



**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 December 04, 2019 at 8:30 a.m. CST at the Davy Crockett Tower located at 500 James Robertson Parkway, Nashville, TN 37243. The Meeting was called to order by Chairman John Griess. Chairman 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 Geoffrey Diaz, Commissioner Jon Moffett, Vice-Chair Marcia Franks, Commissioner Bobby Wood, Commissioner Stacie Torbett, and Commissioner Joe Begley. Quorum Confirmed. Others present: Executive Director, Caitlin Maxwell, Associate General Counsel Anna D. Matlock, Associate General Counsel Kelsey J. Bridges, Associate General Counsel Kristen Downey, Chief Counsel Denard Mickens, paralegal Amanda Dean, Education Director Ross White, and TREC Staff member Aaron Smith.

The December 4, 2019 board meeting agenda was submitted for approval.

Motion to approve the agenda was made by Commissioner Diaz, and seconded by Commissioner Wood. Motion passed unanimously.

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

Motion to approve the November 13, 2019 minutes was made by Commissioner Wood, and seconded by Commissioner Moffett. Motion passed 6-0 with Vice Chair Franks abstaining.

**INFORMAL APPEARANCES**

Betsy Hesselrode appeared before the Commission with her Principal Broker Jen Lucy seeking permission to obtain her Affiliate Broker's license.

Motion to approve Ms. Hesselrode was made by Vice-Chair Franks, and seconded by Commissioner Moffett. Motion passed unanimously.

Ahmad Sedo appeared before the Commission with his Principal Broker John Criswell seeking permission to obtain his Affiliate Broker's license.

Motion to approve Mr. Sedo was made by Commissioner Diaz, and seconded by Commissioner Moffett. Motion passed 6-1 with Commissioner Wood voting against.

**INFORMAL APPEARANCE**

Mr. Brandon Gladish, an affiliate broker with eXp Realty and a licensed principal auctioneer appeared before the Commission seeking guidance and clarification regarding a real estate transaction conducted by auction. Associate General Counsel Anna D. Matlock stated that it was her interpretation that any commission or funds deriving from the auction should be deposited into Mr. Gladish's auctioneer trust account, as this matter does not directly fall under the jurisdiction of the Commission.

Motion to accept Counsel's recommendation/interpretation was made by Vice-Chair Franks, seconded by Commissioner Wood. Motion passed unanimously.

**EDUCATION REPORT**

Education Director Ross White presented the education report to the Commission.

Motion to approve courses D1-D38 with the exception of D8 was made by Vice-Chair Franks, and seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion a motion to deny course D8 was made by Vice-Chair Franks, and seconded by Commissioner Wood. Motion passed unanimously.

Education Director Ross White presented instructor biographies to the Commission.

Motion to approve instructors with the exception of Courtney McMahon was made by Vice-Chair Franks, and seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion a motion to deny course instructor Courtney McMahon was made by Vice-Chair Franks, and seconded by Commissioner Wood. Motion passed unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Topics:**

- **www.verify.tn.gov:** Director Maxwell informed the Commission that ongoing steps to bring firm relation to the verify site is forthcoming these changes are manual input of data. In addition continual work with the MLS/Realtracs to bring about an efficient way of providing requested information is provided.
- **Staff Vacancy:** Director Maxwell informed the Commission that final process of filling the open Reg Board Admin Assistant II position, and the candidate maybe introduced to the commission as soon as the January meeting.

## **COMMISSION DISCUSSION**

**Rule Changes:** Commission decided to defer the rules discussion to January given the timeframe between meetings, and a technicality with the agenda. The additional time will allow those with opinions on the matter an opportunity to be present.

**Signs on Offices:** Vice-Chair Franks raised the question regarding signage on the physical building/representing the business if they needed to have phone number's included in the word verbiage of the sign. Legal advised that the company logo did not fall under the guidelines of the advertising rules.

**Bill Tune Award:** Vice-Chair Franks made the motion that Bill Tune Award be given to former Commissioner Fontaine Taylor and Commissioner Richard Douglass, seconded by Commissioner Diaz. 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: 2019061241, 2019060211, 2019063861, 2019064531, 2019064931, 2019064951, and 2019066081.

After further discussion by the Commission, Vice-Chair Franks made the motion to accept legal's recommendation to dismiss complaints 2019049311, 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 2019060211, seconded by Commissioner Vice-Chair Franks Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal's recommendation to dismiss complaints 2019063861, seconded by Vice-Chair Franks Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal's recommendation to dismiss complaints 2019064531, 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 2019064931, seconded by Commissioner Moffett Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal's recommendation to dismiss complaints 2019064951, seconded by Commissioner Torbett Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal's recommendation to dismiss complaints 2019066081, seconded by Vice-Chair Franks Motion passed unanimously.

