



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE REAL ESTATE COMMISSION
500 JAMES ROBERTSON PARKWAY
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<http://www.tn.gov/commerce/section/real-estate-commission>

MINUTES

The Tennessee Real Estate Commission held a meeting August 22, 2016 at 9:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Vice-Chairman McMullen.

McMullen, Board Vice Chairman welcomed everyone to the Board meeting.

Mr. Young, Executive Director called roll. The following Commission Members were present: Vice Chairman Commissioner Austin McMullen, and Commissioner Franks. Commission Members present by teleconference Chairman John Griess, Commissioner Diane Hills, Commissioner Fontaine Taylor, Commissioner Gary Blume, Commissioner, Rick Douglass, Commissioner Bobby Wood and Commissioner Johnny Horne.

Others present: Executive Director Malcolm Young, Assistant General Counsel Mallorie Kerby, Director of Licensing Kimberly Whaley, Mark Green, and Assistant Commissioner Brian McCormack and Commission Staff Brooke Wagner.

Executive Director, Malcolm Young called roll for all Commission members. Mr. Young then called roll for all those licensees' participating in the meeting via teleconference. The following licensees were present: Thomas Saul, Judy Roark, Neely Cronche, Paula Patterson, Kyle Mullikan. Licensees present via teleconference were as follows: Charles Knoll, Tom Patterson, Vernon Watson, Guy Richie, James Jones, Julie Ratbaugh, Eric Johnson, Tim Seay, Carol Blalock, Daniel Harder, Kim Yearwood, Mark Hall, and Robin Lefuers.

Mr. Young read the public notice into the record.

Recommendation for the matters to be considered by the Tennessee Real Estate Commission at this meeting regarding the processing of reinstatement orders while a proposed rule removing meeting attendance requirements is pending, the effect of previously entered orders after the effectiveness of the new rule, and consideration of an emergency rule require timely action by the Commission, a physical presence by a quorum of the members is not practical within the period of time requiring action, and participation by a quorum of the members by electronic or other means of communication is necessary.

Motion by Commissioner Griess, seconded by Commissioner Franks. Approved by roll call vote 7-2, Commissioner Woods and Commissioner Taylor against.

Recommendation that the Tennessee Real Estate Commission, based on the pendency of the rule removing the attendance requirement to consider attendance wither physical or electronic of this meeting the attendance of regularly scheduled meeting by those attendees.

Motion by Commission Griess, seconded by Commissioner Franks. Approved by roll call vote 9-0.

Commissioner Griess and Commissioner Wood excused themselves from the call.

Recommendation based on the pendency of the rule removing the attendance requirement, to not taking disciplinary action against a person solely for acting as a licensee acting on an expired license who has completed all other requirements for reinstatement except for attending a meeting of the commission.

Motion by Commission Franks, seconded by Commissioner Douglass. Approved by roll call vote 7-0.

Recommendation with the understanding of the adoption of the new rule that no licensee who

had previously begun the reinstatement process is required needs to attend a meeting although the licensee must meet all other requirements for reinstatement at the time of reinstatement.

Motion by Commissioner Franks, seconded by Commissioner Hills. Approved by roll call vote 7-0.

Recommendation of the adoption for the request of an emergency rule be approved and enacted by the State of Tennessee Attorney General, “Although the Tennessee Real Estate Commission has previously adopted a rule to eliminate the meeting attendance requirement for reinstatement, the new rule is not yet effective because it is under review by the State of Tennessee Attorney General. An immediate danger to the public welfare also exists from continued enforcement of the meeting attendance requirement because expired licensees are unable to complete transactions. Members of the public thus, are put in extreme hardship by the inability to complete these significant financial and logistical transactions that are for most people largest and most consequential transactions they will enter into their lifetimes”

Motion by Commissioner Horne, seconded by Commissioner Franks. Approved by roll call vote 7-0.

Recommendation to adopt emergency rule, consistent with prior rule removing attendance requirements for reinstatement.

Motion by Commissioner Horne, seconded by Commissioner Franks. Approved by roll call vote 7-0.

Recommendation that the Tennessee Real Estate Commission has reviewed the financial impact of adopting the emergency rule, this rule has no financial impact on local governments, the general assembly as reviewed by legal counsel.

Motion by Commissioner Franks, seconded by Commissioner Hills. Approved by roll call vote 7-0.

Vice-Chairman, Commissioner McMullen adjourned the meeting at 10:51 AM.