



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND
INSURANCE TENNESSEE REAL ESTATE
COMMISSION
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2273
<https://www.tn.gov/commerce/regboards/trec.html>

MINUTES

The Tennessee Real Estate Commission held a meeting April 17, 2019 at 8:30 a.m. CST in Room 1-A 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, Vice-Chair Marcia Franks, Commissioner Diane Hills, Commissioner Bobby Wood, Commissioner Geoffrey Diaz, Commissioner Fontaine Taylor, and Commissioner Austin McMullen. Commissioner Richard Douglass was absent. Quorum Confirmed. Others present: Chief Counsel Denard Mickens, Assistant General Counsel Anna D. Matlock, Assistant General Counsel Kelsey J. Bridges, Assistant General Counsel Keith McCarthy, paralegal Amanda Dean, Executive Director Caitlin Maxwell, Education Director Ross White, and TREC staff member Aaron Smith.

The April 17, 2019 board meeting agenda was submitted for approval.

Motion to approve the agenda was made by Vice-Chair Franks, and seconded by Commissioner McMullen. Motion passed unanimously.

Minutes for the March 13, 2019 board meeting were submitted for approval.

Motion to approve the March 13, 2019 minutes was made by Commissioner Taylor, and seconded by Vice-Chair Franks. Motion passed unanimously.

INFORMAL APPEARANCES

Matthew Gerenday appeared before the Commission along with his Principal Broker Steven Champion. Mr. Gerenday requested approval to obtain his Affiliate Broker license.

Motion to approve Mr. Gerenday was made by Vice-Chair Franks, and seconded by Commissioner Hills. Motion passed unanimously.

Quinton Broussard appeared before the Commission along with his Principal Broker Kurt Steckel. Mr. Broussard requested approval to obtain his Affiliate Broker license.

Motion to approve Mr. Broussard was made by Commissioner Diaz, and seconded by Commissioner Taylor. Motion passed unanimously.

Dean Hurst appeared before the Commission along with his Principal Broker Wayne Magro. Mr. Hurst requested approval to obtain his Affiliate Broker license.

Motion to approve Mr. Hurst was made by Commissioner Taylor, and seconded by Commissioner Hills. Motion passed unanimously.

MEDICAL WAIVER

Executive Director Maxwell presented Katherine Bright before the commission. Ms. Bright sought refund in the amount of \$200.00 due to medical issues.

Motion to approve Ms. Bright's medical waiver and refund \$200.00 was made by Vice-Chair Franks, and seconded by Commissioner Taylor. Motion passed unanimously.

EDUCATION REPORT

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

Motion to approve courses A1-A25 with the exception of A1, A2, A5, A11, A12, A13 was made by Vice-Chair Franks, and seconded by Commissioner Wood. Motion passed unanimously.

After discussion a motion to approve A1-A2 was made by Vice Chair Franks, and seconded by Commissioner Taylor. Motion passed 6-0 with Commissioner McMullen abstaining.

After discussion a motion to approve A5 was made by Vice Chair Franks, and seconded by Commissioner Taylor. Motion passed unanimously.

After discussion a motion to approve A11 was made by Vice Chair Franks, and seconded by Commissioner Taylor. Motion passed unanimously.

After discussion a motion to approve A12 was made by Vice Chair Franks, and seconded by Commissioner Wood. Motion passed unanimously.

After discussion motion to approve A13 was made by Vice Chair Franks, and seconded by Commissioner Wood. Motion passed unanimously.

Motion to approve amended courses A26-A33 was made by Vice Chair Franks, and seconded by Commissioner Taylor. Motion passed 6-1 with Commissioner Wood voting no.

Discussion to approve course titled “7 Deadly Sins of Selling” was made Commissioner Wood, and seconded by Commissioner Diaz. Motion passed unanimously.

Education Director Ross White presented Instructor Biographies to the commission.

Motion to approve instructors was made by Commissioner Diaz, and seconded by Commissioner Hills. Motion passed 6-0 with Commissioner McMullen abstaining.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Caitlin Maxwell updated the Commission on the upcoming Education Provider’s Roundtable session to be held on May 15, 2019. Director Maxwell informed the Commission that forty (40) RSVP’s had been received, with a formal invitation forth coming. In addition the commission was updated on the Errors and Omissions Insurance suspension, advising penalties are being issued and principal broker complaints have been opened against sixty (60) Principal Broker’s at the time of the meeting. Director Maxwell, advised the Commission on the upcoming West Tennessee Meeting to be held May 9th and 10th in Germantown TN.

APPEARANCE

D&D SCHOOL:

D&D School of Real Estate (“the School) appeared before the Commission to discuss the permanent reinstatement of their two courses previously temporarily reinstated at the March meeting. Following discussion from the Commission and the School, including assurances from the School to comply with the requirements listed in Tenn. Code Ann. § 62-13-325 and Tenn. Comp. R. & Regs. 1260-05-.11(1)(a), the Commission unanimously voted, with one abstention, to permanently reinstate the courses in question.

