



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE REAL ESTATE COMMISSION
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2273
<http://www.tn.gov/commerce/section/real-estate-commission>

MINUTES

The Tennessee Real Estate Commission held a meeting June 1, 2016 at 9:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman, Griess.

Griess, Board Chairman welcomed everyone to the Board meeting.

Mr. Young, Executive Director called roll. The following Commission Members were present: Chairman John Griess, Vice-Chairman Janet DiChiara, Commissioner Diane Hills, Commissioner Franks, Commissioner Bobby Wood, Commissioner Austin McMullen, Commissioner Fontaine Taylor, Commissioner Gary Blume, and Commissioner Johnny Horne. Others present: Executive Director Malcolm Young, Assistant General Counsel Mallorie Kerby, and Commission Staff Brooke Wagner

AGENDA- Motion made by Commissioner DiChiara and seconded by Commissioner Franks to approve the agenda. Motion carried unanimously.

MINUTES-

Minutes for the May 5, 2016 board meeting were submitted for changes and/or approval.

Motion made by Commissioner DiChiara and seconded by Commissioner Franks to approve the May 5, 2016 minutes. Motion carried unanimously; Commissioner McMullen abstained.

SPECIAL APPEARANCES-

The Tennessee Association of Realtors (TAR) presented a Live Classroom Video Demonstration to the Commission. The purpose of this demonstration was to show the Commissioners the next step forward for TAR's education programs. Motion by Commissioner Franks to endorse TAR as they refine the concept for the live classroom streaming seconded by Commissioner DiChiara.

Upon presentation by staff attorney, Dennis Gregory, Commissioner Hills made a motion to suspend Blythe Sanders's license until a hearing was able to take place, seconded by Commissioner DiChiara. Motion carried with Chairman Griess recusing himself.

The Tennessee Association of Realtors (TAR) also requested that a licensee data feed be generated by The Real Estate Commissions IT department on a secured website to allow TAR to have access to public information on all licensees such as: Education Requirements, Expiration Dates, Affiliation, etc. The Commission has asked the Executive Director to work with IT to expedite the request of the date feed with the assurances of protecting the integrity of the licensee information within TREC.

INFORMAL APPEARANCES-

Application for Affiliate Broker licensure; Christina Widener

Motion made by Commissioner Wood and seconded by Commissioner Hills to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Larry Matlock

Motion made by Commissioner DiChiara and seconded by Commissioner Horne to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Jennifer Turns

Motion made by Commissioner DiChiara and seconded by Commissioner Horne to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Angela Perrien

Motion made by Commissioner Franks and seconded by Commissioner DiChiara to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Nathan Phelps

Motion made by Commissioner Wood and seconded by Commissioner Hills to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Raychel Day

Motion made by Commissioner Blume and seconded by Commissioner Hills to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Dustin Martin

Motion made by Commissioner DiChiara and seconded by Commissioner Hills to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Wesley Mitchell

Motion made by Commissioner Horne and seconded by Commissioner Franks to approve applicant for licensure process. Motion carried unanimously.

COMMISSION DISCUSSION-

Discussion of current Team Rules (1260-02-.11) with no conclusive decision to modify current rule. The Commissioners requested the Executive Director and Legal Counsel to develop citations in accordance to the current civil penalties of potential violations of Advertising (1260-02-.12) and present at the July meeting.

Scott Boruff-

Chairman Griess announced to the Commission that Scott Boruff is requesting to come before the Commissioners at the October meeting in Farragut, Tennessee.

Legislative Proposals for 2017-

Unlicensed activity with potential changes in fees/ cite and fine. Motion by Commissioner McMullen seconded by Commissioner Hills.

Motion by Commissioner Franks seconded by Commissioner DiChiara to remove all grandfathering for education. Motion carried 7-2 with Commissioner's McMullen and Griess against.

EDUCATION REPORT-

Motion made by Commissioner DiChiara to approve courses J1-J41 motion seconded by Commissioner Hills. Motion carried unanimously.

Motion made by Commissioner DiChiara to approve instructors J1-J41 and seconded by Commissioner Hills. Motion carried unanimously.

