



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 January 9, 2019 at 8:30 a.m. CST in Room 1A 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, Commissioner Diane Hills, Commissioner Bobby Wood, Commissioner Geoffrey Diaz, Commissioner Fontaine Taylor, Commissioner Austin McMullen, and Commissioner Richard Douglass. Vice-Chair Marcia Franks and Commissioner Johnny Horne were absent. Quorum Confirmed. Others present: Chief Counsel Denard Mickens, Assistant General Counsel Anna D. Matlock, Assistant General Counsel Erica Smith, Assistant General Counsel Kelsey J. Bridges, Assistant General Counsel Sara Page, paralegal Amanda Dean, Assistant General Counsel Shilina Brown, Executive Director Caitlin Maxwell, Education Director Ross White, and TREC staff member Aaron Smith.

The January 9, 2019 board meeting agenda was submitted for approval.

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

Minutes for the December 5, 2018 board meeting were submitted for approval.

Motion to approve the December 5, 2018 minutes were made by Commissioner Taylor, and seconded by Commissioner Diaz. Motion passed unanimously.

INFORMAL APPEARANCES

Lenore Gilbert appeared before the Commission requesting refund of the renewal late fee.

Motion to deny Ms. Gilbert was made by Commissioner Douglass and seconded by Commissioner McMullen. Motion passed unanimously.

Jonathan Strode appeared before the Commission along with his Principal Broker, Sukeeta Duncan. Mr. Strode requested approval to obtain his Affiliate Broker license.

Motion to approve Mr. Strode was made by Commissioner Douglass, and seconded by Commissioner Diaz. Motion passed 5-2 with Commissioner Taylor, and Commissioner Wood voting against.

D& D School of Real Estate

The D&D School appeared before the Commission based on a complaint the school violated Tenn. Comp. R. & Regs. 1260-05-.03 & 1260-05-.11. The school provided a rebuttal to the complaint. During the meeting, legal counsel, the Executive Director, and Education Director informed the Commission they would all meet to discuss the issue of printed correspondence courses. The Commission decided not to hold a vote in determining if the course approval should be withdrawn. The Commission, instead, decided to hold a more in-depth discussion at the February 2019 meeting to discuss possible changes to the rules concerning printed correspondence courses.

EDUCATION REPORT

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

Motion to approve courses J1-J28 was made by Commissioner Taylor and seconded by Commissioner Wood. Motion passed unanimously.

Motion to approve Instructors was made by Commissioner Taylor and seconded by Commissioner Wood. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Caitlin Maxwell updated the Commission on Errors and Omissions Insurance renewal process. Director Maxwell advised the commission that suspension numbers would be available for the February meeting.

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: 2018065371. Commissioner McMullen made the motion to accept the recommendation of legal counsel for cases 1-14 seconded by Commissioner Diaz. Motion passed unanimously.

Commissioner Hills made the motion to accept the recommendation of legal counsel for cases 15-32 with the exception of 2018048321, 2018048341, 2018048361, 2018061261, 2018061461, 2018054861 seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion by the Commission, Commissioner Hills made the motion to accept the recommendation of legal counsel to dismiss cases 2018048341, 2018048361, 2018048361, seconded by Commissioner Wood. Motion passed unanimously.

After further discussion by the Commission, Commissioner Hills made the motion to accept the recommendation of legal counsel to dismiss cases 2018061461, 2018045331, seconded by Commissioner Wood. Motion passed unanimously

After further discussion by the Commission, Commissioner Hills made the motion to accept the recommendation of legal counsel to dismiss cases 2018055101, seconded by Commissioner McMullen. Motion passed unanimously

1) 2018046251	14) 2018083311	27) 2018055101
2) 2018040871	15) 2018048321	28) 2018062421
3) 2018040851	16) 2018048341	29) 2018062811
4) 2018048881	17) 2018048361	30) 2018062741
5) 2018051131	18) 2018056221	31) 2018081361
6) 2018053131	19) 2018061121	32) 2018084151
7) 2018053861	20) 2018061161	
8) 2018060301	21) 2018061091	
9) 2018061401	22) 2018061261	
10) 2018062391	23) 2018061461	
11) 2018063391	24) 2018045331	
12) 2018065371	25) 2018045351	
13) 2018066641	26) 2018054861	

LEGAL REPORT:

KELSEY J. BRIDGES

1. 2018064881

Opened: 9/12/2018

First Licensed: 10/22/2001

Expires: 5/14/2017

Type of License: Principal Broker – Expired

History: None

Recommendation: Dismiss.

