An Official Publication of the Tennessee Real Estate Commission

Fall/Winter 2011

LONGEVITY RECOGNITION BREAKFAST HONORS MIDDLE TENNESSEE LICENSEES

The highlight for the month of November was the award ceremony for the Middle Tennessee licensees who have held a real estate license for 40 years or more. These ceremonies date back to 2008 when the late Commissioner Charles Haynes worked to get this recognition approved. Held in each grand division, the ceremonies are designed to honor all

those licensees who have had a real estate license 40 years or more.

The Middle Tennessee ceremony was held at the Bluegrass Country Club in Hendersonville. The Greater Nashville Association of Realtors® and RealTracs Solutions sponsored and hosted this well attended event. The morning was filled with reflection and the sharing of stories. The most discussed topics of the morning were the changes in the industry and the sharing of stories. A moment of silence was also taken to honor those licensees who have passed away. The contributions made by all of the early licensees are immeasurable and their legacy will not be forgotten.

TREC Welcomes New Staff

Lisa Musgrave has joined the Tennessee Real Estate Commission coming from Kelly Services. Having no previous knowledge of real estate, Musgrave



states she is enjoying the challenge of learning the process of becoming licensed in real estate. Lisa is a native of Nashville and a graduate of Stratford Comprehensive High School. She is an avid reader, enjoys working with the ladies ministry where she attends church, and her pride and joy are her two dogs, Barkley and Hershey.

Johnny Kidd was hired as an Auditor for the West
Tennessee Grand Division.
Kidd, a Lawrenceburg native, graduated from Lawrence
County High School and earned his BS and MBA in Accounting from the
University of Tennessee at Knoxville.
Prior to joining TREC, Kidd worked for 30 years developing accounting software for small to middle-sized companies. He also worked as a high school football official in Knoxville for the past 24 years.
Kidd's highlight game was working the 2008 TSSAA Class 2A Championship.

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Vacation Lodging Service - Designated Agent

On July 1, 2011, changes to the Vacation Lodging Services industry in Tennessee took effect. If a person named as a designated agent for a vacation lodging service firm has completed the course required pursuant to the act to be licensed as a designated agent prior to the effective date of the act or between the time the act was signed by the governor and July 1, 2011, such person shall **not** be required to retake any such course in order to be licensed as a designated agent by the Tennessee Real Estate Commission.

Below are some of the amendments made to Tennessee Code Annotated, section 62-13-104:

- "Designated agent" means an owner, principal, officer, or upper level manager of a vacation lodging services firm.
- Upon application for a firm license for a vacation lodging service and each renewal of the license, the firm shall designate one (1) individual from that firm who shall be individually licensed as a designated agent through the Tennessee Real Estate Commission. Such designated agent shall be responsible for the completion of training programs to be taught by an individual in the vacation lodging services business or other person who meets qualifications set by the Tennessee Real Estate Commission. Such training programs shall consist of instruction in the fundamentals of this subsection (b) and related topics. No person shall be licensed by the commission as a designated agent until such person completes the required eight-hour introductory course.
- Every two (2) years, as a requisite for the reissuance of a firm license for a vacation lodging service and for reissuance of the designated agent license, the firm shall furnish certification that the designated agent for the firm has completed eight (8) classroom hours in training programs approved by the commission.

- If a designated agent, as designated by a vacation lodging services firm, leaves or moves from the vacation lodging service firm, the firm or designated agent for such firm must notify the Tennessee Real Estate Commission within ten (10) days of such action. The vacation lodging service firm must replace the designated agent within sixty (60) days of such action and notify the commission of the name of the new designated agent. During such time period, all rules or regulations related to a vacation lodging service firm shall remain in full force and effect with respect to such a vacation lodging service firm until a designated agent is replaced. Any obligation or duty required to be fulfilled by the designated agent shall be fulfilled by another person in the vacation lodging service firm.
- A designated agent may serve as a designated agent for multiple offices of the same vacation lodging service firm within a fifty (50) mile radius of the principal office of the firm, but may not serve as a designated agent for multiple firms.
- The firm license and the license for the designated agent for the firm, and all renewals thereof, shall expire at the same time. If a license is issued to a designated agent following the date the firm license is issued or renewed, the license for the designated agent shall be issued or renewed so that it expires on the date the license of the firm is to expire. The commission is authorized to prorate the license for the designated agent or extend the date for the renewal of such a license to ensure the licenses expire concurrently.
- FOR AN APPLICATION, VISIT THE LINK LOCATED ON THE TREC HOME PAGE – OR– http://www.tn.gov/commerce/boards/trec/documents/APPL ICATIONFORDESIGNATEDAGENTLICENSE.pdf

