update: TCA 62-13-112 and Rule 1260-01-.16 require licensees to obtain, maintain and renew Errors and Omissions Insurance and to provide proof to the Commission. A license is placed in a suspended status if such proof is not submitted timely to the Commission. The Executive Director presents an update on the number of licensees in suspension and insured.

Complaint Report: Executive Director presents statistics for the current fiscal year regarding the number of complaints closed, opened, sent to litigation, the types of consent orders authorized by the Commission, the dollar amounts authorized, breakdown of monies received for the preceding month and the current fiscal year, the number of complaints involving property management and the Disciplinary Action Report.

Fingerprint Facts: TCA 62-13-303 and Rule 1260-01-.17 require all initial applicants to submit a complete and legible set of fingerprints in an electronic format through the state vendor. Executive Director presents compilation of numbers regarding applicants fingerprinted.

Budget: Each month the Commission has an opportunity to review the previous months' budget numbers which are prepared and distributed to Executive Director. Commission members have opportunity to ask questions regarding the budget.

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