The Tennessee Real Estate Commission held a meeting August 14, 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 Vice-Chair Marcia Franks.

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, Commissioner Geoffrey Diaz, Commissioner Fontaine Taylor, Commissioner Jon Moffett, Vice-Chair Marcia Franks, Commissioner Bobby Wood, and Commissioner Richard Douglass. Quorum Confirmed. Others present: Executive Director, Caitlin Maxwell, Associate General Counsel Anna D. Matlock, Associate General Counsel Kelsey J. Bridges, paralegal Amanda Dean, Administrative Manager Rianna Womack, Education Director Ross White, and TREC Staff member Aaron Smith.

The August 14, 2019 board meeting agenda was submitted for approval.

Motion to approve the agenda was made by Commissioner Diaz, and seconded by Vice Chair Franks. Motion passed 8-0.

Minutes for the July 14, 2019 board meeting were submitted for approval.

Motion to approve the July 14, 2019 minutes with edit to the Opening of the meeting by Vice Chair Franks, and removal of Chief Counsel Denard Mickens was made by Commissioner Diaz, and seconded by Commissioner Hills. Motion passed unanimously.
INFORMAL APPEARANCES
Richard Nash appeared before the Commission along with his Principal Broker Phyllis Sissum. Mr. Nash requested approval to obtain his Time Share Salesperson license.

Motion to approve Mr. Nash was made by Commissioner Diaz, and seconded by Commissioner Douglass. Motion passed 5-3, Commissioner Wood, Commissioner Taylor, and Vice Chair Franks voting against.

Jeremy Bennett appeared before the Commission along with his Principal Broker Randy Worcester. Mr. Bennett requested approval to obtain his Affiliate Broker license.

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

Clinton Douglas appeared before the Commission along with his Principal Broker Elizabeth “Betsy” Taylor. Mr. Douglas requested approval to obtain his Affiliate Broker license.

Motion to approve Mr. Douglas was made by Commissioner Wood, and seconded by Commissioner Taylor. Motion passed unanimously.

Christian Gregory appeared before the Commission along with his Principal Broker Christopher “Chris” Clabough. Mr. Gregory requested approval to obtain his Time Share Salesperson license.

Motion to approve Mr. Gregory was made by Vice-Chair 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-A16 with exception of A9 was made by Commissioner Wood, and seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion Motion was made Vice-Chair Franks, and seconded by Commissioner Wood to Approve Course A9. Motion passed unanimously.
Education Director Ross White presented Instructor Biographies to the Commission.

Motion to approve instructors was made by Vice-Chair Franks, and seconded by Commissioner Diaz. Motion passed unanimously.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Maxwell updated the commission on the upcoming Sunset Hearing. In addition to clarification regarding travel for ARELLO with regards to Vice Chair Franks, nomination for ARELLO President-Elect. The commission finalized the 2020 TREC Meeting calendar. Also, discussion regarding the possibility of passing grades added to the PSI application.

**COMMISSION DISCUSSION**

Commissioner Taylor made a motion to present former Commissioner Austin McMullen with the Bill Tune Award, seconded by Commissioner Hills. 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: 2019013291, 2019019021, 2019020241, 2019021641, and 2019018871.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal’s recommendation to dismiss complaints 2019013291, seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal’s recommendation to dismiss complaints 2019019021, seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion by the Commission, Commissioner Taylor made the motion to accept legal’s recommendation to dismiss complaints 2019020241, seconded by Commissioner Wood. Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal’s recommendation to dismiss complaints 2019021641, seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion by the Commission, Commissioner Hills made the motion to accept legal’s recommendation to dismiss complaints 2019018871, seconded by Commissioner Wood. Motion passed unanimously.
1. 2019008581
Opened: 1/30/2019
First Licensed: 6/5/2003
Expires: 7/31/2020
Type of License: Real Estate Firm
History: None

Recommendation: Dismiss complaint against the principal broker and open a complaint against the listing agent.

Decision: The Commission voted to accept the recommendation.

