The Tennessee Real Estate Commission held a meeting December 5, 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 Diane Hills, Vice-Chair Marcia Franks, Commissioner Bobby Wood, Commissioner Geoffrey Diaz, Commissioner Fontaine Taylor, Commissioner Austin McMullen, and Commissioner Johnny Horne. Commissioner Richard Douglass was 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, paralegal Amanda Dean, Executive Director Caitlin Maxwell, Education Director Ross White, and TREC staff member Aaron Smith.

The December 5, 2018 board meeting agenda was submitted for approval.

The agenda was amended to include discussion of the Bill Tune Award, and clerical change of Informal Hearing to Informal Appearances. Motion passed unanimously.

**INFORMAL APPEARANCES**

Jacqueline Roelke appeared before the Commission along with her Principal Broker, Matthew Ligon. Ms. Roelke requested approval to obtain her Affiliate Broker license.
Motion to approve Ms. Roelke was made by Commissioner Taylor and seconded by Vice-Chair Franks. Motion passed unanimously.

Tara Kersch appeared before the Commission along with her Principal Broker, LaShonda Jones. Ms. Kersch requested approval to obtain her Affiliate Broker license.

Motion to approve Ms. Kersch was made by Commissioner Taylor, and seconded by Vice-Chair Franks. Motion passed 6-1 with Commissioner Wood voting against.

Samantha Bengston appeared before the Commission along with her Principal Broker, Aaron Moore. Ms. Bengston requested approval to obtain her Affiliate Broker license.

Motion to approve Ms. Bengston was made by Vice-Chair Franks, and seconded by Commissioner Wood. Discussion included Ms. Bengston holding a Texas real estate license. Motion passed unanimously.

**EDUCATION REPORT**

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

Motion to approve courses D1-D32 was made by Vice-Chair Franks and seconded by Commissioner Hills. Motion passed 8-0 with Commissioner Wood recusing himself on course D32.

Motion to approve Instructors was made by Vice-Chair Franks and seconded by Commissioner Taylor. Motion passed unanimously.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Caitlin Maxwell updated the Commission on expenditure increases as it relates to CORE Contracts, and Edison. However, the legal expenses have decreased. The Commission was updated on the new Errors and Omissions numbers, and education renewals.

**COMMISSION DISCUSSIONS**

Assistant Commissioner Carter Lawrence appeared before the Commission to update the Commission on November’s meeting topic of reducing the frequency of board meetings. Commissioner Lawrence provided the Commission with a breakdown of expenditures and potential cost savings. Assistant Commissioner Lawrence answered questions and responded to comments from the Commission. The Commission agreed to continue to deliberate the issue.

**FEE REDUCTION RULES UPDATE**

Assistant General Counsel Anna D. Matlock presented a revised version of the fee reduction rules before the Commission. The rules pertain to fee reductions for licensure and education course fees.
The motion to accept counsel's revised rules was made by Commissioner Franks and seconded by Commissioner Wood. Motion passed unanimously.

**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. The Commission pulled the following cases for further discussion: 2018050381, 201805081, and 2018040311. Vice Chair Franks made the motion to accept the recommendation of legal counsel for cases 1-21 with the exception of cases 9 and 11; seconded by Commissioner Diaz. Motion passed 7-0, Commissioner McMullen being absent for the vote.

After further discussion by the Commission, Commissioner Wood made the motion to accept the recommendation of legal counsel to dismiss case 2018050381, seconded by Commissioner McMullen. Motion passed unanimously.

After further discussion by the Commission, Commissioner Taylor made the motion to accept the recommendation of legal counsel to dismiss case 2018050831, seconded by Vice-Chair Franks. Motion passed unanimously.

Commissioner McMullen made the motion to accept the recommendation of legal counsel for cases 22-33 with the exception of 24; seconded by Commissioner Diaz. Motion passed 7-0, Chairman Griess being absent for the vote.

After further discussion by the Commission, Commissioner Hills made the motion to accept the recommendation of legal counsel to dismiss case 2018040311, seconded by Commissioner Wood. Motion passed unanimously.

<table>
<thead>
<tr>
<th>1) 2018041981</th>
<th>14) 2018072471</th>
<th>27) 2018042981</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) 2018042891</td>
<td>15) 2018071801</td>
<td>28) 2018044531</td>
</tr>
<tr>
<td>3) 2018043451</td>
<td>16) 2018067651</td>
<td>29) 2018041151</td>
</tr>
<tr>
<td>4) 2018044251</td>
<td>17) 2018070551</td>
<td>30) 2018046821</td>
</tr>
<tr>
<td>5) 2018044791</td>
<td>18) 2018074191</td>
<td>31) 2018048161</td>
</tr>
<tr>
<td>6) 2018045711</td>
<td>19) 2018077051</td>
<td>32) 2018048021</td>
</tr>
<tr>
<td>7) 2018046791</td>
<td>20) 2018071841</td>
<td>33) 2018051001</td>
</tr>
<tr>
<td>8) 2018049301</td>
<td>21) 2018070601</td>
<td></td>
</tr>
<tr>
<td>9) 2018050381</td>
<td>22) 2018070021</td>
<td></td>
</tr>
<tr>
<td>10) 2018050391</td>
<td>23) 2018034021</td>
<td></td>
</tr>
</tbody>
</table>
LEGAL REPORT:

KELSEY J. BRIDGES

1. 2018046601
   Opened: 7/16/2018
   Type of License: Unlicensed
   History: None

   Recommendation: Dismiss.

