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.

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<tr>
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<tr>
<td>1) 2018062881</td>
<td>21) 2018091221</td>
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<td>2) 2018077501</td>
<td>22) 2018091711</td>
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<td>3) 2018078451</td>
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<td>5) 2018079521</td>
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<tr>
<td>6) 2018079741</td>
<td>26) 2019020021</td>
<td>46) 2019013821</td>
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### 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

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
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
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