Decision: The Commission voted to close and flag this complaint.

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

2. 2018047951

Opened: 7/20/2018

First Licensed: 8/23/2017

Expires: N/A

Type of License: Time Share Registration/Exempt

History: None

Recommendation: Dismiss and open new complaints against the former sales representatives.

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

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

3. 2018063341

Opened: 9/5/2018

First Licensed: 4/30/2013

Expires: 3/11/2020

Type of License: Real Estate Broker

History: None

Recommendation: Four hours of mandatory continuing education related to contracts, above and beyond what is required for the maintenance of Respondent's license, to be completed within 180 days.

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

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

4. 2018063941

Opened: 9/7/2018

First Licensed: 10/5/2016

Expires: 10/4/2020

Type of License: Principal Broker

History: 2018 Consent Order

Recommendation: \$500 civil penalty.

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

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

5. 2018066181

Opened: 9/14/2018

First Licensed: 11/6/2017

Expires: 11/5/2019

Type of License: Real Estate Firm

History: None

Recommendation: Letter of warning.

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

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

6. 2018066151

Opened: 9/14/2018

First Licensed: 10/27/1999

Expires: 11/20/2019

Type of License: Principal Broker

History: 2015 Consent Order, 2014 Letter of Warning

Recommendation: Dismiss.

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

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

7. 2018066201
Opened: 9/14/2018
First Licensed: 2/4/1992
Expires: 9/11/2020
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

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

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

8. 2018066851
Opened: 9/19/2018
Type of License: Unlicensed
History: None

Recommendation: Dismiss.

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

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

NOTE REGARDING THE FOLLOWING COMPLAINT NUMBERS 9 AND 10:

Beginning in or around September, 2018, the Commission started receiving complaints from individuals stating they were contacted (and in some cases, scammed) by entities and individuals claiming to be licensed Tennessee firms and brokers. In each instance, the fraudulent entity or individual was able to provide the name and license number for actual licensees, but provided different contact information. Commission staff and Legal have been working in conjunction with an investigator from the Attorney General's office to locate the perpetrators of this fraud as complaints continue to come in, both against and from licensees. Counsel recommends the Commission direct these matters go into "litigation monitoring" so that sufficient time may be afforded to resolve the issues for both the consumers and licensees involved.

9. 2018082011
Opened: 11/21/2018
First Licensed: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

10. 2018060091

Opened: 8/20/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

RE-PRESENTS

11. 2018046071

Opened: 7/12/2018

First Licensed: 09/16/2011

Expires: 09/15/2019

Type of License: Affiliate Broker

History: None

Recommendation: \$1,000 civil penalty for Respondent's failure to answer the complaint.

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

New Recommendation: Dismiss.

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

Motion made by Commissioner Hills, seconded by Commissioner Diaz. Motion passed 6-0
Commissioner Taylor absent at the time of voting.

12. 2018046051

Opened: 7/12/2018

First Licensed: 9/11/2011

Expires: 9/13/2019

Type of License: Real Estate Firm
History: None

Recommendation: \$1,000 civil penalty for the violation of T.C.A. § 62-13-313.

Decision: The Commission voted to accept Counsel's recommendation, and to open a complaint against the principal broker.

New recommendation: Dismiss.

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

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

13. 2018039701

Opened: 6/18/2018
First Licensed: 8/19/2009
Expires: 8/18/2019
Type of License: Time Share Registration
History: None

Recommendation: \$1,000 civil penalty for failure to respond.

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

New Recommendation: Dismiss.

