



**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 May 9, 2019 at 8:30 a.m. CST in the Germantown City Hall located at 1930 S. Germantown Road, Germantown, TN 38138. 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, Vice-Chair Marcia Franks, Commissioner Diane Hills, Commissioner Bobby Wood, Commissioner Geoffrey Diaz, and Commissioner Fontaine Taylor. Commissioner Richard Douglass and Commissioner Austin McMullen 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, Executive Director Caitlin Maxwell, and Education Director Ross White.

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

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

Minutes for the April 17, 2019 board meeting were submitted for approval.

Motion to approve the April 17, 2019 minutes was made by Commissioner Diaz, and seconded by Commissioner Hills. Motion passed unanimously.

INFORMAL APPEARANCES

Anthony Willoughby appeared before the Commission seeking approval to test for his Real Estate license.

Motion to deny Mr. Willoughby was made by Vice-Chair Franks, and seconded by Commissioner Taylor. Motion passed 5-1 with Commissioner Diaz voting against.

MEDICAL WAIVER

Executive Director Maxwell presented Michael Feimster before the commission. Mr. Feimster sought a medical waiver for late fees.

Motion to approve Mr. Feimster's medical waiver was made by Commissioner Diaz, and seconded by Commissioner Vice-Chair Franks. Motion passed unanimously.

EDUCATION REPORT

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

Motion to approve courses M1-M30 with the exception of M5 and M6 was made by Vice-Chair Franks, and seconded by Commissioner Hills. Motion passed unanimously.

After discussion a motion to approve M5-M6 was made by Vice Chair Franks, and seconded by Commissioner Diaz. Motion passed 4-2 with Commissioner Wood and Commissioner Diaz voting against.

Education Director Ross White presented Instructor Biographies to the Commission.

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

EXECUTIVE DIRECTOR'S REPORT

Executive Director Caitlin Maxwell updated the Commission on the upcoming Education Provider's Roundtable session to be held on May 15, 2019. In addition to upcoming Outreach sessions with: Williamson County, GNAR Leadership, and Memphis Association of Realtors.

COMMISSION DISCUSSIONS

The commission discussed the Annual ARELLO Conference to be held September 18-21 in Denver, Colorado. Commission voted to send Vice-Chair Franks and Commissioner Diaz to the

Annual Conference. In addition the Commission voted to send the Education Director and legal counsel. In addition the Commission voted to hold the October Commission meeting in Farragut, Tennessee.

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: 2018086621, 2018084961, 2018084971 and 2018085011. Commissioner Wood made the motion to accept the recommendation of legal counsel for cases 1-22, seconded by Commissioner Diaz. Motion passed unanimously.

After further discussion by the Commission, Commissioner Taylor, made the motion to accept the recommendation of legal counsel to dismiss cases 2018086621, seconded by Commissioner Diaz. Motion passed 5-1 with Vice-Chair Franks voting against.

After further discussion by the Commission, Vice-Chair Franks, made the motion to accept the recommendation of legal counsel to dismiss cases 2018084961, 2018084971, and 2018085011 seconded by Commissioner Wood. Motion passed unanimously

1.) 2018083791	14.) 2018085481	
2.) 2018084211	15.) 2018082151	
3.) 2018085581	16.) 2018080731	
4.) 2018085521	17.) 2018084961	
5.) 2018086881	18.) 2018084971	
6.) 2018086911	19.) 2018085011	
7.) 2018086731	20.) 2018085491	
8.) 2018086621	21.) 2018082731	
9.) 2018088051	22.) 2018078391	
10.)2018090121		
11.)2019002731		
12.) 2018085681		
13.)2018085061		

LEGAL REPORT:

KELSEY BRIDGES

1. 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).

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

2. 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.

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

3. 2018086141

Opened: 12/6/2018

First Licensed: 2/3/2017

Expires: 12/31/2020

Type of License: Real Estate Commission Course Instructor

History: None

Recommendation: \$500 civil penalty.

Decision: The Commission voted to authorize a \$1,000 civil penalty for failure to respond and suspend Respondent's license Instructor license for six (6) months.

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

4. 2018088311

Opened: 12/14/2018

Type of License: Unlicensed

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.

5. 2018088241

Opened: 12/13/2018

Type of License: Unlicensed

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.

6. 2018089571

Opened: 12/18/2018

First Licensed: 4/13/2016

Expires: 4/12/2020

Type of License: Affiliate Broker

History: None

Recommendation: Continuing education related to advertising to be completed within 180 days and a \$1,000 civil penalty for unlicensed activity.

Decision: The Commission voted to authorize a \$1,000 civil penalty for unlicensed activity and a \$1,000 civil penalty for violation of Tenn. Code Ann. §62-13-302.

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

Additionally, the Commission voted to open a complaint against the principal broker.

