



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 August 8, 2018 at 8:30 a.m. CST in Room 1A of the Davy Crockett Tower located at 500 James Robertson Parkway Nashville, TN 37243. The Meeting was called to order by Chairman John Griess.

Chairman John Griess welcomed everyone to the Board meeting.

Executive Director Caitlin Maxwell read the public disclaimer and called the roll. The following Commission Members were present: Chairman John Griess, Commissioner Austin McMullen, Commissioner Diane Hills, Commissioner Marcia Franks, Commissioner Richard Douglass, Commissioner Gary Blume, and Commissioner Bobby Wood. Commissioner Fontaine Taylor and Commissioner Johnny Horne were absent. Quorum Confirmed. Others present: Chief Counsel Denard Mickens, Assistant General Counsel Anna D. Matlock, Assistant General Counsel Erica Smith, Assistant General Counsel Kelsey J. Bridges, Assistant General Counsel Robyn Ryan, paralegal Amanda Dean, Executive Director Caitlin Maxwell, Education Director Ross White, and board staff Aaron Smith.

The August 8, 2018 board meeting agenda was submitted for approval.

Motion to approve the agenda as amended was made by Commissioner McMullen and seconded by Commissioner Franks. Motion passed unanimously.

Minutes for the July 11, 2018 board meeting were submitted for approval.

Motion to approve the July 11, 2018 minutes as amended was made by Commissioner Hills and seconded by Commissioner Blume. Motion passed 6-0 with Commissioner Franks abstaining.

INFORMAL APPEARANCES

Kelsey Marsh appeared before the Commission along with Principal Broker Aaron Taylor. Ms. Marsh requested approval to obtain her Affiliate Broker license.

Motion to approve Ms. Marsh was made by Commissioner Blume and seconded by Commissioner Wood. Motion passed 6-0 with Commissioner Hills abstaining.

Vanessa Kessler appeared before the Commission along with Principal Broker Christie Drury. Ms. Kessler requested approval to obtain her Affiliate Broker license.

Motion to approve Ms. Kessler was made by Commissioner Franks and seconded by Commissioner Wood. Motion passed unanimously.

EDUCATION REPORT

Education Director Ross White presented the Education Report to the Commission.

Motion to approve courses A1-A31 was made by Commissioner Wood and seconded by Commissioner Franks. Commissioner McMullen requested to pull A2 for further discussion and Commissioner Wood requested to pull A6 for further discussion. After further discussion, the motion to approve courses A1-A31 passed. Commissioner McMullen abstained from course A2 and Commissioner Hills abstained from courses A25-A28

Motion to approve Instructors presented was made by Commissioner Wood and seconded by Commissioner Blume. Motion passed unanimously, with the exception of Eric Kistner, the Commission requested additional information to be presented at the September meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Caitlin Maxwell updated the Commission on the upcoming ARELLO Conference September 26-30. The commission elected for Commissioner Franks and Commissioner Douglass to represent the Tennessee Real Estate Commission at the Annual ARELLO conference.

MEDICAL WAIVER REQUEST

Toni Meola, requested waiver of fees due to medical issues. Motion was made by Commissioner Blume, and seconded by Commissioner Hills to defer the request to the September meeting pending a medical statement from the physician.

George Miller requested waiver of late fees due to medical issues. Motion was made by Commissioner McMullen, and seconded by Commissioner Wood to approve the fee waiver request. Motion passed 6-0 with Commissioner Blume abstaining.

COMMISSION DISCUSSIONS

Chairman Griess suggested the Chair/Vice Chairmen vote be moved to the September meeting. Commissioner Wood asked that Business Cards be from the agenda at this time. Virtual Office discussions were moved to the October meeting. The Commission discussed commissions being paid at closing. Commissioner Franks asked all Commissioners to keep virtual offices on their radar. Legal stated they would will research and present at a future meeting.

CONSENT AGENDA & LEGAL REPORT

Consent Agenda:

The following cases were presented to the Commission via a Consent Agenda. All cases were reviewed by legal, legal has recommended dismissal. Cases 2018025291, 2018025311, 2018015731, 2018016901, 2018016921, 2018016621, 2018021741, 2018021761 were pulled from the consent agenda. The Commission voted unanimously to accept counsel's recommendation.