   Decision: The Commission voted to issue a warning letter.

   Motion made by Commissioner Hills, seconded by Vice-Chair Franks. Motion passed 7-0 with Commissioner McMullen abstaining.

2. 2018046721
   Opened: 7/15/2018
   Type of License: Unlicensed
   History: None

   Recommendation: Dismiss.

   Decision: The Commission voted to issue a warning letter.

   Motion made by Commissioner Hills, seconded by Vice-Chair Franks. Motion passed 7-0 with Commissioner McMullen abstaining.

3. 2018048101
   Opened: 7/23/2018
   First Licensed: 10/17/2016
   Expires: 10/16/2020
   Type of License: Affiliate Broker
   History: None

   Recommendation: Dismiss.

   Decision: The Commission voted to issue a warning letter.
Motion made by Commissioner Wood, seconded by Commissioner Hills. Motion passed unanimously.

4. 2018041551
Opened: 6/25/2018
First Licensed: 1/13/2006
Expires: 1/12/2020
Type of License: Affiliate Broker
History: None

**Recommendation:** Four (4) hours of continuing education, above and beyond what is required for the maintenance of Respondent’s license, to be completed within 180 days.

**Decision:** The Commission voted to issue a Consent Order with a $500 civil penalty and require four (4) hours of continuing education in contracts, above and beyond what is required for the maintenance of Respondent’s license, to be completed within 180 days.

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed 7-1 with Commissioner Wood voting against.

5. 2018042131
Opened: 6/26/2018
Type of License: Unlicensed
History: None

**Recommendation:** $1,000 civil penalty with language directing Respondent to cease and desist from further unlicensed activity.

**Decision:** The Commission voted to defer this decision.

Motion made by Commissioner Hills, seconded by Vice-Chair Franks. Motion passed 7-1 with Commissioner Wood voting against.

6. 2018043131
Opened: 6/29/2018
First Licensed: 10/15/2007
Expires: 10/14/2019
Type of License: Affiliate Broker
History: None

**Recommendation:** $1,000 civil penalty for the violation of T.C.A. § 62-13-403.

**Decision:** The Commission voted to accept Counsel’s recommendation.
Motion made by Commissioner Wood, seconded by Commissioner Diaz. Motion passed unanimously.

7. 2018043801
Opened: 7/2/2018
First Licensed: 6/14/2012
Expires: 6/13/2020
Type of License: Affiliate Broker
History: None

Recommendation: Letter of Instruction.

Decision: The Commission voted to issue a Consent Order with a $500 civil penalty and require four (4) hours of continuing education in contracts, above and beyond what is required for the maintenance of Respondent’s license, to be completed within 180 days.

Motion made by Commissioner Taylor, seconded by Commissioner Wood. Motion passed unanimously.

8. 2018046071
Opened: 7/12/2018
First Licensed: 09/16/2011
Expires: 09/15/2019
Type of License: Affiliate Broker
History: None

Recommendation: $1,000 civil penalty for Respondent’s failure to answer the complaint.

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

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed unanimously.

9. 2018046051
Opened: 7/12/2018
First Licensed: 9/11/2011
Expires: 9/13/2019
Type of License: Real Estate Firm
History: None

Recommendation: $1,000 civil penalty for the violation of T.C.A. § 62-13-313.

Decision: The Commission voted to accept Counsel’s recommendation, and to open a
complaint against the principal broker.

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed unanimously.

10. 2018048181
Opened: 7/23/2018
First Licensed: 6/12/2008
Expires: 6/11/2020
Type of License: Affiliate Broker
History: None

Recommendation: Letter of Instruction.

Decision: The Commission voted to issue a Consent Order with a $500 civil penalty and require four (4) hours of continuing education in contracts, above and beyond what is required for the maintenance of Respondent’s license, to be completed within 180 days.

Motion made by Commissioner Taylor, seconded by Commissioner Wood. Motion passed unanimously.

11. 2018048611
Opened: 7/24/2018
Type of License: Unlicensed
History: None

Recommendation: Letter of Warning.

Decision: The Commission voted to issue a Consent Order with a $1,000 civil penalty for unlicensed activity and to include cease and desist language in the Order.