ERRORS & OMISSIONS SUMMARY FACTS

- The average cost of a one (1) year E&O Policy for the year encompassing 2011 is \$176.09
- The most expensive is \$272.00 for New Mexico ahs they had the most dollars paid out per insured and a recent large payout.
- The least expensive is \$107.00 for Kentucky.
- Colorado had the most claims filed per licensee last year.
- All policies, except Tennessee and Nebraska, exclude appraisers from coverage and will only cover them by way of an endorsement and then only if the appraiser is also an active real estate licensee. The additional cost endorsement ranges from \$100-\$250 per year.
- A list of the uninsured shall be posted in every edition of this *News-Journal*.
- Review TCA § 62-13-112 Errors and omissions insurance in the TREC Manual.

In an effort to provide outstanding service to individuals who call the TREC office, all staff members are required to introduce themselves by name. When calling, please note the name of the staff person with whom you spoke, in case you need to contact that person again.

TREC Frequently Asked Questions

Licensees are responsible for complying with all statutes, rules and policies of the Tennessee Real Estate Commission. The answers provided here are based on statutes, rules and policies and fees listed are fees in effect at the time of publication and all are subject to change.

Q. What is the mailing address?

The office mailing address:

A. Tennessee Real Estate Commission Davy Crockett Tower 500 James Robertson Parkway Nashville, Tennessee 37243-1151

Q. Where is the TREC office located? The Office location:

- **A.** Andrew Johnson Tower, 3rd Floor 710 James Robertson Parkway Nashville, Tennessee 37243
- Q. What are the normal business hours?
- **A.** The office is open 8:00 AM until 4:30 PM Central Time Monday-Friday. The office is closed on all federal and state holidays.
- Q. What are the telephone and fax numbers?

- **A.** The Telephone number is: (615) 741-2273 or 1 (800) 342-4031 The FAX number is: (615) 741-0313
- Q. What is the TREC website address?
- A. http://tn.gov/commerce/boards/trec/
- Q. What activities require a license?
- **A.** Any person who performs or offers, attempts or agrees to perform any single act defined in TCA § 62-13-102, is required to be licensed.

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The affiliate broker and broker examinations are divided into two sections: the national and state of Tennessee. Candidates that pass one section but fail the other need to retake only the section they failed. The passing score for one section of an examination is valid for two (2) retakes of the failed section or six (6) months, whichever comes first. The timeshare salesperson and acquisition agent exams are one-part.

For affiliate broker and broker examinations, candidates who fail the

fist attempt at the examination may retake it as soon as possible. However, a candidate cannot schedule until the day after completing the examination. Those who make a third attempt at the examination must wait thirty (30) days after the second attempt. Those who fail the third attempt must obtain an additional twelve (12) hours of approved education and wait thirty (30) days before making a fourth attempt. The twelve (12) "refresher" hours of approved education do not count towards continuing education. After the fourth attempt, any subsequent exams may be scheduled immediately with no waiting period. These rules do not apply to timeshare salesperson and acquisition agent exams.

You must correctly answer the score listed below to receive a passing score on each examination.

Examination	Portion	# of Items	Minimum Passing Score (% correct required)
Affiliate Broker	National	80	56 (70%)
	State	40	28 (70%)
Broker	National	80	60 (75%)
	State	50	38 (75%)
Timeshare	State	35	25 (70%)
Salesperson			
Acquisition Agent	State	35	25 (70%)

2012 Commission Schedule

TREC will continue to meet in each Grand Division in 2012. The Commission will hold their business meetings in Memphis, Jackson, Chattanooga, Nashville and in a to-be-determined location in East Tennessee. You are encouraged to attend to not only learn how business of TREC is handled but to also receive (8) eight hours of CE at no charge. If you are interested in attending or would like more information, contact Betsy Bowman at betsy.bowman@tn.gov.

