



**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 08, 2020 at 8:37 a.m. CST at the Davy Crockett Tower located at 500 James Robertson Parkway, Nashville, TN 37243. The Meeting was called to order by Chairman John Griess. Chairman 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 Geoffrey Diaz, Commissioner Jon Moffett, Vice Chair Marcia Franks, Commissioner Bobby Wood, Commissioner Stacie Torbett, and Commissioner Joe Begley. Quorum Confirmed. Others present: Executive Director, Caitlin Maxwell, Associate General Counsel Anna D. Matlock, Associate General Counsel Kristen Downey, Chief Counsel Pamela Spicer, paralegal Amanda Dean, Education Director Ross White, and TREC Staff member Aaron Smith.

The January 8, 2020 board meeting agenda was submitted for approval.

Motion to approve the agenda was made by Commissioner Diaz, and seconded by Commissioner Torbett. Motion passed unanimously.

Minutes for the December 4, 2019 board meeting were submitted for approval.

Motion to approve the December 4, 2019 minutes was made by Vice Chair Franks, and seconded by Commissioner Diaz. Motion passed unanimously.

**INFORMAL APPEARANCES**

Craig Candage Jr. appeared before the Commission with his Principal Broker Christy Blackwell seeking permission to obtain his Affiliate Broker's license.

Motion to approve Mr. Candage was made by Vice Chair Franks, and seconded by

Commissioner Diaz. Motion passed unanimously.

Brent Nolan appeared before the Commission with his Principal Broker Lisa Mays seeking permission to obtain his Affiliate Broker's license.

Motion to approve Mr. Nolan was made by Commissioner Diaz, and seconded by Commissioner Moffett. Motion passed 4-3 with Commissioner Diaz, Commissioner Wood, and Vice Chair Franks voting against.

Jaqueline Roelke was present for the meeting, however without a Principal Broker Rule 1260-01-19 she was not able to appear before the commission.

### **EDUCATION REPORT**

Education Director Ross White presented the education report to the Commission.

Motion to approve courses J1-J41 was made by Commissioner Diaz, and seconded by Vice Chair Franks. Motion passed unanimously. Commissioner Wood recused himself on Courses J33 and J34.

Education Director Ross White presented instructor biographies to the Commission.

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

### **EXECUTIVE DIRECTOR'S REPORT**

#### **Topics:**

- **Filled Vacancy:** Director Maxwell informed the Commission the Reg Board Admin Assistant II position was filled, by Denny Lammers.
- **Welcome Letter:** Director Maxwell informed the Commission that "Welcome Letters" will start going out via email to licensees that upgrade to Broker and Initial Brokers while the finalization of the Initial Affiliate letter is being approved. These letters give valuable information as it relates to CE, EO, and change of status.
- **February Meeting:** A reminder was given as the February meeting will be on Tuesday instead of Wednesday. Commissioners are welcome to participate in the TR Association of REALTORS day on the hill.
- **Attorney General Request:** The Commission requested a clarification on statute 62-13-312 (11). Specifically to clarify whether the statute as written allows the broker to delegate responsibility for compensating affiliate brokers to another party.

- **Travel Policy:** Vice Chair Franks addressed the current travel policy to ensure the Commissioners in West/East Tennessee have the option to stay the second night, in the event of a one day meeting. Further discussion disclosed that commissioners have the right to stay the additional night, and staff would inquire before any cancellation if commissioners desired to stay.
- **Plan of Spending Funds:** Vice Chair Franks brought the idea of educating the public via; commercials, brochures, in addition to having more Commissioners to attend the ARELLO events. The purchasing of the 2020 Green Tennessee Real Estate Law Books was also offered, as a way to spend money.
- **Unscheduled Informal Appearances:** Vice Chair Franks inquired of the process regarding unscheduled informal appearances. The Commission discussed allotting a time for Informal Appearance giving the floor to speak.

### **RULE CHANGE:**

**Business Cards:** A motion to approve adding business cards to the advertising rules was made by Commissioner Wood and seconded by Chairman Griess. The motion failed with Commissioner Begley, Commissioner Diaz, Commissioner Franks, Commissioner Moffett, and Commissioner Torbett voting against.

**Advertising:** A motion to remove the “seller” from the listing agreement giving the “listing agent” the ability to advertise without the seller offering permission to do so. Motion by Commissioner Torbett, and seconded by Vice Chair Franks. Motion passed unanimously.

### **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: 2019069271, 2019069281, 2019071041, 2019070731, and 2019077421.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal’s recommendation to dismiss complaints 2019069271, seconded by Commissioner Diaz Motion passed unanimously.

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

legal's recommendation to dismiss complaints 2019069281, seconded by Commissioner Begley Motion passed 6-1 with Commissioner Wood voting against.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal's recommendation to dismiss complaints 2019070731, seconded by Commissioner Diaz Motion passed unanimously.

After further discussion by the Commission, Commissioner Wood made the motion to accept legal's recommendation to dismiss complaints 2019077421, seconded by Commissioner Diaz Motion passed unanimously.

