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.

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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 complaint 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


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.