1) 2018016761	12) 2018021971	23) 2018025671	34)2018016901	45)2018020861
2) 2018016821	13) 2018022041	24) 2018027381	35) 2018016921	46)2018023281
3) 2018018331	14) 2018023311	25)2018025531	36) 2018016621	47) 2018022841
4) 2018018671	15) 2018023221	26) 2018025871	37) 2018016951	48) 2018019201
5) 2018019611	16) 2018024121	27) 2018015551	38) 2018017531	49) 2018019411
6) 2018019571	17) 2018024181	28) 2018015581	39) 2018017601	50) 2018021741
7) 2018019671	18)2018024311	29) 2018014691	40) 2018018591	51) 2018021761

8) 2018019711	19) 2018042331	30) 2018015731	41) 2018018711	
9) 2018020921	20) 2018024611	31) 2018016271	42)2018018861	
10) 2018021101	21) 2018025291	32) 2018016541	43)2018018921	
11) 2018021121	22) 2018025311	33) 2018016601	44) 2018034411	

After further discussion by the Commission, the motion was made to approve counsel's recommendation on cases 2018025291, 2018025311, 2018015731, 2018016901, 2018016921, 2018016621, 2018021741, 2018021761. Motion was made by Commissioner Griess, seconded by Commissioner Wood. Motion passed unanimously.

Robyn Ryan

Re-Present

The following matter was presented in February 2018.

1. 2017065571

Opened: 10/3/2017

Type of License: Unlicensed

History: None

Recommendation: \$1,000 civil penalty for violation of T.C.A. §62-13-301 unlicensed practice.

COMMISSION: Approved.

2. 2017065631

Opened: 10/3/2017

Type of License: Unlicensed

History: None

Recommendation: \$1,000 civil penalty for violation of T.C.A. §62-13-301 unlicensed practice.

COMMISSION: Approved.

Recommendation: Approve the signed agreed order for \$500.00.

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Hills and seconded by Commissioner Wood. The motion passed unanimously.

Denard Mickens

- 3. 201804141**
Opened: 6/22/2018
First Licensed: 9/2/1988
Expires: 3/17/2019
History: None

Recommendation: \$500.00 civil penalty for unlicensed activity.

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Griess and seconded by Commissioner Franks. The motion passed unanimously.

Kelsey Bridges

- 4. 2018016171**
Opened: 3/13/2018
First Licensed: 3/4/1993
Expires: 4/4/2019
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Wood and seconded by Commissioner Blume. The motion passed 4-3. Commissioner Griess, Commissioner Hills, and Commissioner Franks voting against.

- 5. 2018018961**
Opened: 3/22/2018
First Licensed: 6/3/1991
Expires: 2/26/2019
Type of License: Principal Broker
History: None

Recommendation: \$250 civil penalty.

Decision: The Commission voted to authorize a consent order with a \$1,000 civil penalty for failure to respond.

Motion made by Commissioner Franks and seconded by Commissioner Hills. The motion passed 5-2 with Commissioner Douglass and Commissioner Wood voting against.

6. **2018024391**
Opened: 4/16/2018
First Licensed: 8/10/2015
Expires: 8/9/2019
Type of License: Affiliate Broker
History: None

Recommendation: Litigation monitoring.

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Franks and seconded by Commissioner Hills. The motion passed unanimously.

7. **2018024411**
Opened: 4/16/2018
First Licensed: 9/29/2004
Expires: 5/19/2020
Type of License: Principal Broker
History: None

Recommendation: Litigation monitoring.

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Franks and seconded by Commissioner Wood. The motion passed unanimously.

8. **2018024491**
Opened: 4/16/2018
First Licensed: 10/5/2016
Expires: 10/4/2018
Type of License: Principal Broker
History: None

Recommendation: Discuss.

Decision: The Commission voted to authorize a consent order with a \$1,000 civil penalty for failure to exercise reasonable care and skill.

