



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 November 7, 2018 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, Vice-Chairman Marcia Franks, Commissioner Bobby Wood, Commissioner Gary Blume, Commissioner Fontaine Taylor, Commissioner Austin McMullen, and Commissioner Richard Douglass. Commissioner Johnny Horne, was 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, paralegal Amanda Dean, Executive Director Caitlin Maxwell, Education Director Ross White, and TREC staff member Aaron Smith.

The November 7, 2018 board meeting agenda was submitted for approval.

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

Minutes for the October 4, 2018 board meeting were submitted for approval.

Motion to approve the October 4, 2018 minutes was made by Commissioner Hills and seconded by Commissioner Taylor. Motion passed unanimously.

INFORMAL APPEARANCES

Christopher Burgoon appeared before the Commission along with his Principal Broker Edward Zamora. Mr. Burgoon requested approval to obtain his Affiliate Broker license.

Motion to approve Mr. Burgoon was made by Commissioner Blume, and seconded by Commissioner Wood. Motion passed unanimously.

EDUCATION REPORT

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

Motion to approve courses N1-N33 was made by Vice Chairman Franks and seconded by Commissioner Hills.

Motion to approve Instructors presented was made by Vice Chairman Franks and seconded by Commissioner Hills, with exception to April Beck held for further discussion. Motion passed unanimously.

Further discussion regarding April Beck, a motion to hold approval for 30 days pending updated qualification, and education was made by Commissioner Wood, and seconded by Commissioner Blume. Motion approved unanimously.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Caitlin Maxwell updated the Commission on Errors and Omissions Insurance renewals. In addition to advising the Commission on the vacancy of the Administrative Manager's position open within the Tennessee Real Estate Commission.

MEDICAL WAIVER REQUEST

Executive Director Caitlin Maxwell, on the behalf of David Taylor, presented before the Commission, the request for waiver of penalty fees for late renewal and license reinstatement due to medical issues.

Motion to approve the medical waiver request was made by Commissioner Hills and seconded by Commissioner Taylor. Motion passed 7-0 with Chairman Griess abstaining.

Executive Director Caitlin Maxwell, on the behalf of Felicia Bivens, presented before the Commission, the request for waiver of penalty fees for late renewal and license reinstatement due to medical issues.

Motion to approve the medical waiver request was made by Commissioner Douglass and seconded by Commissioner McMullen. Motion passed unanimously.

Executive Director Caitlin Maxwell, on the behalf of Sherri Howse, presented before the Commission, the request for waiver of penalty fees for late renewal and license reinstatement due to medical issues.

Motion to approve the medical waiver request was made by Commissioner McMullen and seconded by Vice Chairman Franks. Motion failed 2-6 and the request was therefore denied.

COMMISSION DISSCUSSIONS

"Commissioner Lawrence appeared at the meeting to discuss with the Commission the possibility of reducing the amount of meetings per year. No decision was made, but the Commission is taking the proposal under advisement."

INFORMAL APPEARANCE

Attorney David Grimmet appeared before the commission on behalf of Stephanie Reece. He requested to appeal to the commission Ms. Reece's license revocation. The Commission stated they do not have statutory authority to grant a hearing. No further action was taken.

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: 2018033911, 2018039861, and 2018040911. Commissioner Wood made the motion to accept the recommendation of legal counsel for cases 1-33 with the exception of cases 1, 11, and 12; seconded by Commissioner Franks. Motion passed unanimously.

The Commission pulled the following cases for further discussion: 2018038221, 2018038531, 2018039001, 2018034891, 2018036581, 2018071941, and 2018036121. Commissioner Taylor made the motion to accept the recommendation of legal counsel for cases 34-86 with the exception of cases 34-36,44, 48, 71, and 74.

After further discussion by the Commission, Commissioner Wood made the motion to accept the recommendation of legal counsel to dismiss case 2018033911, seconded by Commissioner Franks. Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept the

recommendation of legal counsel to dismiss case 2018039861, seconded by Commissioner Franks. Commissioner Hills abstained. Motion passed unanimously.

After further discussion by the Commission, case 2018040911 was moved to the legal report.

After further discussion by the Commission, Commissioner McMullen made the motion to move case 2018038221 to the December meeting, seconded by Commissioner Griess. Motion passed unanimously.

