



**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 June 12, 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.

Administrative Manager Rianna Womack 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 Richard Douglass and Commissioner Austin McMullen. Vice-Chair Marcia Franks and Commissioner Bobby Wood were absent. Quorum Confirmed. Others present: Chief Counsel Denard Mickens, Assistant General Counsel Anna D. Matlock, Assistant General Counsel Kelsey J. Bridges, paralegal Amanda Dean, Administrative Manager Rianna Womack, Education Director Ross White, and TREC Staff member Aaron Smith.

The June 12, 2019 board meeting agenda was submitted for approval.

Motion to approve the agenda was made by Commissioner McMullen, and seconded by Commissioner Hills. Motion passed unanimously.

Minutes for the May 9, 2019 board meeting were submitted for approval.

Motion to approve the May 9, 2019 minutes was made by Commissioner Diaz, and seconded by Commissioner Hills. Motion passed unanimously.

MEDICAL WAIVER

Assistant General Counsel Anna Matlock presented Freda C. Brode before the Commission. Ms. Brode sought a medical waiver for late fees.

Motion to approve Ms. Brode's medical waiver was made by Commissioner Hills, and seconded by Commissioner Diaz. Motion passed unanimously.

Assistant General Counsel Anna Matlock presented Lisa Ann Kimball before the Commission. Ms. Kimball sought a medical waiver for late fees, and testing.

Motion to deny Ms. Kimball's medical waiver was made by Commissioner Taylor, and seconded by Commissioner Hills. Motion passed unanimously.

ZONING WAIVER

Assistant General Counsel Anna Matlock presented Cherry Investment & Development Company's request for Zoning Waiver.

Motion to deny Cherry Investment & Development Company was made by Commissioner McMullen and seconded by Commissioner Hills. Motion passed unanimously.

EDUCATION REPORT

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

Motion to approve courses J1-J29 with the exception of J24-J27 was made by Commissioner McMullen, and seconded by Commissioner Hills. Motion passed unanimously.

After discussion a motion to approve J24-J27 was made by Commissioner Diaz, and seconded by Commissioner McMullen. Motion passed unanimously.

Education Director Ross White presented Instructor Biographies to the Commission.

Motion to approve instructors was made by Commissioner McMullen and seconded by Commissioner Diaz. Motion passed 5-1 with Commissioner Hills abstaining.

Note A motion to approve Jill Malloy to teach J27 only through the CE Shop was made by Commissioner McMullen, and seconded by Commissioner Taylor. Motion passed unanimously. Motion to not approve Jill Malloy to teach J24-J26 was made by Commissioner McMullen, and seconded by Commissioner Taylor. Motion passed 4-2 with Chairman Griess, and Commissioner Douglass voting again. This subject will be readdressed at the July meeting.

Education Director Ross White updated the Commission on the May Education Roundtable meeting. Topics discussed: Webinars, Pen & Paper, Internet courses. Ways of moving Education to the next level in Tennessee.

EXECUTIVE DIRECTOR’S REPORT

Administrative Manager Rianna Womack updated the Commission on the approval of the upcoming ARELLO Annual Conference to be held in Denver Colorado, and October TREC meeting to be held in Farragut, Tennessee.

COMMISSION DISCUSSIONS

The Commission agreed to place education course instructor applicant Jill Malloy back on the July Agenda for further discussion.

Assistant General Counsel Kelsey Bridges presented a Final Agreed Order in lieu of a final hearing to the Commission for their approval and Chairman Griess’ signature. The Final Agreed Order states the licensee and firm will voluntarily surrender the licenses (same as revocation). Commissioner McMullen made the motion to authorize Chairman Griess to sign the Final Agreed Order, 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: 2018077771, 2018078331, 2018078201, 2018088971, 2018089551, 2018089681, and 2018090191. Commissioner Taylor made the motion to accept the recommendation of legal counsel for cases 1-23 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 2018088971, 2018089551, and 2018089681 seconded by Commissioner Diaz. Motions passed unanimously.

1.) 2018070091	13.) 2018088571	
2.) 2018090031	14.) 2018089971	
3.) 2018089691	15.) 2018089001	
4.) 2018091411	16.) 2018089721	
5.) 2019001701	17.) 2018089681	
6.) 2019002421	18.) 2018090711	
7.) 2018077631	19.) 2018091721	

8.) 2018077941	20.) 201891871	
9.) 2018078191	21.) 2019000411	
10.) 2018078871	22.) 2019000561	
11.) 2018088971	23.) 2019003121	
12.) 2018089551		

LEGAL REPORT:

KELSEY BRIDGES

1. 2019002001

Opened: 1/8/2019

First Licensed: 2/8/2016

Expires: 2/7/2020

Type of License: Affiliate Broker

History: None

Recommendation: \$1,000 civil penalty for Respondent's failure to exercise reasonable skill and care.

Decision: The Commission voted to authorize a one thousand dollar (\$1,000.00) civil penalty and a four (4) hour course in Agency, above and beyond the continuing education requirements.

Motion made by Commissioner Diaz, seconded by Commissioner Taylor. Motion passed 5-1 with Commissioner Douglass voting against.

2. 2018090951

Opened: 12/26/2019

First Licensed: 6/29/2010

Expires: 6/28/2020

Type of License: Affiliate Broker

History: None

Recommendation: Litigation monitoring.