1.) 2019059081	21.) 2019063771	41.) 2019064861
2.) 2019059261	22.) 2019064231	42.) 2019064931
3.) 2019059641	23.) 2019063981	43.) 2019064951
4.) 2019059991	24.) 2019064221	44.) 2019066001
5.) 2019060041	25.) 2019065011	45.) 2019054211
6.) 2019060491	26.) 2019065651	46.) 2019066621
7.) 2019061241	27.) 2019060381	47.) 2019066666
8.) 2019061231	28.) 2019060211	48.) 2019067921
9.) 2019060511	29.) 2019060461	49.) 2019068161
10.) 2019061601	30.) 2019060661	50.) 2019068291
11.) 2019061621	31.) 2019062141	51.) 2019068661
12.) 2019061871	32.) 2019062301	52.) 2019068811
13.) 2019062181	33.) 2019062441	
14.) 2019062521	34.) 2019062971	
15.) 2019062401	35.) 2019062731	
16.) 2019063851	36.) 2019063861	
17.) 2019064381	37.) 2019063951	
18.) 2019063871	38.) 2019064531	
19.) 2019063761	39.) 2019064781	
20.) 2019065381	40.) 2019064731	

**LEGAL REPORT:**

**KELSEY BRIDGES**

1. **2019058301**  
**Opened: 7/1/2019**  
**First Licensed: 11/13/2007**  
**Expires: 11/12/2019**  
**\*\*Type of License: Affiliate Broker, Expired\*\***  
**History: None**

**Recommendation: Litigation monitoring.**

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

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

2. **2019063001**  
**Opened: 7/22/2019**  
**First Licensed: 1/18/2019**  
**Expires: 1/17/2021**  
**Type of License: Principal Broker**  
**History: None**

**Recommendation: Discussion.**

**Decision: The Commission voted to dismiss this complaint.**

**Motion made by Commissioner Diaz, seconded by Commissioner Begley. Motion passed unanimously.**

3. **2019063111**  
**Opened: 7/23/2019**  
**Type of License: Unlicensed**  
**History: None**

**Recommendation: Dismiss.**

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

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

- 4. 2019058781**  
**Opened: 7/2/2019**  
**First Licensed: 11/21/2000**  
**Expires: 6/2/2021**  
**Type of License: Principal Broker**  
**History: 2006 Consent Order**

**Recommendation: \$500 civil penalty and four credit hours of continuing education related to Contracts, above and beyond what is required for the maintenance of Respondent's license, to be completed within one hundred eighty days of execution of the Consent Order.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Begley. Motion passed unanimously.**

- 5. 2019058031**  
**Opened: 7/1/2019**  
**First Licensed: 11/29/2011**  
**Expires: 11/7/2020**  
**Type of License: Broker (Retired)**  
**History: None**

**Recommendation: Letter of Warning.**

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

**Motion made by Vice-Chair Franks, seconded by Commissioner Begley. Motion passed 5-2 with Commissioner Wood, and Chairman Griess voting against.**

- 6. 2019059201**  
**Opened: 7/3/2019**  
**First Licensed: 3/31/2000**  
**Expires: 12/30/2019**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Letter of Warning.**

**Decision: The Commission voted to issue a Consent Order requiring a four hour contracts class over and above licensing requirements, within 180 days of the Consent Order.**

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

**unanimously.**

- 7. 2019062101**  
**Opened: 7/17/2019**  
**First Licensed: 9/7/2017**  
**Expires: 9/6/2019**  
**Type of License: Affiliate Broker - Expired**  
**History: None**

**Recommendation: \$500 civil penalty.**

**Decision: The Commission voted to issue a \$1,000 civil penalty.**

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

- 8. 2019064401**  
**Opened: 7/26/2019**  
**First Licensed: 2/28/2003**  
**Expires: 10/24/2021**  
**Type of License: Affiliate Broker**  
**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 Wood. Motion passed unanimously.**

- 9. 2019065041**  
**Opened: 7/30/2019**  
**First Licensed: 6/18/2003**  
**Expires: 11/4/2019**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Referral to the Tennessee Auctioneer Commission.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Begley. Motion passed unanimously.**

**10. 2019065701**

**Opened: 8/1/2019**  
**First Licensed: 4/30/2014**  
**Expires: 4/29/2020**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Consent Order directing Respondent to complete the VLS application process within ninety (90) days of signing or otherwise pay a civil penalty in the amount of five hundred dollars (\$500) for unlicensed VLS activity.**

**Decision: The Commission voted to issue a Consent Order directing Respondent to complete the VLS application process within thirty (30) days of signing or otherwise pay a civil penalty in the amount of five hundred dollars (\$500) for unlicensed VLS activity.**

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

**11. 2019065891**

**Opened: 8/1/2019**  
**Type of License: Unlicensed**  
**History: None**

**Recommendation: Letter of warning.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Begley. Motion passed unanimously.**