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

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

14. 2018027421

Opened: 4/27/2018
First Licensed: 10/12/1982
Expires: 7/9/2020
Type of License: Real Estate Firm
History: None

Recommendation: \$1,000 civil penalty for improper dealing pursuant to T.C.A. § 66-32-121(f)(2)(H) and a \$500 civil penalty for Respondent's failure to obtain a receipt for the public offering statement in violation of Tenn. Comp. R. & Regs. 1260-06-.02.

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

New recommendation: Discussion.

New Decision: Commission recommends \$1,000 civil penalty for improper dealing pursuant to T.C.A. § 66-32-121(f)(2)(H).

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

ERICA SMITH

15. 2018052011

Opened: 8/2/2018

First Licensed: 12/17/1987

Expires: 9/19/2020

Type of License: Real Estate Broker

History: 2006 Consent Order with \$1,000 civil penalty

Recommendation: Consent Order assessing a \$1,000 civil penalty for violation of TCA §62-13-403(1)(skill and care).

Decision: The Commission voted to dismiss the complaint.

Motion made by Commissioner Wood, seconded by Commissioner Douglass. Motion passed 5-2 with Commissioner McMullen, and Commissioner Hills voting against.

16. 2018056701

Opened: 8/13/2018

First Licensed: 4/17/1996

Expires: 5/2/2019

Type of License: Real Estate Broker

History: 2018 Agreed Citation for advertising violation, \$500

Recommendation: Discuss – Civil penalty of \$2,000, LOI and/or continuing education courses related to advertising guidelines.

Decision: The Commission voted to dismiss the complaint.

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

17. 2018057601

Opened: 8/13/2018

First Licensed: 5/13/2005

Expires: 7/16/2019
Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.

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

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

18. 2018058911

Opened: 8/17/2018

First Licensed: 4/8/2014

Expires: 4/7/2018

Type of License: Principal Broker, Expired

History: 2016003611 Consent Order \$4,000 and 4 hours continuing education in property management for violations of Tenn. Code Ann. §§62-13-321, -401, -403, and Tenn. R. and Regs., 1260-06-.09, 2016027781 Consent Order \$1,000 for failing to answer the complaint with a Principal Broker CORE class

Recommendation: \$1,000 civil penalty for violation of TCA §62-13-301 (unlicensed activity) and an Informal Appearance regarding Respondent's new application for a license.

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

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

19. 2018059611

Opened: 8/20/2018

First Licensed: 3/14/1980

Expires: 7/5/2020

Type of License: Real Estate Broker

History: None

Recommendation: \$2,000 civil penalty for violations of TCA §62-13-312(b)(3) and (4)(pursuing flagrant course of misrepresentation through advertisements) and (misleading or untruthful advertisements).

Decision: The Commission voted to issue a \$2,000 civil penalty for violations of T.C.A. §62-13-312(b)(3) and (4)(pursuing flagrant course of misrepresentation through advertisements) and (misleading or untruthful advertisements) and require a 4-hour contracts course above and beyond what is required within 180 days of signing the Consent Order.

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

20. 2018053501

Opened: 8/6/2018

First Licensed: 11/14/2005

Expires: 5/22/2019

Type of License: Real Estate Broker

History: 2010 Citation for Failure to Maintain E&O Insurance

Recommendation: \$1,000 civil penalty for failure to provide the inspection report.

Decision: The Commission voted to authorize a Consent Order assessing a \$2,000 civil penalty for violations of T.C.A. §62-13-312(b)((20)(fraudulent or improper dealings) and T.C.A. §62-13-403(1)(skill and care) and require a 4-hour Agency course above and beyond what is required within 180 days of signing the Consent Order.

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

21. REDACTED

22. 2018061831

Opened: 8/29/2018

First Licensed: 1/11/2006

Expires: 8/27/2019

Type of License: Principal Broker

History: 2014 Consent Order, 2016 Consent Order, 2017 Agreed Citation, 2017 Consent Order

Recommendation: Discuss.

Decision: The Commission voted to authorize a Consent Order downgrading the Respondent's license from "Broker" status to "Affiliate Broker" status for a mandatory minimum of twelve (12) months.