EXECUTIVE DIRECTORS REPORT-

Review of Financial and Statistical Reports

8 TREC Education Outreach programs for Continuing Education have been scheduled throughout the state in August, September, and October with TREC Executive Director, Malcolm Young and Staff Attorney, Mallorie Kerby instruction.

LEGAL REPORT- Staff Attorney

Request for retesting – Prior Complaints closed and flagged

2007059541

Recommendation: Allow Respondent to move forward with retesting without any further action regarding these complaints. Licensees are required to keep transaction documents for 3 years so it is unlikely that the documents needed for an assessment of the first complaint would be available. It is legal counsel's opinion that any civil penalty that could have been issued for the inspection violations should have been done at that time, even if Respondent's license was expired by the time it was brought to the commission. Thus, the complaint should not be reopened to assess civil penalties for these violations.

DECISION: The Commission did not vote to reopen the complaints; however, the Commission voted to allow the Respondent to test for affiliate broker only.

- 1. 20150220081
Opened: 1/11/16
First Licensed: 2/25/88**

Expiration: 9/12/16
Type of License: Principal Broker
History: 2015008102—\$2,000 Consent Order plus attendance at two (2) meetings.

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks and seconded by Commissioner Taylor. Motion passes unanimously.

2. 2015002511

Opened: 2/18/15
First License Obtained: 5/23/75
License Expiration: 9/30/16
E&O Expiration: 1/1/17
Type of License: Principal Broker
History: No Prior Disciplinary Action

RECOMMENDATION: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks and seconded by Commissioner Hills. Motion passes unanimously.

3. 2016000651

Opened: 2/25/16
First Licensed: 4/13/76
Expiration: 10/31/16
Type of License: Principal Broker
History: No history of disciplinary action.

Recommendation: There may be enough information here to show failure to be loyal to the interests of the client since it looks like some of the requirements in the replace/repair addendum were not completed by the contractor Respondent hired, however there is currently pending litigation on the matter and further relevant information may be revealed in that matter. The Commission may want to issue a consent order for litigation monitoring.

DECISION: The Commission voted to authorize a consent order for litigation monitoring. Motion by Commissioner McMullen and seconded by Commissioner Wood. Motion passes unanimously.

4. 2016001921

Opened: 3/10/16
First Licensed: 11/27/13
Expiration: 11/26/17
Type of License: Affiliate Broker
History: No history of disciplinary action.

5. 2016001922

Opened: 3/10/16
First Licensed: 12/28/05
Expiration: 12/27/17
Type of License: Affiliate Broker
History: 20150209521 \$250 Consent Order re: TCA 62-13-312(b) (8) (failing to furnish copy of contract)

Recommendation: Dismiss as to both Respondents.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Franks. Motion passes unanimously.

6. 2016001961
Opened: 3/10/16
First Licensed: 1/9/04
Expiration: 10/24/17
Type of License: Principal Broker
History: No history of disciplinary action.

7. 2016001962
Opened: 3/10/16
First Licensed: 2/11/09
Expiration: 5/6/17
Type of License: Principal Broker
History: 2016010771 Cases Received from Staff

Recommendation: Dismiss as to both Respondents.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks and seconded by Commissioner Taylor. Motion passes unanimously.

8. 2016002781
Opened: 3/10/16
First Licensed: 8/17/95
Expiration: 12/17/17
Type of License: Affiliate Broker
History: No history of disciplinary action.

9. 2016002782
Opened: 3/10/16
First Licensed: 5/15/13
Expiration: 5/14/17
Type of License: Affiliate Broker
History: No history of disciplinary action.

Recommendation: Dismiss as to both Respondents.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Franks. Motion passes unanimously.

10. 2016002821

Opened: 3/11/16

First Licensed: 10/10/96

Expiration: 7/8/16

Type of License: Principal Broker

History: No history of disciplinary action.

11. 2016002822

Opened: 3/10/16

First Licensed: 6/14/99

Expiration: 1/4/17

Type of License: Principal Broker

History: No history of disciplinary action.