January 12 – 13, 2012: Memphis
February 8 - 9, 2012: Nashville*
March 7 – 8, 2012: Nashville*
April 12 – 13, 2012: Chattanooga
May 9 – 10, 2012: Nashville*
June 6 - 7, 2012: Nashville*
July 12 – 13, 2012: Jackson
August 8 – 9, 2012: Nashville*
September 12 – 13, 2012: Nashville*
October 11 - 12, 2012: East Tennessee
– To Be Determined

November 7 - 8, 2012: Nashville *December 5 - 6, 2012: Nashville*

*Room 160, Davy Crockett Tower 500 James Robertson Parkway Nashville, Tennessee 37243

FAQ...cont.

Q. What may an unlicensed employee, assistant or secretary do?

- Answer the phone, forward calls and give information contained only on the listing agreement as limited by the broker.
- Fill out and submit listings and changes to any multiple-listingservice.
- **3.** Follow up on loan commitments after a contract has been negotiated and generally secure status reports on the loan progress.
- **4.** Assemble documents for closing.
- **5.** Secure public information from courthouses, utility districts, etc.
- **6.** Have keys made for listings.
- **7.** Place ads which have been approved by the Principal Broker.
- **8.** Receive, record and deposit earnest money, security deposits and advance rents under the direct supervision of the Principal Broker.
- **9.** Type contract forms for approval by licensee and Principal Broker.
- 10. Monitor licenses and personnel files.
- **11.** Calculate, print or distribute commission checks.
- **12.** Place signs on property.
- **13.** Order repairs as directed by the licensee
- **14.** Prepare for distribution fliers and promotional information which have been approval by the Principal Broker.
- 15. Deliver documents and pick up keys.
- **16.** Place routine telephone calls on late rent payments.
- **17.** Gather information for a comparative market analysis (CMA).
- **18.** Unlock property under the direction of a licensee.
- **19.** Disclose the current sales status of a listed property.

An unlicensed employee, assistant or secretary MAY NOT:

- **1.** Make cold calls by telephone or in person to potential clients.
- **2.** Show properties for sale and/or lease to prospective purchasers.
- **3.** Host open houses, home show booths or fairs.

- **4.** Discuss or explain listings, offers, contracts, or other similar matters with persons outside the firm.
- **5.** Negotiate any terms of a real estate transaction.
- **6.** Negotiate or agree to any commission split or referral fee on behalf of a licensee.
- **7.** Be paid any compensation which is dependent upon, or directly related to, a real estate transaction.

Q. May I pay an unlicensed assistant?

- **A.** Unlicensed assistants can be paid by the licensee for all clerical and secretarial activities conducted on behalf of the licensee. An unlicensed assistant cannot be compensated for the performance of duties that require a license.
- Q. I have a licensed assistant. How can I pay them for activities that require a license?
- A. A person engaged in activities that require a license must have a valid active license and be affiliated with a licensed real estate firm.
 Compensation received for activities that require a license must be paid by the licensed real estate firm where the assistant is affiliated.
- Q. I am a licensed auctioneer. I have a real estate license and I am affiliated with ABC Realty. I own a separate licensed auction firm, The Auction Company, licensed by the Tennessee Auctioneer Commission. Can I sell real property at auction using my real estate license and my auction firm license?
- A. NO. You can only sell real property through the licensed real estate firm where you are affiliated. Your licensed auction firm could sell real property only if it obtained a real estate firm license. A real estate firm must have a principal broker. You would then need to transfer your license to the new real estate firm in order to be able to act as a real estate agent for The Auction Company.
- Q. I am licensed in another state. Can

- I visit Tennessee to list or sell real estate and "partner" or "cooperate" with a Tennessee licensee in order to avoid obtaining a Tennessee real estate license?
- A. NO. A real estate licensee from another state or jurisdiction cannot "cooperate" or "partner" with a Tennessee licensee in order to conduct business that requires a real estate license in this state without obtaining a license issued by the Tennessee Real Estate Commission (TREC). A licensed Tennessee broker may pay a commission to a licensed broker of another state provided such non-resident broker does not conduct in this state any of the negotiations for which a commission is paid. See: TCA § 62-13-302.
- Q. A lawyer has contacted me and wants to send a referral and receive a referral fee from my firm. Can I pay him a referral fee?
- **A.** A lawyer can only receive a referral fee or commission if they are properly licensed as a real estate broker or affiliate and the compensation is paid to them by the licensed real estate firm where they are affiliated.
- Q. How do I obtain a real estate license in Tennessee?
- **A.** The TREC website contains information concerning licensure.
- Q. What could keep me from obtaining a Tennessee Real Estate License?
- A. The Commission very carefully examines all applications. Applicants who have been convicted of, pled nolo contendere to, pled guilty to or been granted first offender treatment upon being charged with any criminal offense other than a traffic violation or applicants who have held professional licenses which have been disciplined are thoroughly scrutinized. If you have a history of any of the above, you may seek a