After further discussion by the Commission, Commissioner McMullen made the motion to move case 2018038531 to the December meeting, seconded by Commissioner Griess. Motion passed unanimously.

After further discussion by the Commission, case 2018034891 was moved to the legal report.

After further discussion by the Commission, Commissioner Blume made the motion to accept the recommendation of legal counsel to dismiss case 2018036581, seconded by Commissioner Wood. Motion passed unanimously.

After further discussion by the Commission, Commissioner Blume made the motion to accept the recommendation of legal counsel to dismiss case 2018071941, seconded by Commissioner Wood. Motion passed unanimously.

After further discussion by the Commission, Commissioner Blume made the motion to accept the recommendation of legal counsel to dismiss case 2018036121, seconded by Commissioner Wood. Motion passed unanimously.

1) 2018033911	21) 2018050191	41) 2018034051	61) 2018057161	81) 2018057581
2) 2018034431	22) 2018053081	42) 2018034151	62) 2018054731	82) 2018060971
3) 2018034831	23) 2018054591	43) 2018034691	63) 2018054501	83) 2018067381
4) 2018036691	24) 2018056761	44) 2018034891	64) 2018054481	84) 2018059351
5) 2018037171	25) 2018060931	45) 2018035371	65) 2018043931	85) 2018067901
6) 2018037081	26) 2018061101	46) 2018036371	66) 2018063511	86) 2018064041
7) 2018038041	27) 2018061421	47) 2018036741	67) 2018060221	
8) 2018041241	28) 2018061661	48) 2018036581	68) 2018061331	
9) 2018038431	29) 2018064111	49) 2018036981	69) 2018065431	
10) 2018039501	30) 2018066681	50) 2018037291	70) 2018069521	
11) 2018039861	31) 2018067611	51) 2018037311	71) 2018071941	
12) 2018040911	32) 2018066411	52) 2018037331	72) 201806876	

13) 2018040671	33) 2018068241	53) 2018037351	73) 2018063091	
14) 2018058861	34) 2018038221	54) 2018037391	74) 2018036121	
15) 2018051201	35) 2018038531	55) 2018037031	75) 2018045501	
16) 2018045211	36) 2018039001	56) 2018039251	76) 2018064721	
17) 2018043341	37) 2018032271	57) 2018048691	77) 2018060971	
18) 2018045231	38) 2018033431	58) 2018059061	78) 2018046011	
19) 2018045851	39) 2018032841	59) 2018066761	79) 2018052621	
20) 2018047171	40) 2018033461	60) 2018056401	80) 2018055411	

Legal Report:

KELSEY BRIDGES

1. 2018015591

Opened: 3/8/2018
First Licensed: 6/6/2008
Expires: 10/17/2019
Type of License: Principal Broker
History: None

Recommendation: Revocation.

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

Motion made by Commissioner McMullen, and seconded by Commissioner Taylor. Motion passed unanimously with Commissioner Hills abstaining.

2. 2018030621

Opened: 5/10/2018
First Licensed: 4/12/2016
Expires: 4/11/2020
Type of License: Affiliate Broker
History: None

Recommendation: Letter of warning to Respondent and opening of administrative complaint against Respondent's principal broker for possible violations of T.C.A. § 62-13-309.

Decision: The Commission voted to issue a Consent Order with a \$500 civil penalty and open an administrative complaint against Respondent's principal broker for possible violations of T.C.A. § 62-13-309.

Motion made by Commissioner Wood, seconded by Vice-Chairman Franks. Motion passed 6-2 with Commissioner Douglass and Commissioner Blume voting against.

3. 2018034251

Opened: 5/25/2018

First Licensed: 3/25/2008

Expires: 3/24/2020

Type of License: Affiliate Broker

History: None

Recommendation: Letter of Warning.

Decision: The Commission voted to authorize a Consent Order regarding a licensee's responsibility to obtain written confirmation of disclosure of any personal interests involved in a real estate transaction in which they are acting in a representative capacity (T.C.A. § 62-13-403(7)(A)) with a \$1,000 civil penalty, 3 hour ethics class, and 4 hour contracts class above and beyond what is required for the maintenance of Respondent's license, to be completed within one hundred eighty (180) days of execution and entry of the Consent Order.

Motion made by Commissioner Blume, and seconded by Commissioner Wood. Motion passed 6-2 with Commissioner Douglass and Vice Chairman Franks voting against.