Motion made by Commissioner Wood and seconded by Commissioner Franks. The motion passed 6-1 with Commissioner Douglass voting against.

Re-present

- 9. 2018006051**
Opened: 1/26/2018
First Licensed: 5/1/1989
Expires: 10/9/2018
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Blume and seconded by Commissioner Franks. The motion passed 6-1 with Commissioner Wood voting against.

Erica Smith

- 10. 2018018491**
Opened: 3/21/2018
First Licensed: 6/11/2008
Expires: 6/10/2020
Type of License: Affiliate Broker
History: None

Recommendation: Consent Order assessing a \$1,000 civil penalty for violation of Tenn. Code Ann. § 62-13-403(7)(A)(personal interest disclosure).

Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Wood and seconded by Commissioner Hills. The motion passed unanimously.

- 11. 2018018531**
Opened: 3/21/2018
First Licensed: 1/27/1994

Expires: 12/22/2018
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to authorize a consent order assessing a \$500.00 civil penalty for failure to supervise.

Motion made by Commissioner Franks and seconded by Commissioner Hills. The motion passed 6-1 with Commissioner Douglass voting against.

12. 2018020051

Opened: 3/28/2018
First Licensed: 7/6/2011
Expires: 7/5/2019
Type of License: Principal Broker
History: 2016 Consent Order with \$4,000 civil penalty for failure to disclose personal interest, failure to timely disburse earnest money, timely account for trust deposits, and loyalty to the client

Recommendation: Consent Order assessing a \$1,000 civil penalty for failure to respond.

Decision: The Commission voted to authorize a consent order assessing a \$1,000.00 civil penalty for failure to respond, \$1,000.00 civil penalty for failure to exercise reasonable skill and care, \$1,000.00 civil penalty for failure to obey lawful instructions of client, and a CORE Principal Broker Class to be taken within 12 months (365 days) above and beyond Respondent's required continued education.

Motion made by Commissioner Wood and seconded by Commissioner Hills. The motion passed unanimously.

13. 2018020441

Opened: 3/28/2018
First Licensed: 3/12/1999
Expires: 3/1/2013
Type of License: Principal Broker - Revoked
History: 2011 Revocation

Recommendation: Close and flag.

Decision: The Commission voted to accept Counsel's recommendation, and also to refer to the District Attorney's Office of Respondent's county.

Motion made by Commissioner Griess and seconded by Commissioner Hills. The motion passed unanimously.

Re-Presents

14. 2017043461

Opened: 7/5/17

Type of License: Unlicensed

History: None

New Recommendation: Close and flag, and refer complaint to FREC.

New Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Franks and seconded by Commissioner Wood. The motion passed unanimously.

15. 2017056741

Opened: 8/24/2017

First Licensed: 2/15/2018

Expires: 2/14/2020

Type of License: Affiliate Broker

History: None

New Recommendation: Revise Consent Order to assess a civil penalty of \$1,000 or less instead of \$3,000.

New Decision: The Commission voted to issue a letter of warning.

Motion made by Commissioner Douglass and seconded by Commissioner Griess. The motion passed unanimously.

16. 2018011111

Opened: 2/21/2018

Type of License: Unlicensed

History: None

Recommendation: Counsel recommends assessing a civil penalty of \$1,000 for unlicensed activity.

Decision: The Commission voted to authorize a consent order assessing a \$1,000 civil penalty for unlicensed activity, and a cease and desist letter.

Motion made by Commissioner Franks and seconded by Commissioner Griess. The motion passed unanimously.

17. 2017076311

Opened: 11/27/2017

First Licensed: 8/27/02

Expires: 4/15/19- Suspended 12/11/17 (Professional Privilege Tax Hold)

Type of License: Principal Broker

History: None

New Recommendation: Revise the Consent Order and remove the \$1,000 civil penalty for unlicensed activity and assess only a \$500 civil penalty for the advertising violation.

New Decision: The Commission voted to accept Counsel's recommendation.

Motion made by Commissioner Franks and seconded by Commissioner Douglass. The motion passed unanimously.

Meeting adjourned by Chairman John Griess at 2 p.m.