COMMISSION DISCUSSIONS

ARELLO Spring Conference briefing was given by Vice-Chair Franks, Commissioner Hills, Assistant General Counsel Anna Matlock, Executive Director Caitlin Maxwell, and Education Director Ross White.

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: 2018078461, 2018079521, and 2018082511. Vice-Chair Franks made the motion to accept the recommendation of legal counsel for cases 1-30 seconded by Commissioner Wood. Motion passed unanimously.

Commissioner Taylor made the motion to accept the recommendation of legal counsel for cases 31-50 seconded by Vice-Chair Franks. Motion passed 7-0 with Commissioner Taylor not present at the vote.

After further discussion by the Commission, Vice-Chair Franks, made the motion to accept the recommendation of legal counsel to dismiss cases 2018078461 seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion by the Commission, Vice-Chair Franks, made the motion to accept the recommendation of legal counsel to dismiss cases 201807521 seconded by Commissioner Hills. Motion passed unanimously

After further discussion by the Commission, Commissioner Wood made the motion to accept the recommendation of legal counsel to dismiss case 2018082511 seconded by Commissioner Diaz. Motion passed unanimously.

1) 2018062881	21) 2018091221	41) 2018088501
2) 2018077501	22) 2018091711	42)2018091811
3) 2018078451	23)2019008831	43) 2019006961
4) 2018078461	24) 2019010711	44) 2019007521
5) 2018079521	25) 2019011931	45) 2019011261
6) 2018079741	26) 2019020021	46) 2019013821

7) 2018083191	27) 2019018131	47) 2019016861
8) 2018080681	28) 2019023231	48) 2019018021
9) 2018081211	29) 2018087591	49) 2019020101
10) 2018082301	30) 2018089091	50) 2019022821
11) 2018082511	31) 2018076751	
12) 2018083041	32) 2018077421	
13) 2018083881	33) 2018077481	
14) 2018083661	34) 2018078561	
15) 2018080461	35) 2018079141	
16) 2018081621	36) 2018079301	
17) 2018082601	37) 2018079341	
18) 2018082891	38) 2018076731	
19) 2018083431	39) 2018081251	
20) 2018084781	40) 2018082171	

LEGAL REPORT:

KELSEY BRIDGES

1. 2018074951

Opened: 10/23/2018

Type of License: Unlicensed

History: None

Recommendation: \$1,000 civil penalty for unlicensed activity.

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

Motion made by Vice-Chair Franks, seconded by Commissioner Taylor. Motion passed unanimously.

2. 2018078241

Opened: 11/5/2018

First Licensed: 1/13/2016

Expires: 1/12/2020

Type of License: Affiliate Broker

History: None

Recommendation: Letter of Instruction.

Decision: The Commission voted to dismiss this complaint.

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

3. 2018081671

Opened: 11/20/2018

First Licensed: 4/2/2015

Expires: 4/1/2019

Type of License: Affiliate Broker

History: None

Recommendation: \$500 civil penalty.

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

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

4. 2018082141

Opened: 11/21/2018

First Licensed: 11/15/2011

Expires: 11/14/2019

Type of License: Principal Broker

History: None

Recommendation: Litigation monitoring.

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

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

5. 2018082431

Opened: 11/26/2018

First Licensed: 2/12/2013

Expires: 2/11/2021

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss and authorize the opening of a new administrative complaint against the principal broker regarding their management of escrow/deposit funds.

Decision: The Commission voted to defer this complaint and open a new administrative complaint against the principal broker regarding their management of escrow/deposit funds.

Motion made by Commissioner Diaz to open a new complaint, seconded by Commissioner Hills, . Motion passed 6-1 Commissioner Wood voting no.

Motion made by Chairman Griess to defer complaint until the new complaint is opened, seconded by Commissioner McMullen. Motion passed unanimously.

6. 2018084951

Opened: 12/4/2018

First Licensed: 11/1/2000

Expires: 5/25/2020

Type of License: Affiliate Broker

History: 2010 Letter of Warning

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

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

Motion made by Commissioner Wood, seconded by Commissioner McMullen. Motion passed 5-2 with Chairman Griess, and Commissioner Hills, voting no.

Re-Present

7. 2018004771

Opened: 1/22/2018

First Licensed: 1/31/2013

Expires: 1/30/2017

Type of License: Affiliate Broker – Suspended & Expired

History: 2017 E&O Suspension

Recommendation: \$1,000 civil penalty for unlicensed activity.

Decision: The Commission voted to issue a \$3,000 civil penalty for unlicensed activity and to send a cease and desist letter.

New recommendation: Close and flag.

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

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

8. 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.