**KRISTEN DOWNEY**

**12. 2019060881**

**Opened: 7/11/2019**  
**Type of License: Unlicensed**  
**History: None**

**Recommendation: Litigation Monitoring.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Moffett. Motion passed unanimously.**

**13. 2019061351**

**Opened: 7/12/2019**  
**First Licensed: 11/20/2015**  
**Expires: 11/19/2021**  
**Type of License: Real Estate Firm**  
**History: None**

**Recommendation: Letter of Instruction regarding reasonable skill and care.**

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

**Motion made by Vice-Chair Franks, seconded by Commissioner Begley. Motion passed 6-0 with Commissioner Moffett absent for the vote.**

**14. 2019061281**

**Opened: 7/15/2019**  
**First Licensed: 7/8/2013**  
**Expires: 7/7/2021**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Letter of Instruction regarding the writing requirement for posting the listings of other licensees.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Begley. Motion passed 5-1 with Commissioner Wood voting against and Commissioner Moffett absent for the vote.**

**15. 2019061401**

**Opened: 7/15/2019**  
**First Licensed: 8/26/2002**  
**Expires: 6/24/2020**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Letter of warning regarding reasonable skill and care.**

**Decision: The Commission voted to issue a \$500 civil penalty for violation of reasonable skill and care, with a four hour contracts course above and beyond licensing requirements within 180 days.**

**Motion made by Vice-Chair Franks, seconded by Commissioner Diaz. Motion passed 5-2 with Commissioner Wood and Commissioner Begley voting against.**

**16. 2019061411**

**Opened: 7/15/2019**

**First Licensed: 3/9/1987**

**Expires: 12/19/2019**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: Civil penalty of \$500 for violation of Rule 1260-02-.09.**

**Decision: The Commission voted to issue \$1,000 civil penalty for violation of reasonable skill and care, and to open a complaint against the principal broker.**

**Motion made by Vice-Chair Franks, seconded by Commissioner Wood to issue a One Thousand Dollar (\$1,000) civil penalty for violation of reasonable skill and care. Motion passed unanimously.**

**Motion made by Commissioner Wood, and seconded by Vice-Chair Franks to administratively open compliant against Principal Broker. Motion passed unanimously.**

**17. 2019062151**

**Opened: 7/17/2019**

**First Licensed: 2/4/2019**

**Expires: 2/3/2021**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: Letter of Warning regarding duty owed to parties pursuant to T.C.A. § 62-13-403.**

**Decision: The Commission voted to issue a \$750 civil penalty and a four hour contracts course, above and beyond licensing requirements within 180 days.**

**Motion made by Vice-Chair Franks, seconded by Commissioner Diaz. Motion passed 6-1 with Commissioner Wood voting against.**

**18. 2019063991**

**Opened: 7/23/2019**

**First Licensed: 11/14/2007**

**Expires: 4/6/2021**

**Type of License: Real Estate 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.**

**19. 2019064091**

**Opened: 7/23/2019**

**First Licensed: 10/17/2018**

**Expires: 10/16/2020**

**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.**

**20. 2019066271**

**Opened: 8/2/2019**

**First Licensed: 10/19/2017**

**Expires: 10/18/2021**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: \$500 civil penalty for violation of TCA 62-13-312(b)(20) and 4 hours of CE in contracts.**

**Decision: The Commission voted to issue a \$2,000 civil penalty for violation of TCA 62-13-312(b)(20) and 4 hours of CE in contracts.**

**Motion made by Commissioner Wood, seconded by Vice-Chair Franks. Motion passed 5-2 with Commissioner Diaz and Commissioner Begley voting against.**

**21. 2019066641**

**Opened: 8/7/2019**

**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 Diaz. Motion passed unanimously.**

**22. 2019068211**

**Opened: 8/10/2019**

**First Licensed: 11/13/2007**

**Expires: 11/12/2019**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: Revocation.**

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

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

**23. 2019068881**

**Opened: 8/13/2019**

**First Licensed: 7/30/2013**

**Expires: 7/29/2021**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: Dismiss.**

**Decision: The Commission voted to obtain more information from the Respondent and to defer this complaint.**

**Motion made by Commissioner Diaz, seconded by Commissioner Moffett. Motion passed unanimously.**

**24. 2019064621**

**Opened: 7/29/2019**

**First Licensed: 11/9/2016**

**Expires: 11/8/2020**

**Type of License: Real Estate Broker**

**History: 2013 Consent Order with Civil Penalty**

**Recommendation: Dismiss.**

**Decision: The Commission voted to send a Letter of Instruction regarding the rules about guarantees.**

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

**25. 2019066801**

**Opened: 8/6/2019**

**First Licensed: 9/27/2017**

**Expires: 9/26/2021**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: Dismiss.**

**Decision: The Commission voted to send a Letter of Instruction.**

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

**Chairman Griess adjourned the meeting at 2:55 P.M.**