Motion made by Vice-Chair Franks, seconded by Commissioner Hills. Motion passed 7-1. Chairman Griess voting against.

12. 2018050021
Opened: 7/26/2018
First Licensed: 4/11/2013
Expires: 8/23/2020
Type of License: Principal Broker
History: None


Decision: The Commission voted to issue a Consent Order with a $1,000 civil penalty and require four (4) hours of continuing education in contracts, above and beyond what is
required for the maintenance of Respondent’s license, to be completed within 180 days.

Motion made by Vice-Chair Franks, seconded by Commissioner Diaz. Motion passed 6-2 with Chairman Griess, and Commissioner Hills voting against.

13. 2018039701
Opened: 6/18/2018
First Licensed: 8/19/2009
Expires: 8/18/2019
Type of License: Time Share Registration
History: None

Recommendation: $1,000 civil penalty for failure to respond.

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

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed unanimously.

NOTE REGARDING THE FOLLOWING COMPLAINT NUMBERS #11 THROUGH #14:

Beginning in or around September, 2018, the Commission started receiving complaints from individuals stating they were contacted (and in some cases, scammed) by entities and individuals claiming to be licensed Tennessee firms and brokers. In each instance, the fraudulent entity or individual was able to provide the name and license number for actual licensees, but provided different contact information. Commission staff and Legal have been working in conjunction with an investigator from the Attorney General’s office to locate the perpetrators of this fraud as complaints continue to come in, both against and from licensees. Counsel recommends the Commission direct these matters go into “litigation monitoring” so that sufficient time may be afforded to resolve the issues for both the consumers and licensees involved.

14. 2018081191
Opened: 11/19/2018
Type of License: Unlicensed
History: None

Recommendation: Litigation monitoring.

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

15. 2018082011
Opened: 11/21/2018
Type of License: Unlicensed
History: None
Recommendation: Litigation monitoring.  

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

16. 2018078821  
Opened: 11/8/2018  
Type of License: Unlicensed  
History: None  

Recommendation: Litigation monitoring.  

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

17. 2018076581  
Opened: 10/29/2018  
Type of License: Unlicensed  
History: None  

Recommendation: Litigation monitoring.  

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

For numbers 14-17: Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed unanimously.  

ERICA SMITH  

18. 2018044991  
Opened: 7/9/2018  
First Licensed: 9/4/2013  
Expires: 9/3/2019  
Type of License: Affiliate Broker  
History: None  

Recommendation: Dismiss.  


Motion made by Commissioner Wood, seconded by Commissioner Taylor. Motion passed unanimously.
19. 2018045521
Opened: 7/10/2018
First Licensed: 10/21/2014
Expires: 10/20/2020
Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.


Motion made by Commissioner Wood, seconded by Commissioner McMullen. Motion passed unanimously.

20. 2018046171
Opened: 7/13/2018
First Licensed: 2/19/2008
Expires: 2/9/2020
Type of License: Affiliate Broker
History: None

Recommendation: $1,000 civil penalty for failure to respond.

Decision: The Commission voted to issue a Consent Order with a $1,000 civil penalty and require four (4) hours of continuing education in agency, above and beyond what is required for the maintenance of Respondent’s license, to be completed within 180 days.

Motion made by Commissioner McMullen, seconded by Commissioner Taylor. Motion passed unanimously.

21. 2018046741
Opened: 7/17/2018
First Licensed: 4/17/2002
Expires: 1/7/2020
Type of License: Affiliate Broker
History: 2010 Consent Order with civil penalty for failure to maintain E&O insurance


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

Motion made by Commissioner McMullen, seconded by Commissioner Taylor. Motion passed unanimously.
22. 2018049311  
Opened: 7/25/2018  
Expires: 6/20/2020  
Type of License: Real Estate Broker  
History: None  

**Recommendation:** Dismiss.  

**Decision:** The Commission voted to accept Counsel’s recommendation.  

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed unanimously.  

23. 2018049321  
Opened: 7/25/2018  
First Licensed: 9/1/1995  
Expires: 10/4/2020  
Type of License: Real Estate Broker  
History: None  

**Recommendation:** Letter of Instruction and Warning for failure to supervise and to open a complaint against the affiliate broker.  

**Decision:** The Commission voted to issue a Letter of Instruction and Warning for failure to supervise.  

Motion made by Commissioner McMullen, seconded by Commissioner Taylor. Motion passed unanimously.  

**REPRESENTS**  

24. 2018039001  
Opened: 6/15/2018  
Type of License: Unlicensed  
History: None  

**New Information:**  
The Respondent submitted their application for a VLS license on 11/27/18 and provided a letter stating they intend to fully comply with our directive to secure the VLS license as set forth in the statute. Respondent’s owner will be the designated agent for this license. The owner attended an 8 hour VLS Pre-License course offered by TREES, Inc. and provided the certificate. Respondent requests the Commission delay imposing any negative action if
their applications have not been approved by the date of this meeting.