FAQ...cont.

preliminary decision from the Commission prior to spending time and money taking the pre-licensing course and the examination by completing the "Application for Decision Regarding Prior Criminal Conviction (s) and/or Disciplinary Sanction(s)" and submitting it to TREC with required backup documentation.

Q. What do I need to send the Commission along with my application?

A. Documents required for an affiliate broker's license:

- Application with picture this is obtained at the testing center upon successful completion of the examination
- Proof of High School Graduation
- Proof of completion of pre-license education
- Proof of errors and omissions insurance policy
- Payment of all fees due.

Documents required for a broker's license:

- Application with picture this is obtained at the testing center upon successful completion of the Tennessee Broker's examination.
- Proof of errors and omissions insurance policy.
- Payment of all fees due.

Q. How do I retire my license?

A. If you wish to stop practicing real estate for any reason, but do not want to give up your real estate license, you may place your license in retirement. In order to retire your license you must complete a TREC Form 1 and submit it to TREC along with any fees. You must have completed all educational obligations prior to retiring your license. While in retirement, you cannot participate in any real estate transactions; however, you may receive commissions from transactions completed prior to retirement.

YOUR LICENSE AND **PAY** THE **RENEWAL FEE**.

Q. How do I reactivate my real estate license from an inactive or retired status?

- A. A TREC Form 1 should be completed in its entirety and mailed to TREC with the appropriate fee. You must obtain the required E&O coverage before your change to active status will be approved. Include Certification of Coverage Form or Alternate and Equivalent E&O Insurance Coverage Form with the TREC Form 1.
- Q. I am seeking to be licensed in another state or another profession and need the State of Tennessee to provide certification of my real estate license. How do I request this certification?
- **A.** The Certification Request form must be completed in its entirety and mailed to TREC with the appropriate fee.

Q. What are my education requirements?

- **A.** Affiliate Brokers:
 - Pre-license: 60 Classroom Principles Course and 30 Hour Course for New Affiliates.
 - Continuing Education: 16 hours total. The "TREC Core" course is a MANDATORY course.

Brokers:

- Pre-license: 120 hours including the 30 classroom hour "Office and Brokerage Management" course.
- Post-license: 120 hours during the first 3 years of licensure.

Continuing Education:

 Brokers licensed as Brokers after January 1, 2005, must complete continuing education requirements after completing post-license education, including the TREC Core course.

Timeshare Salespersons:

- Pre-license: 30 hours of classroom training
- Post-license: None
- Continuing Education: None

Q. What is the TREC Core Course?

- A. The TREC Core Course is a specific six (6) hour course designated by the Commission which is required to be taken by licensees who must complete the 16 hour continuing education requirement. Licensees should remember that a failure to complete the TREC Core Course will prevent renewal of the license even if the licensee completes a total of 16 hours of education. (The Commission could increase the number of hours in the required Core Course).
- Q. I want to take an education course in another state for a designation I am working on. Will I automatically get credit because it was given by the national association?
- A. NO. All courses must be preapproved by the Commission. You are responsible for ensuring that the courses you complete are approved by the Commission. The sponsor must apply for course approval prior to the course being given. TREC does not give retroactive credit.
- Q. Where can I check my Education Credits on file with TREC?

http://verify.tn.gov

Q. How should Deposits and Earnest Money be handled?

- **A.** Brokers are responsible at all times for deposits and earnest money accepted by them or their affiliate brokers, in accordance with the terms of the contract.
 - Rental deposits must be held in a separate account.
 - Funds should be disbursed or interplead within twenty-one (21) calendar days from the date of receipt of a written request for disbursement of earnest money.
- Q. What documents must a principal broker maintain as a part of the firm's records?
- **A.** Firms are required to keep records of

Attend and Receive CE at No Charge

You are invited to attend a TREC Seminar held in a location closest to you for updates from the Commission. All attendees who register and attend shall receive 2 hours of CE at no charge! Over 1,070 licensees have taken part in the last two years alone. Contact betsy.bowman@tn.gov or an Association listed to reserve your space early. These seminars are open to all licensees.