Recommendation: Dismiss both Respondents.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

12. 2016003201

Opened: 1/26/16

First Licensed: 5/20/02

Expiration: 6/3/16

Type of License: Affiliate Broker

Recommendation: Dismiss

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Franks. Motion passes unanimously.

13. 2016003221

Opened: 1/26/16

First Licensed: 7/20/95

Expiration: 5/1/17

Type of License: Principal Broker

History:

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner DiChiara and seconded by Commissioner Taylor. Motion passes unanimously.

14. 2016003451

Opened: 1/26/16
First Licensed: 5/18/10
Expiration: 5/17/16
Type of License: Affiliate Broker
History: 2016003431 under Legal Review

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Wood. Motion passes unanimously.

15. 2016003511

Opened: 1/26/16
First Licensed: 5/22/00
Expiration: 1/9/17
Type of License: Principal Broker
History: 2016003481 under Legal Review

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Wood. Motion passes unanimously.

16. 2016003431

Opened: 1/26/16
First Licensed: 5/18/10
Expiration: 5/17/16
Type of License: Affiliate Broker
History: 2016003451 under Legal Review

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

17. 2016003481

Opened: 1/26/16
First Licensed: 5/22/00
Expiration: 1/9/17
Type of License: Principal Broker
History: 2016003511 under Legal Review

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Taylor. Motion passes unanimously.

18. 2016003571

Opened: 1/27/16

First Licensed: 9/28/06

Expiration: 9/27/16

Type of License: Affiliate Broker

History: No Prior Disciplinary Action.

Recommendation: \$250 for violation of T.C.A. § 62-13-403(1) (reasonable skill and care).

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume and seconded by Commissioner Hills. Motion passes unanimously.

19. 2016003591

Opened: 1/27/16

First Licensed: 1/11/07

Expiration: 3/31/18

Type of License: Principal Broker

History: No Prior Disciplinary Action.

Recommendation: \$250 for violation of T.C.A. §62-13-312(b) (15) (failure to supervise).

DECISION: The Commission voted to authorize a consent order for a \$250 civil penalty for violation of T.C.A. §62-13-312(b)(15)(failure to supervise) plus successfully complete a total of at least six (6) hours of continuing education in property management within one hundred eighty (180) days of execution of the Consent Order. Such continuing education hours should be over and above the minimum continuing education requirements for licensure. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

20. 2016003631

Opened: 1/27/16

First Licensed: 3/14/12

Expiration: 3/13/18

Type of License: Affiliate Broker

History: No Prior Disciplinary Action

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

21. 2016003651

Opened: 1/27/16

First Licensed: 7/24/96

Expiration: 9/24/17

Type of License: Principal Broker

History: No Prior Disciplinary Action

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

22. 2016003671

Opened: 1/27/16

First Licensed: 12/6/01

Expiration: 6/20/18

Type of License: Affiliate Broker

History:

Recommendation: Dismiss

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Horne. Motion passes unanimously.

23. 2016003701

Opened: 1/27/16

First Licensed: 7/10/95

Expiration: 1/6/17

Type of License: Principal Broker

History:

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Horne. Motion passes unanimously.

24. 2016003951

Opened: 1/27/16

First Licensed: 9/5/02

Expiration: 11/18/17

Type of License: Affiliate Broker

History: 2016006641 (duplicate complaint)

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Taylor. Motion passes unanimously.

25. 2016006641

Opened: 1/27/16
First Licensed: 9/5/02
Expiration: 11/18/17
Type of License: Affiliate Broker
History: 2016003951 (duplicate complaint)

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Horne. Motion passes unanimously.

26. 2016003971

Opened: 1/27/16
First Licensed: 2/27/91
Expiration: 5/20/17
Type of License: Principal Broker
History: 2016006661 under Legal Review

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

27. 2016006661

Opened: 2/9/16
First Licensed: 2/27/91
Expiration: 5/20/17
Type of License: Principal Broker
History: 2016003971 under Legal Review

Recommendation: Dismiss.

DECISION: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

Meeting adjourned by Chairman John Griess at 4:36 pm.