New Recommendation: Dismiss.

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

Motion made by Commissioner McMullen, seconded by Commissioner Taylor. Motion passed unanimously.

25. 2017040011
Opened: 6/21/2017
First Licensed: 12/7/2015
Expires: 12/6/2017
Type of License: Real Estate Firm
History: None

New Information:
Counsel sent an investigator to serve the Respondent with the Consent Order and the Respondent’s daughter stated they had moved out of state and she was not willing to sign for or accept the Consent Order for Respondent.

Counsel recommends closing and flagging this complaint as we have exhausted our efforts with this Respondent and sent a referral letter to the DA’s office regarding this complaint.

New Recommendation: Close and flag.

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

Motion made by Commissioner McMullen, seconded by Commissioner Taylor. Motion passed unanimously.

26. 2018029061
Opened: 4/30/2018
First Licensed: 5/12/1987
Expires: 9/9/2019
Type of License: Affiliate Broker
History: None

New Information:
Counsel was unaware that Respondent had provided a timely response to this complaint until after this was presented at the last meeting. Counsel has since reviewed the response. Respondent states they are unsure how exactly to respond to this complaint due to the nature and inaccurate information provided by the Complainant. Complainant does not
provide a property address, identities of all parties involved and provides no documentation to support the unfounded allegations. Respondent notes they are not even a licensee of the firm Complainant refers to, as they are the managing broker of another firm and there have been no transactions with the party referred to in the complaint at Respondent’s firm. Respondent also states that the firm is not in possession of any money belonging to the party referred to in the complaint. Respondent denies the allegations and will provide any additional requested information if necessary.

Counsel finds no evidence that Respondent has committed any violations and recommends dismissal.

**New Recommendation:** Void the Consent Order and dismiss this complaint.

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

Motion made by Commissioner McMullen, seconded by Commissioner Wood. Motion passed unanimously.

---

27. 2018026961
Opened: 4/24/2018
First Licensed: 11/20/2017
Expires: 11/19/2019
Type of License: Affiliate Broker
History: None

**New Information:**
Respondent called Counsel once the Consent Order was received and explained that after more careful review and consideration, they realized the Facebook post was actually compliant with the one-click rule. Counsel agrees and recommends voiding the Consent Order and dismissing this complaint.

**New Recommendation:** Void Consent Order and dismiss this complaint.

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

Motion made by Commissioner Wood, seconded by Commissioner Hills. Motion passed unanimously.

---

28. 2018026941
Opened: 4/24/2018
First Licensed: 10/16/2015
Expires: 10/15/2019
Type of License: Affiliate Broker
History: None
**New Information:**
Respondent called Counsel once the Consent Order was received and explained that after more careful review and consideration; they realized the Facebook post was actually compliant with the one-click rule. Counsel agrees and recommends voiding the Consent Order and dismissing this complaint.

**New Recommendation:** Void Consent Order and dismiss this complaint.

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

Motion made by Commissioner Taylor, seconded by Commissioner Diaz. Motion passed unanimously.

---

29. 2018026981  
First Licensed: 5/16/2007  
Expires: 5/4/2019  
Type of License: Principal Broker  
History: None  

**New Information:**
The affiliate brokers called Counsel after receiving the Consent Order and explained the Facebook post complied with the one-click rule and Counsel agrees and recommends dismissal of this complaint, as well as voiding the Consent Order.

**New Recommendation:** Void the Consent Order and dismiss this complaint.

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

Motion made by Commissioner Hills, seconded by Commissioner Taylor. Motion passed unanimously.

---

30. 2018001891  
Opened: 1/4/2018  
First Licensed: 2/10/2003  
Expires: 12/22/2019  
Type of License: Affiliate Broker  
History: None  

**New Information:**
The civil suit has been dismissed with prejudice because the Complainant failed to appear or pursue this matter and Complainant’s lien has been extinguished. Counsel finds no evidence Respondent committed any violations and recommends taking this matter out of Litigation Monitoring status and dismissal.
New Recommendation: Take the complaint out of Litigation Monitoring status and dismiss the complaint.

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

Motion made by Commissioner McMullen, seconded by Commissioner Diaz. Motion passed unanimously.

31. 2018001921
Opened: 1/4/2018
First Licensed: 5/16/2007
Expires: 5/4/2019
Type of License: Principal Broker
History: None

New Information:
The civil suit has been dismissed with prejudice because the Complainant failed to appear or pursue this matter and Complainant’s lien has been extinguished. Counsel finds no evidence Respondent committed any violations and recommends taking this matter out of Litigation Monitoring status and dismissal.

New Recommendation: Take the complaint out of Litigation Monitoring status and dismiss the complaint.

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

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed unanimously.