Date	Time*	Association	City	Facility
April 25, 2012	9 am – 11 am & 1 pm – 3 pm	Williamson County Association of REALTORS®	Franklin	@ WCAR® 1646 Westgate Cir, STE #104 Brentwood, TN 37027
April 26, 2012	9 am – 11 am & 1 pm – 3 pm	Southern Middle Tennessee Association of REALTORS®	Lewisburg	Columbia State- Lewisburg Campus 980 S Ellington Pkwy Lewisburg, TN 37091
May 30, 2012	9 am – 11 am & 1 pm – 3 pm	Clarksville Association of REALTORS®	Clarksville	@ CAR® 115 Center Pointe Dr. Clarksville, TN 37040
May 31, 2012	9 am- 11 am & 1 pm – 3 pm	Greater Nashville Association of REALTORS®	Nashville	@ GNAR® 4540 Trousdale Dr. Nashville, TN 37204
July 25, 2012	1 pm – 3 pm	Central West Tennessee Association of REALTORS®	Jackson	@CWTAR® 935 B Old Humboldt Road Jackson, TN 38305
July 26, 2012	9 am – 11 am & 1 pm – 3 pm	Memphis Area Association of REALTORS®	Memphis	@MAAR® 6393 Poplar Avenue, Memphis TN 38187- 1159
August 22, 2012	10 am – Noon	Upper Cumberland Association of REALTORS®	Cookeville	@UCAR® 1330B Neal St Cookeville, TN 38501
August 23, 2012	9 am – 11 am & 1 pm – 3 pm	Chattanooga Association of REALTORS®	Chattanooga	@CAR® 2963 Amnicola Hwy, Chattanooga , TN 37406
September 26, 2012	9 am – 11 am & 1 pm – 3 pm	Knoxville Area Association of REALTORS®	Knoxville	@KAR® 609 North Weisgarber Rd Knoxville, TN 37919
September 27, 2012	9 am – 11 am & 1 pm – 3 pm	Northeast Tennessee Association of REALTORS®	Grey	@NETAR® 105 Tri City Business Park Grey, TN 37615

^{*}Times listed reflect the local time of that location.

FAQ...cont.

all real estate transactions for a period of three years. These files must contain, at a minimum, the following:

- Listings
- Offers (Even offers that did not become contracts)
- Contracts

- Closing Statements
- Agency Agreements
- Agency Disclosure Documents
- Property Disclosure Forms
- Correspondence
- Notes
- Any Other Relevant Information

Q. What information must appear in all advertising?

A. Rule 1260-2-.12 ADVERTISING, provides the minimum information that must appear in all advertising including internet advertising. The firm name and firm phone number must appear in all advertising as well as every page of a website.

Q. May a Principal Broker act as a Principal Broker for two (2) firms?

- A. YES. The PB can act as a PB for both firms as long as the firms are in the same location. Same location means that both firms are located at and use the same physical address.
- O. Does TREC allow home offices?
- A. A licensee may have the main office or branch office of a firm in his home if the zoning allows a real estate office at that location. The office must have a firm license and Principal Broker.

O. How do I?

Transfer to a new firm?

Change my name recorded with TREC?

Change my residence address recorded with TREC?

Change my firm name as recorded with TREC?

Inactivate, retire or reactivate my license?

Change the firm's business address?

• The TREC Form 1. This form should be completed as indicated and returned to TREC with a check or money order to cover the required fees for all the requests as stated on the form. For some changes other documents are required. The instructions are found either on the back of the TREC Form 1 or on the second page if the form is downloaded. All information is available on the TREC website.