4. 2018036061

Opened: 6/4/2018

First Licensed: 8/4/2005

Expires: 7/17/2019

Type of License: Principal Broker

History: History: 2010 Agreed Order- Failure to maintain E&O insurance; 2016 Consent Order, \$24,000 civil penalty and TREC attendance- paying or accepting, giving or charging any undisclosed commission, rebate compensation or profit or expenditures for a principal or in violation of this chapter, and improper, fraudulent, or dishonest dealing

Recommendation: \$1,000 civil penalty.

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

Motion made by Commissioner McMullen, seconded by Commissioner Hills. Motion passed 6-2 with Commissioner Douglass, and Commissioner Wood voting against.

5. 2018036881

Opened: 6/6/2018
First Licensed: 5/3/2011
Expires: 5/2/2019
Type of License: Affiliate Broker
History: None

Recommendation: Letter of Warning.

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

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

6. 2018037271

Opened: 6/8/2018
First Licensed: 5/5/2008
Expires: 5/4/2020
Type of License: Affiliate Broker
History: None

Recommendation: Letter of Warning

Decision: The Commission voted to issue a Consent Order with a \$1,000 civil penalty and a 4 hour contracts class above and beyond what is required for the maintenance of Respondent's license, to be completed within one hundred eighty (180) days of execution and entry of the Consent Order. The Commission also voted to open a complaint against the co-agent.

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

7. 2018038171

Opened: 6/12/2018
First Licensed: 6/28/2018
Expires: 6/27/2020
Type of License: Vacation Lodging Service
History: None

Recommendation: Letter of warning.

Decision: The Commission voted to dismiss the complaint.

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

8. 2018038831

Opened: 6/14/2018

First Licensed: 6/23/2014

Expires: 6/22/2018

Type of License: Affiliate Broker, Expired

History: None

Recommendation: \$250 civil penalty for unlicensed activity.

Decision: The Commission voted to defer this until the December meeting and to recommend that Respondent become licensed before that time.

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

9. 2018038611

Opened: 6/14/2018

Type of License: Unlicensed

History: None

Recommendation: \$250 civil penalty for unlicensed activity.

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

Motion made Commissioner Blume, seconded by Commissioner Wood. Motion passed 6-2 with Commissioner McMullen, and Commissioner Douglass voting against.

10. 2018038961

Opened: 6/14/2018

First Licensed: 4/9/2018

Expires: 4/8/2020

Type of License: Vacation Lodging Service

History: None

Recommendation: \$250 civil penalty.

Decision: The Commission voted to dismiss this complaint.

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

11. 2018038631

Opened: 6/14/2018

First Licensed: 7/3/2018

Expires: 7/2/2020

Type of License: Vacation Lodging Service

History: None

Recommendation: \$250 civil penalty for unlicensed activity.

Decision: The Commission voted to dismiss this complaint.

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

12. 2018040911

Opened: 6/21/2018

First Licensed: 7/11/2013

Expires: 7/10/2019

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to issue a Consent Order for failure to exercise reasonable skill and care with a \$500 civil penalty and requiring 4 hours of continuing education in contracts above and beyond what is required for the maintenance of Respondent's license, to be completed within one hundred eighty (180) days of execution and entry of the Consent Order.

Motion made by Commissioner Wood and second by Vice Chair Franks. Motion passed 7-1 with Commissioner Douglass voting against.

NOTE REGARDING THE FOLLOWING COMPLAINT NUMBERS 13 THROUGH 23:

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.

13. 2018062551

Opened: 9/4/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

14. 2018061841

Opened: 8/29/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

15. 2018061891

Opened: 8/29/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

16. 2018059791

Opened: 8/21/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

17. 2018052631

Opened: 8/6/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

18. 2018050491

Opened: 7/30/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

19. 2018064691

Opened: 9/10/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

20. 2018064861

Opened: 9/12/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

21. 2018065711

Opened: 9/14/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

22. 2018077591

Opened: 11/01/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

23. 2018072211

Opened: 10/12/2018

Type of License: Unlicensed

History: None

Recommendation: Litigation monitoring.