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

Motion made by Commissioner Diaz, and seconded by Commissioner Hills to open complaint against listing agent. Motion passed 7-0 with Commissioner Wood abstaining.
KELSEY J. BRIDGES

2. 2019013541
   Opened: 2/19/2019
   First Licensed: 6/30/2008
   Expires: 2/4/2020
   Type of License: Time Share Salesperson – E&O Suspension
   History: None
   Recommendation: Dismiss.

   Decision: The Commission voted to issue a $500 civil penalty for failure to exercise reasonable skill and care.

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

3. 2019016611
   Opened: 2/28/2019
   Type of License: Unlicensed
   History: None

   Recommendation: Dismiss.

   Decision: The Commission voted to issue a $1,000 civil penalty for unlicensed activity.

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

4. 2019018771
   Opened: 3/8/2019
   First Licensed: 8/10/2018
   Expires: 8/9/2020
   Type of License: Real Estate Firm
   History: None

   Recommendation: Dismiss.

   Decision: The Commission voted to issue a $500 civil penalty for advertising violations.

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

5. 2019013561
   Opened: 2/19/2019
   First Licensed: 3/10/2017
   Expires: 3/9/2021
   Type of License: Real Estate Firm
History: None

Recommendation: Letter of Instruction.

Decision: The Commission voted to issue a $1,000 civil penalty for failure to respond.

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

6. 2019013381
   Opened: 2/21/2019
   First Licensed: 12/13/2006
   Expires: 12/12/2020
   Type of License: Real Estate Firm
   History: None

Recommendation: Letter of Warning.

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

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

7. 2019015671
   Opened: 2/25/2019
   First Licensed: 5/15/2002
   Expires: 12/15/2019
   Type of License: Affiliate broker
   History: None

Recommendation: $1,000 civil penalty.

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

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

8. 2019019901
   Opened: 3/13/2019
   First Licensed: 9/25/2009
   Expires: 9/24/2021
   Type of License: Real Estate Firm
   History: None
Recommendation: Letter of Warning.

Decision: The Commission voted to issue a $500 civil penalty for the violation of T.C.A. § 62-13-312(b)(5).

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

9. 2019021151
    Opened: 3/15/2019
    First Licensed: 11/29/2018
    Expires: 11/28/2020
    Type of License: Affiliate Broker
    History: None

Recommendation: Discuss.

Decision: The Commission voted to issue a $500 civil penalty for advertising violations and a $500 civil penalty for failure to disclose Respondent’s licensee status.

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

10. 2019021331
    Opened: 3/17/2019
    First Licensed: 10/19/1994
    Expires: 12/20/2020
    Type of License: Real Estate Broker
    History: None

Recommendation: $500 civil penalty.

Decision: The Commission voted to issue a $1,000 civil penalty for failure to return earnest money.

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

11. 2019019851
    Opened: 3/12/2019
    First Licensed: 7/3/2000
    Expires: 2/8/2021
    Type of License: Affiliate Broker
Recommendation: Letter of Warning advising Respondent not to advertise in any way which could give the impression that they are operating their own firm.

Decision: The Commission voted to issue a $1,000 civil penalty for violation of §62-13-309.

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

12. 2019020081
Opened: 3/13/2019
Type of License: Unlicensed
History: None

Recommendation: $1,000 civil penalty for violation of T.C.A. § 66-32-205.

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

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

13. 2018080771
Opened: 11/15/2018
Type of License: Unlicensed
History: None

Recommendation: $1,000 civil penalty and language directing Respondent to cease and desist.

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

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

Re-Presents

14. 2018082881
Opened: 11/27/2018
First Licensed: 6/18/2013
Expires: 6/17/2019
Type of License: Real Estate Broker
History: None
Recommendation: $500 civil penalty.

Decision: The Commission voted to authorize a $1,000 civil penalty for violation of Tenn. Code Ann. §62-13-403(2).

New recommendation: Dismiss.


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

15. 2019004391
   Opened: 1/16/2019
   First Licensed: 2/1/2002
   Expires: 6/6/2019
   Type of License: Real Estate Firm
   History: None
   
   Recommendation: $1,000 civil penalty for failure to respond to the complaint within ten (10) days in violation of T.C.A. § 62-13-313.