ERRORS & OMISSIONS

Ewoldt, Anita License # 317960 Savannah, TN

Taylor, John License # 320350 Madison, TN

Williams, John License # 307480 Bristol, TN

Johnson, Shanna License # 278245 Knoxville, TN

Langbehn, Cathy License # 288255 Middlesboro, KY

Colleran, Vivian License # 258865 Sevierville, TN

King, Victor License # 322593 Gatlinburg, TN

Marshall, Cheri License # 282095 Nashville, TN

McMahan, Patty License # 277664 Clinton, TN

Reddice, Ida License # 284140 Memphis, TN

Howard, Ralph License # 257402 Knoxville, TN

Cunningham-Arnold, Sherry License # 306983 Butler, TN

Giles, Christopher License # 317034 Oliver Springs, TN

Arciga, Hector License # 315589 Arlington, TN Guinn, Kenneth License # 51537 Memphis, TN

Spurgeon, Cynthia License # 320898 Trenton, GA

Baranski-Lovelace, Dawn License # 321122 Pigeon Forge, TN

Bischoff, Dawn License # 259639 Gatlinburg, TN

Thompson, Darla License # 280709 Brentwood, TN

Stubblefield, Kristofer License # 307083 Sewanee, TN

Cooley, LaShanya License # 314244 Memphis, TN

Wolbach, Charles License # 321607 Knoxville, TN

Cassetty, Jim License # 8407 Hendersonville, TN

Clem, Amy License # 306292 Elkmont, AL

Cummings, David License # 296150 Columbus, GA

Dickerson, Catherine License # 237690 La Vergne, TN

Green, Laura License # 268957 Lake Toxaway, NC

Lee, Donald License # 240848 Manchester, TN Oglesby, Scott License # 320337 Bartow, FL

Shelton, Rose License # 283117 Marshall, NC

Thompson-Irvin, Nina License # 266143 Memphis, TN

Vincent, Jay License # 201698 Union City, GA

Williams, Stephen License # 289273 Powder Springs, GA

Bowers, Alicia License # 280874 Nashville, TN



- The Code of Ethics course is a requirement for the National Association of REALTORS® and not TREC
- Mail is not forwarded from TREC. Inform TREC of any address change by completing a TREC Form 1 at no charge
- Funds in escrow must be dispersed or interplead within twenty-one (21) calendar days from the date of receipt of a written request for disbursement of earnest money
- Preserve your real estate files for three (3) years
- To check your education online, visit http://verify.tn.gov/
- Every licensee has their own personal expiry date
- You will owe (16) hours of CE every licensing period: (6) hour Mandatory TREC Core and (10) hours of elective education
- Office Broker Management is a pre-licensing course only
- TREC only recognizes an Active and Retired Status. Broker Release and Inactive are non-renewable license statuses
- A licensee has (10) days to answer a complaint received by the Commission
- A copy must be given of any listing, sale, lease or other contract relevant to a real estate transaction at the time of execution to all signatories
- When Broker Released, affiliate with another firm or retire your license within ten (10) days
- Always pick-up and sign for Certified Mail sent from TREC

NOTIFICATION OF ADDRESS CHANGE

Have you recently moved?? If yes, then TREC needs to know!! It is important to notify TREC of your change of address. We need this information because a growing number of licensees are not in constant contact with their firm. The process is fast and easy and of course NO CHARGE! Go online to www.tn.gov/commerce/boards/trec/forms and download the Transfer, Release and Change of Status Form (TREC Form 1) and submit to us. We will update your file. Make sure to provide all your information including your license number.



(615) 741-2273 or (800) 342-4031 www.tn.gov/commerce/boards/tree

PERSONNEL & AREAS OF RESPONSIBILITY

Administration

Executive Director:

Eve Maxwell

Education Director:

Stephen McDonald

Legal:

Mark K. Green

Administrative Assistance:

Betsy Bowman Kelly McDermott Lisa Musgrave

Office Manager:

Dennis Hodges

Board Meetings:

Kelly McDermott

Complaints:

Conell House

Licensing:

Patricia Appleton
Kim Dorris
Gil Dyer
Rachel Fowler
Deborah Malugen
Karen Patton
Richard Thomas
Paula VanBuren

Reception & Records Management:

Ken Spurlock Linda Wolfert

Errors & Omissions Insurance:

Contractor for 2011-2012

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"The Tennessee Department of Commerce and Insurance is committed to principles of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 253-7685.

Tennessee Real Estate Commission

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