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

KEITH MCCARTHY

7. 2018088831

Opened: 12/14/2018

First Licensed: 6/16/2016

Expires: 6/15/2018

Type of License: Real Estate Firm

History: None

Recommendation: Close and flag.

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

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

8. 2018082321

Opened: 11/26/2018

First Licensed: 4/9/2012

Expires: 4/8/2020

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 Taylor. Motion passed unanimously.

9. 2018082791

Opened: 11/27/2018

First Licensed: 8/2/2000

Expires: 7/9/2019

Type of License: Real Estate Broker

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.

10. 2018082811

Opened: 11/27/2018

First Licensed: 9/16/2016

Expires: 9/15/2020

Type of License: Affiliate Broker

History: None

Complainants are Tennessee consumers. Respondent is the principal broker employed by the real estate firm discussed in Complaint # **2018082321** above.

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.

11. 2018082061

Opened: 11/21/2018

First Licensed: 5/21/2010

Expires: 7/23/2019

Type of License: Principal Broker

History: None

Recommendation: Counsel recommends issuing a civil penalty in the amount of five hundred dollars (\$500.00) for violations of Tenn. Code Ann. §§ 62-13-312(b)(7) and 62-13-403(1) for failure to exercise reasonable skill and care.

Decision: The Commission voted to dismiss this complaint.

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

12. 2018080341

Opened: 11/15/2018

First Licensed: 9/8/2016

Expires: 9/7/2020

Type of License: Affiliate Broker - Retired

History: None

Recommendation: \$500 civil penalty for unlicensed activity.

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

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

13. 2018081501

Opened: 11/19/2018

First Licensed: 1026/1998

Expires: 12/16/2019

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 Diaz. Motion passed unanimously.

14. 2018081661

Opened: 11/20/2018

First Licensed: 3/20/1986

Expires: 10/6/2020

Type of License: Principal Broker

History: 2009 Consent Order

Recommendation: Letter of Warning (Disclosure of Personal Interest).

Decision: The Commission voted to issue a Letter of Instruction regarding the proper use of and fully completing the confirmation of agency form.

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

15. 2018087121

Opened: 12/11/2018

First Licensed: 11/8/2011

Expires: 11/7/2017

Type of License: Vacation Lodging Services Firm

History: None

Recommendation: \$1,000 civil penalty for unlicensed activity or \$500 civil penalty with proof of licensure within ninety (90) days.

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

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

16. 2018083051

Opened: 11/27/2018

First Licensed: 4/1/2016

Expires: 3/30/3020

Type of License: Vacation Lodging Services Firm

History: None

Recommendation: Dismiss.

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

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

17. 2018081701

Opened: 11/20/2018

First Licensed: 1/22/2018

Expires: 1/21/2020

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

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

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

18. 2018086641

Opened: 12/10/2018

First Licensed: 1/26/2018

Expires: 1/25/2020

Type of License: Affiliate Broker

History: None

Recommendation: Letter of Warning advising Respondent of duties required for Tenn. Code Ann. §§ 62-13-403 and 62-13-404.

Decision: The Commission voted to issue a Letter of Warning advising Respondent of duties required for Tenn. Code Ann. §§ 62-13-403 and 62-13-404 and to require a four (4) hour contracts class to be completed in one hundred eighty (180) days, above and beyond their continued education requirements.

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

19. 2018080371

Opened: 11/14/2018

First Licensed: 9/21/2006

Expires: 9/20/2020

Type of License: Affiliate Broker

History: None

Companion Case to 2018079831 and 2018079891

Recommendation: \$500 civil penalty for violation of T.C.A. 62-13-312(b)(20) and an Ethics Course to be taken within 180 days.

Decision: The Commission voted to authorize a \$1,000 civil penalty for violation of T.C.A. 62-13-312(b)(20) and an Ethics Course to be taken within 180 days, above and beyond their required continued education requirements.

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

20. 2018079831

First Licensed: 6/26/2015

Expires: 6/25/2019

Type of License: Affiliate Broker

History: None

Companion Case to 2018080371 and 2018079891

Recommendation: \$500 civil penalty for violation of T.C.A. 62-13-312(b)(20) and an Ethics Course to be taken within 180 days.

Decision: The Commission voted to authorize a \$1,000 civil penalty for violation of T.C.A. 62-13-312(b)(20) and an Ethics Course to be taken within 180 days, above and beyond their required continued education requirements.

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

21. 2018079891

Opened: 11/13/2018

First Licensed: 2/10/1995

Expires: 12/12/2019

Type of License: Affiliate Broker

History: None

Companion case to 2018080371 and 2018079831

Recommendation: \$500 civil penalty for violation of T.C.A. 62-13-312(b)(20) and an Ethics Course to be taken within 180 days.

Decision: The Commission voted to authorize a \$1,000 civil penalty for violation of T.C.A. 62-13-312(b)(20) and an Ethics Course to be taken within 180 days, above and beyond their continued education requirements.

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

Chairman Griess adjourned the meeting at 1:00PM