Decision: The Commission accepted Counsel's recommendation.

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

3. 2018082571

Opened: 11/26/2018

Type of License: Unlicensed

History: None

Recommendation: Dismiss.

Decision: The Commission accepted Counsel's recommendation.

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

4. 2018090631

Opened: 12/21/2018

Type of License: Unlicensed

History: None

Recommendation: \$1,000 civil penalty.

Decision: The Commission voted to authorize a one thousand dollar (\$1,000.00) civil penalty per year, for a total of three thousand dollars (\$3,000.00) and to include cease and desist language in response to Respondent operating without registration.

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

5. 2018085031

Opened: 12/4/2018

First Licensed: 1/1/1901*error in the database

Expires: 11/15/2020

Type of License: Real Estate Firm

History: 2007 Letter of Warning

Recommendation: Letter of Warning.

Decision: The Commission authorizes a one thousand dollar (\$1,000.00) civil penalty for failure to exercise reasonable skill and care.

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

6. 2018090511

Opened: 12/21/2018

First Licensed: 1/28/2008

Expires: 1/27/2020

Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission accepted Counsel's recommendation.

Motion made by Commissioner Hills, seconded by Commissioner Taylor. Motion passed 5-0
Commissioner Douglass not present.

7. 2018091351

Opened: 12/21/2018
First Licensed: 2/25/2014
Expires: 2/24/2020
Type of License: Principal Broker
History: None

Related to Complaint # 2018090511 above.

Recommendation: \$500 civil penalty for the violation of Tenn. Comp. R. & Regs. 1260-02-.09(9) and an additional \$1,000 penalty for the violation of Tenn. Comp. R. & Regs 1260-02-.09(13).

Decision: The Commission accepted Counsel's recommendation.

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

8. 2019001581

Opened: 1/7/2019
First Licensed: 7/26/2012
Expires: 7/25/2018
Type of License: Affiliate Broker
History: None

Recommendation: Letter of Warning.

Decision: The Commission authorized a Consent Order requiring Respondent to make an informal appearance in front of the Commission should Respondent reapply for licensure.

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

9. 2019003401

Opened: 1/11/2019

First Licensed: 4/22/2014
Expires: 9/1/2020
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission accepted Counsel's recommendation.

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

10. 2018077771
Opened: 11/1/2018
First Licensed: 7/24/2014
Expires: 7/23/2020
Type of License: Real Estate Firm
History: None

Recommendation: Dismiss.

Decision: The Commission voted to authorize a Consent Order with a two hundred fifty dollar (\$250.00) civil penalty and four (4) hours of continuing education in Agency within one hundred eighty (180) days, above and beyond the continuing education requirements.

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

11. 2018078331
Opened: 11/5/2018
Type of License: Unlicensed
History: None

Recommendation: Dismiss.

Decision: The Commission voted to dismiss this complaint and refer to the Division of Consumer Affairs.

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

12. 2018078201
Opened: 11/5/2018
Type of License: Unlicensed
History: None

Related to Complaint # 2018078331 above.

Recommendation: Dismiss.

Decision: The Commission voted to dismiss this complaint and refer to the Division of Consumer Affairs.

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

13. 2018090191

Opened: 12/19/2018

Type of License: Unlicensed

History: None

Recommendation: Dismiss.

Decision: The Commission voted to dismiss this complaint and refer to the Division of Consumer Affairs.

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

Re-presents:

14. 2018085971

Opened: 12/6/2018

First Licensed: 12/9/2013

Expires: 12/8/2019

Type of License: Real Estate Firm

History: None

Recommendation: \$1,000 for failure to answer the complaint.

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

New information: The Legal Division encountered numerous difficulties trying to contact Respondent, but, as of now, Respondent is no longer active in the real estate industry, their firm has been shuttered, and both their principal broker and firm licenses have been revoked. As such, Counsel recommends this matter be dismissed.

New recommendation: Dismiss.

New Decision: The Commission accepted Counsel's recommendation.

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

15. 2018086141

Opened: 12/6/2018

First Licensed: 2/3/2017

Expires: 12/31/2020

Type of License: Real Estate Commission Course Instructor

History: None

New Recommendation: Dismiss.

New Decision: The Commission authorized a Consent Order requiring Respondent to either voluntarily surrender their license, or for Respondent's license to be suspended through 12/31/2021.

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

16. 2018067111

Opened: 9/20/2018

First Licensed: 10/14/2010

Expires: 4/8/2019

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

New Decision: The Commission authorized a five hundred dollar (\$500.00) civil penalty for violation of Tenn. Comp. R. and Regs. 1260-02-.09.

Motion made by Commissioner McMullen, seconded by Commissioner Taylor. Motion passed 5-1 with Commissioner Douglass voting against.

17. 2018048611

Opened: 7/24/2018

Type of License: Unlicensed

History: None

New Decision: The Commission authorized a Consent Order requiring Respondent to be licensed by September 1, 2019, or pay a one thousand dollar (\$1,000.00) civil penalty for unlicensed activity.

Motion made by Commissioner Hills, seconded by Commissioner Diaz. Motion passed 3-2 with Commissioner Taylor, and Commissioner McMullen voting against, Commissioner Douglass abstains.

Chairman Griess adjourned the meeting at 11:00AM