Motion made by Commissioner Taylor, seconded by Commissioner Diaz. Motion passed u6-1 with Commissioner McMullen voting no.

RE-PRESENT

23. 2018046171

Opened: 7/13/2018
First Licensed: 2/19/2008
Expires: 2/9/2020
Type of License: Affiliate Broker
History: None

Recommendation: \$1,000 civil penalty for failure to respond.

Decision: The Commission voted to issue a Consent Order with a \$1,000 civil penalty and require four (4) hours of continuing education in agency, above and beyond what is required for the maintenance of Respondent's license, to be completed within 180 days.

New Recommendation: Void Consent Order assessing a civil penalty for failure to respond and reconsider whether continuing education is still necessary.

New Decision: The Commission voted to dismiss this complaint.

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

DENARD MICKENS

24. 2018045871

Opened: 7/11/2018
First Licensed: 6/29/1973
Expires: 7/2/2020
Type of License: Principal Broker
History: None

Recommendation: Close and flag – the complaint can be reopened and updated once the FBI, US Attorney, and other applicable agencies have reached a decision.

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

Motion made by Commissioner Wood, seconded by Commissioner Taylor. Motion passed 6-0 with Commissioner McMullen abstaining.

SARA PAGE

25. 2012026631 ("Respondent Broker")

Opened: 12/12/12
First Licensed: 02/05/1990
Expires: 06/08/2019
Type of License: Real Estate Broker
History: None.

26. 2012026632 (“Respondent Firm”)

Opened: 12/12/12

First Licensed: 04/01/2005

Expires: 10/09/2020

Type of License: Real Estate Firm

History: None.

Previous Recommendation: As to Respondent 1, Consent order for a one year license suspension; \$1,000, for violation of T.C.A. § 62-13-312(b)(20)(improper, fraudulent or dishonest dealing), (14); \$1,000 for violation of T.C.A. § 62-13-404(2)(failure to be loyal to the interests of the client); \$1,000 for violation of T.C.A. § 62-13-403(7)(self-dealing without disclosure in writing); \$6,000 (\$1000 each) for 6 violations of T.C.A. § 62-13-404(1)(obeying all lawful instructions of the client); \$6,000 (\$1000 each) for violations of 62-13-312(b)(17)(paying, accepting, giving or charging any undisclosed commission) – for a total of \$15,000; plus attendance at one entire regularly scheduled meeting of the Commission within 180 days of execution of the consent order. As to Respondent 2, Dismiss.

Previous Commission Decision: The Commission voted for revocation of Respondent 2’s license. For Respondent 1, Consent Order for two (2) year license suspension, downgrade to affiliate broker status upon reinstatement of Respondent’s license after the two (2) year period, \$1,000, for violation of T.C.A. § 62-13-312(b)(20)(improper, fraudulent or dishonest dealing), (14); \$1,000 for violation of T.C.A. § 62-13-404(2)(failure to be loyal to the interests of the client); \$1,000 for violation of T.C.A. § 62-13-403(7)(self-dealing without disclosure in writing); \$6,000 (\$1000 each) for 6 violations of T.C.A. § 62-13-404(1)(obeying all lawful instructions of the client); \$6,000 (\$1000 each) for violations of 62-13-312(b)(17)(paying, accepting, giving or charging any undisclosed commission) – for a total of \$15,000, plus attendance at one entire regularly scheduled meeting of the Commission within 180 days of execution of the consent order.

New Recommendation: Close and flag.

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

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

SHILINA BROWN

27. 2017044821

Opened: 7/11/17

Type of License: Unlicensed

History: None

Previous Recommendation: This Respondent is not in Tennessee and there is no address to deliver any consent order. Issue a consent order for \$1,000.00 for unlicensed practice, but this will be in litigation and it will be difficult to impossible to secure service.

Previous Decision: Commission votes to issue a consent order for a \$1,000 civil penalty for violation of T.C.A. § 62-13-301 (engaging in real estate capacity without a license) and referral to appropriate district attorney's office.

Update:

New Recommendation: Close and Flag.

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

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

Chairman John Griess adjourned the Board meeting at 1:15PM CST.