New information:

This matter was resolved with the Court's dismissal of the remaining claim against Respondent. Counsel recommends that this matter also be dismissed.

New recommendation: Dismiss.

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

Motion made by Commissioner McMullen, seconded by Chairman Griess. Motion passed unanimously.

9. 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.

above-respondent affiliate broker. Counsel recommends that this matter also be dismissed.

New recommendation: Dismiss.

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

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

10. 2017077511

Opened: 12/5/2017

First Licensed: 3/16/2016

Expires: 3/15/2020

Type of License: Affiliate Broker

History: None

Recommendation: Litigation Monitoring Order.

Decision: The Commission accepted Counsel's recommendation.

New Recommendation: Dismiss.

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

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

11. 2017077551

Opened: 12/5/2017

First Licensed: 4/12/1994

Expires: 4/23/2019

Type of License: Principal Broker

History: None

Recommendation: Litigation Monitoring Order.

Decision: The Commission accepted Counsel's recommendation.

New recommendation: Dismiss.

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

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

KEITH MCCARTHY

12. 2018074791

Opened: 10/22/2018

First Licensed: 10/26/1993

Expires: 6/9/2019

Type of License: Real Estate Firm

History: None

Recommendation: Letter of Warning regarding the requirements of Tenn. Code Ann. § 62-13-403 subsections (1) and (2).

Decision: The Commission voted to dismiss this complaint.

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

13. 2018075321

Opened: 10/22/2018

First Licensed: 2/26/2007

Expires: 2/25/2021

Type of License: Affiliate Broker

History: None

Recommendation: Letter of warning to the Respondent and/or Respondent's Broker on the above rule.

Decision: The Commission voted to authorize a \$500 civil penalty to the affiliate broker and to open a complaint against the principal broker.

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

14. 2018075771

Opened: 10/24/2018

First Licensed: 8/15/2008

Expires: 8/14/2020

Type of License: Affiliate Broker

History: 2010 civil penalty for failure to maintain E&O insurance

Recommendation: Letter of Warning regarding the requirements of Tenn. Code Ann. § 62-13-403(6).

Decision: The Commission voted to dismiss this complaint.

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

15. 2018076361

Opened: 10/26/2018

Type of License: None

History: None

Recommendation: Dismiss.

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

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

16. 2018077601

Opened: 10/31/2018

First Licensed: 6/11/2004

Expires: 8/9/2018

Type of License: Principal Broker - Expired

History: 2010 Agreed Order for failure to maintain Affiliate's E&O insurance

Recommendation: \$1,000 civil penalty for conducting real estate activity without proper licensure.

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

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

17. 2018077831

Opened: 11/1/2018

First Licensed: 1/27/2004

Expires: 9/8/2016

Type of License: Real Estate Firm - Expired

History: None

Recommendation: \$1,000 civil penalty for conducting real estate activity without proper licensure.

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

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

COMMISSIONER GEOFFREY DIAZ

1. 2018048321

Opened: 7/24/2018

First Licensed: 1/19/2000

Expires: 9/8/2019

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

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

New Recommendation: The decision to accept Counsel's recommendation to dismiss these complaints should stand.

New Decision: The Commission voted to uphold their previous decision.

Motion made by Commissioner McMullen, seconded by Vice-Chair Franks. Motion passed 5-0. Chairman Griess, abstains and Commissioner Hills absent.

2. 2018048341

Opened: 7/24/2018

First Licensed: 10/12/2017

Expires: 10/11/2019

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss.

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

New Recommendation: The decision to accept Counsel's recommendation to dismiss these complaints should stand.

New Decision: The Commission voted to uphold their previous decision.

Motion made by Commissioner McMullen, seconded by Vice-Chair Franks. Motion passed 5-0. Chairman Griess, abstains and Commissioner Hills absent.

3. 2018048361

Opened: 7/24/2018

First Licensed: 10/11/2005

Expires: 10/10/2019

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss.

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

New Recommendation: The decision to accept Counsel's recommendation to dismiss these complaints should stand.

New Decision: The Commission voted to uphold their previous decision.

Motion made by Commissioner McMullen, seconded by Vice-Chair Franks. Motion passed 5-0. Chairman Griess, abstains and Commissioner Hills absent.

Chairman Griess adjourned the meeting at 2:40PM



**TENNESSEE REAL ESTATE
COMMISSION**

Notice of Formal Hearing Meeting

Davy Crockett Tower Room 1A

500 James Robertson Parkway

Nashville, TN 37243

**Notice of Formal Hearing
Before the Tennessee Real Estate Commission**

Board: Real Estate Commission

In the Matter of: Jonathan Forester

Docket Number: 12.18-156682A

Date: Thursday, April 18, 2019

Time: 9:00 CST AM

Location: Nashville, TN Davy Crockett Tower Room 1A