1.) 2019066601	21.) 2019069971	41.) 2019077171
2.) 2019062821	22.) 2019070611	42.) 2019077421
3.) 2019063551	23.) 2019071071	
4.) 2019063571	24.) 2019071041	
5.) 2019066721	25.) 2019070731	
6.) 2019067321	26.) 2019072651	
7.) 2019067431	27.) 2019072601	
8.) 2019068551	28.) 2019073961	
9.) 2019068731	29.) 2019073231	
10.)2019069271	30.) 2019073271	
11.)2019069241	31.) 2019073461	
12.)2019069261	32.) 2019075051	
13.)2019069281	33.) 2019075111	
14.) 2019069431	34.) 2019075581	
15.)2019069901	35.) 2019075941	
16.)2019069421	36.) 2019076111	
17.)2019070041	37.) 2019076341	
18.)2019070181	38.) 2019076721	
19.)2019070251	39.) 2019077101	
20.)2019070551	40.) 2019077151	

**LEGAL REPORT:**

**KELSEY BRIDGES**

**1. 2019066631**  
**Opened: 8/5/2019**  
**First Licensed: 10/19/2017**  
**Expires: 10/18/2021**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Four-hour contracts course to be completed within 180 days and not to be counted towards Respondent's ongoing continuing education requirements plus a \$500 civil penalty.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Torbett. Motion passed unanimously.**

**2. 2019066961**

**Opened: 8/6/2019**

**First Licensed: 4/28/1990**

**Expires: 5/27/2021**

**Type of License: Principal Broker**

**History: None**

**Recommendation: Suspension or revocation.**

**Decision: The Commission voted to revoke the Respondent's license.**

**Motion made by Commissioner Diaz, seconded by Commissioner Torbett. Motion passed unanimously.**

**3. 2019067451**

**Opened: 8/7/2019**

**First Licensed: 5/10/2007**

**Expires: 5/9/2021**

**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 Moffett. Motion passed unanimously.**

**KRISTEN DOWNEY**

**4. 2019070711**

**Opened: 8/20/2019**

**First Licensed: 11/4/1987**

**Expires: 3/5/2020**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Letter of Warning regarding duties owed to clients.**

**Decision: The Commission voted to dismiss this complaint.**

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

**5. 2019071171**

**Opened: 8/22/2019**  
**First Licensed: 9/18/2018**  
**Expires: 9/17/2020**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: \$500 civil penalty for failure to exercise reasonable skill and care.**

**Decision: The Commission voted to dismiss this complaint.**

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

**6. 2019071851**

**Opened: 8/24/2019**  
**First Licensed: 7/19/2018**  
**Expires: 7/18/2020**  
**Type of License: Real Estate Firm**  
**History: None**

**Recommendation: Dismiss and refer to Contractors Licensing Board.**

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

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

**7. 2019072151**

**Opened: 8/26/2019**  
**First Licensed: 3/21/2001**

**Expires: 8/12/2020**  
**Type of License: Real Estate Firm**  
**History: None**

**Recommendation: \$1,000 civil penalty for failure to properly maintain escrow accounts.**

**Decision: The Commission voted to close and flag the complaint, and to open an administrative complaint against the principal broker.**

**Motion made by Chairman Griess, seconded by Commissioner Torbett. Motion passed unanimously.**

**8. 2019072551**

**Opened: 8/27/2019**  
**First Licensed: 7/25/2011**  
**Expires: 9/11/2021**  
**Type of License: Principal Broker**  
**History: 2014 Consent Order with \$500 civil penalty and attendance at a TREC meeting for advertising violations**

**Recommendation: \$1,000 civil penalty for unlicensed activity.**

**Decision: The Commission voted to assess a civil penalty of \$1,000.00 and for Respondent to complete a Principal Broker course within 180 days.**

**Motion made by Commissioner Wood, seconded by Commissioner Moffett. Motion passed unanimously.**

**9. 2019073991**

**Opened: 9/3/2019**  
**First Licensed: 3/9/1987**  
**Expires: 12/19/2019**  
**Type of License: Affiliate Broker**  
**History: None**

**Recommendation: Civil penalty of \$1,000 for failure to respond.**

**Decision: The Commission voted to issue a civil penalty of \$1,000 per property for six (6) properties for violations of Tenn. Code Ann. § 62-13-312(5), and a \$1,000 civil penalty for failure to respond, for a total civil penalty of \$7,000.**

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

**10. 2019074641**

**Opened: 9/4/2019**

**First Licensed: 7/18/2005**

**Expires: 7/17/2021**

**Type of License: Affiliate Broker**

**History: None**

**Recommendation: \$500 civil penalty.**

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

**Motion made by Commissioner Diaz, seconded by Commissioner Begley. Motion passed unanimously.**

**11. 2019074471**

**Opened: 9/4/2019**

**First Licensed: 3/5/2004**

**Expires: 5/28/2020**

**Type of License: Real Estate Broker**

**History: None**

**Recommendation: Letter of warning.**

**Decision: The Commission voted to issue a \$1,000 civil penalty for violations of T.C.A. § 62-13-310 and T.C.A. § 62-13-312(b)(16).**

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

**12. 2019075991**

**Opened: 9/10/2019**

**First Licensed: 11/27/2012**

**Expires: 11/26/2016**

**Type of License: Affiliate Broker - Expired**

**History: None**

**Recommendation: Letter of Instruction regarding the duties of an affiliate broker upon release from a brokerage as outlined in Rule 1260-02-.02.**

**Decision: The Commission voted to close and flag the complaint.**

**Motion made by Commissioner Torbett, seconded by Commissioner Diaz. Motion passed unanimously.**



**13. 2019073731**

**Opened: 9/2/2019**

**First Licensed: 11/5/1998**

**Expires: 6/8/2021**

**Type of License: Real Estate Firm**

**History: None**

**Recommendation: Dismiss.**

**Decision: The Commission voted to send a Letter of Warning to the firm and to open a complaint against the listing agent for failure to exercise reasonable skill and care.**

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

**Chairman Griess adjourned the meeting at 1:48 P.M.**