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

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

RE-PRESENT

24. 201803040

Opened: 5/8/2018

First Licensed: 3/27/1975

Expires: 10/15/2020

Type of License: Principal Broker

History: 2017 Consent Order with \$2,000 civil penalty for acting for more than one party in a transaction and not being loyal to the interests of the client

Recommendation: \$1,000 civil penalty.

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

New information:

Recommendation: Dismiss.

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

Motion made by Commissioner Hills, seconded by Vice Chairman Franks. Motion passed 7-1 with Commissioner Wood voting against.

25. 2018024391

Opened: 4/16/2018

First Licensed: 8/10/2015

Expires: 8/9/2019

Type of License: Affiliate Broker

History: None

Recommendation: Litigation monitoring.

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

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

New information:

Recommendation: Dismiss.

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

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

ERICA SMITH

26. 2018038221

Opened: 7/31/2018

Type of License: Unlicensed

History: None

Recommendation: Dismiss.

Decision: The Commission voted to defer this until the December meeting and to recommend that Respondent become licensed before that time.

Motion made by Commissioner McMullen, and seconded by Chairman Griess. Motion passed unanimously.

27. 2018038531

Opened: 6/14/2018

Type of License: Unlicensed

History: None

Recommendation: Dismiss.

Decision: The Commission voted to defer this until the December meeting and to recommend that Respondent become licensed before that time.

Motion made by Commissioner McMullen, and seconded by Chairman Griess. Motion passed unanimously.

28. 2018039001

Opened: 6/15/2018

Type of License: Unlicensed

History: None

Recommendation: Dismiss.

Decision: The Commission voted to defer this until the December meeting and to recommend that Respondent become licensed before that time.

Motion made by Commissioner McMullen, and seconded by Chairman Griess. Motion passed unanimously.

29. 2018034891

Opened: 5/29/2018

First Licensed: 4/20/2011

Expires: 5/30/2019

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to issue a Consent Order for failure to exercise reasonable skill and care with a \$500 civil penalty and requiring 4 hours continuing education in contracts above and beyond what is required for the maintenance of Respondent's license, to be completed within one hundred eighty (180) days of execution and entry of the Consent Order.

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

30. 2018038681

Opened: 6/14/2018

Type of License: Unlicensed

History: None

Recommendation: Consent Order assessing a \$1,000 civil penalty for unlicensed activity in violation of TCA §62-13-301.

Decision: The Commission voted to defer this until the December meeting and to recommend that Respondent become licensed before that time.

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

31. 2018029021

Opened: 4/27/2018
First Licensed: 8/28/2007
Expires: 4/14/2019
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

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

Motion made by Chairman Griess, seconded by Commissioner Hills. Motion passed unanimously.

32. 2018028961

Opened: 4/27/2018
First Licensed: 5/12/1987
Expires: 9/9/2019
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 Taylor. Motion passed unanimously.

33. 2018029001

Opened: 4/27/2018
First Licensed: 2/16/2018
Expires: 2/15/2020
Type of License: Affiliate Broker
History: None

Recommendation: Letter of Warning for advertising violations and using improper designation in advertisements, as well as opening a complaint against Complainant and/or the principal broker in Complainant 2018029021 above (whomever was the active principal broker for Respondent at the time of the violations).

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

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

34. 2018034471

**Opened: 5/25/2018
First Licensed: 2/23/1989
Expires: 8/16/2020
Type of License: Real Estate Firm
History: None**

Recommendation: Consent Order assessing a \$1,000 civil penalty for two trust violations of TCA §62-13-312(b)(5) and (14), and Rule 1260-02-.09(11). Decision: The Commission voted to dismiss this complaint.

Motion made by Commissioner Wood, seconded by Chairman Griess. Motion passed unanimously.

35. 2018030441

**Opened: 5/29/2018
First Licensed: 08/10/1987
Expires: 02/15/2019
Type of License: Principal Broker
History: 2016047321 Consent Order for failure to supervise with \$1,000 civil penalty, 2016059001 Consent Order for failure to respond with \$1,000 civil penalty, 2016043491 Consent Order for failure to respond with \$500 civil penalty, 20150217251 Consent Order for failure to supervise with \$1,000 civil penalty and attendance at one TREC meeting or 6 hour CORE class**

Recommendation: Consent Order assessing a \$1,000 civil penalty for failure to supervise.

Decision: The Commission authorized a letter of warning and instruction.

Motion passed 7-1 with Commissioner Blume voting against.