   Decision: The Commission accepted Counsel’s recommendation.

   New recommendation: Dismiss.

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

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

16. 2019008781
   Opened: 1/31/2019
   First Licensed: 4/26/2018
   Expires: 4/25/2020
   Type of License: Time Share Salesperson
   History: None
   
   Recommendation: $1,000 civil penalty for failing to provide an answer to the complaint.

   Decision: The Commission accepted Counsel’s recommendation.
**New recommendation:** Dismiss.

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

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

17. 2019008811
   - Opened: 1/31/2019
   - First Licensed: 1/28/2016
   - Expires: 1/27/2020
   - Type of License: Time Share Salesperson
   - History: None

Recommendation: $1,000 civil penalty for failing to provide an answer to the complaint.

Decision: The Commission accepted Counsel’s recommendation.

**New recommendation:** Dismiss.

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

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

18. 2019006121
   - Opened: 1/23/2019
   - First Licensed: 7/12/2012
   - Expires: 1/10/2020
   - Type of License: Principal Broker
   - History: None

Recommendation: $500 civil penalty.

Decision: The Commission accepted Counsel’s recommendation.

**New recommendation:** Dismiss.

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

Motion made by Vice-Chair Franks, seconded by Commissioner Diaz. Motion passed unanimously.
19. 2019013841  
   Opened: 2/19/2019  
   Type of License: Unlicensed  
   History: None  

Recommendation: Dismiss.  

Decision: The Commission voted to issue a $1,000 civil penalty for unlicensed activity.  

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

20. 2019016621  
   Opened: 2/28/2019  
   First Licensed: 2/9/2012  
   Expires: 2/8/2020  
   Type of License: Affiliate Broker  
   History: None  

Recommendation: Dismiss.  

Decision: The Commission voted to issue a $1,000 civil penalty for failure to exercise reasonable skill and care, and required four (4) hours of continuing education in contracts above and beyond required for licensure within 180 days.  

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

21. 2019013481  
   Opened: 2/19/2019  
   First Licensed: 12/13/2013  
   Expires: 12/12/2019  
   Type of License: Real Estate Firm  
   History: None  

Recommendation: Consent Order authorizing Respondent to remit earnest Complainant’s earnest money immediately and a Five Hundred Dollar ($500.00) civil penalty for violation of Tenn. Code Ann. § 62-13-312(b)(5).  

Decision: The Commission voted to issue a $1,000 civil penalty for violation of Tenn. Code Ann. § 62-13-312(b)(5).  

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

22. 2019017491
23. 2019017501
Opened: 3/5/2019
First Licensed: 8/22/2013
Expires: 8/21/2019
Type of License: Affiliate Broker
History: None

Recommendation: Litigation monitoring.

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

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

24. 2019018141
Opened: 3/7/2019
Type of License: Unlicensed
History: None

Recommendation: One Thousand Dollar ($1,000.00) civil penalty for unlicensed activity.

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

Motion made by Vice-Chair Franks, seconded by Commissioner Hills. Motion passed unanimously.
Recommendation: Five Hundred Dollar ($500.00) civil penalty for violations of Tenn. Code Ann. § 62-13-312(b)(20) and Tenn. Comp. R. & Regs. 1260-02-.12(1), (3)(a), (3)(b), and (3)(f). Counsel also recommends that an administrative complaint be opened against the principal broker for failure to supervise.

Decision: The Commission voted to issue a $1,000 civil penalty for violation of Tenn. Code Ann. § 62-13-312(b)(20) and a $1,000 civil penalty for violations of Tenn. Comp. R. & Regs. 1260-02-.12(1), (3)(a), (3)(b), and (3)(f), totaling a $2,000 civil penalty in addition to a 4 hour contracts class over and above continued education licensure requirements within 180 days. The Commission also authorized an administrative complaint be opened against the principal broker for failure to supervise.

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

Chairman Griess adjourned the meeting at 1:15PM