



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
TENNESSEE REAL ESTATE COMMISSION  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243  
615-741-2273  
<http://www.tn.gov/commerce/section/real-estate-commission>**

## **MINUTES**

The Tennessee Real Estate Commission held a meeting July 6, 2016 at 9:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman, Griess.

Griess, Board Chairman welcomed everyone to the Board meeting.

Mr. Young, Executive Director called roll. The following Commission Members were present: Chairman John Griess, Commissioner Diane Hills, Commissioner Franks, Commissioner Austin McMullen, Commissioner Fontaine Taylor, Commissioner Gary Blume, and Commissioner Johnny Horne. Commissioner Bobby Wood was absent. Others present: Executive Director Malcolm Young, Assistant General Counsel Mallorie Kerby, and Commission Staff Brooke Wagner

**AGENDA-** Motion made by Commissioner Hills and seconded by Commissioner Franks to approve the agenda. Motion carried unanimously.

### **MINUTES-**

Minutes for the June 1, 2016 board meeting were submitted for changes and/or approval.

Motion made by Commissioner Franks and seconded by Commissioner Taylor to approve the June 1, 2016 minutes. Motion carried unanimously.

Recognition of New Commissioner appointment of Rick Douglass from Memphis, TN replacing Janet DiChiara effective July 1, 2016. Janet DiChiara was commended for 5 years of service and dedication to the real estate profession.

## **SPECIAL APPEARANCES-**

Matthew Wakefield- ZenDesk

Mr. Wakefield presented information to the Commission regarding the new phone and online Customer Service center program, ZenDesk. His presentation included statistics related to amount of phone calls received within a 30-day period, customer satisfaction ratings, as well as customer hold times.

## **INFORMAL APPEARANCES-**

Gregory Wood- Personal appearance requested for Medical Waiver Consideration to retest and reapply. Request is unable to be granted by the Commission due to rules and laws set forth.

Application for Affiliate Broker licensure; Clifford Scott Mees

Motion made by Commissioner McMullen and seconded by Commissioner Franks to deny applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; James Dalton

Motion made by Commissioner McMullen and seconded by Commissioner Horne to approve applicant for licensure process. Motion carried unanimously.

Application for Affiliate Broker licensure; Diana Berry

Motion made by Commissioner Franks and seconded by Commissioner Horne to approve applicant for licensure process. Motion carried unanimously.

## **COMMISSION DISCUSSION:**

Education instructor training verification of confirming access and/or attendance at training. The Commission asked the Executive Director and the Education Director to present more information regarding at the August meeting.

Presentation of Agreed Citation Program requested to be finalized in August meeting.

2017 Commission Meeting Dates - Motion by Commissioner Franks seconded by Commissioner Taylor to approve Commission calendar for the 2017 meeting dates. Motion passes unanimously. Discussion of out of town locations would be determined at the August meeting.

Discussion of Informal Applicant process- Directed legal counsel to draft the current process into rule for discussion, revision and/or approval to be presented at the August meeting.

#### **EDUCATION REPORT:**

Motion made by Commissioner Franks to approve courses J1-J26 motion seconded by Commissioner Wood. Motion carried unanimously.

Motion made by Commissioner Franks to approve instructors J1-J26 and seconded by Commissioner Wood. Motion carried unanimously.

#### **LEGISLATIVE PROPOSAL UPDATE:**

##### **120 Hour New Broker Requirements-**

This legislative proposal includes an amendment to T.C.A. § 62-13-303(h) to change the amount of time given to complete the 120 hours from 3 years to 2 to line up with the renewal cycle.

##### **Change of Address-**

This legislative proposal includes an amendment to T.C.A. § 62-13-309 to require only the principal broker to notify the commission in writing of the change of firm address and pay the fee. It will have to be determined if T.C.A. § 62-13-313(b) would be affected by this change.

##### **Unlicensed Activity-**

This legislative proposal includes an amendment to T.C.A. § 62-13-110 authorizing the Real Estate Commission to assess a higher civil penalty than is presently allowed.

#### **EXECUTIVE DIRECTORS REPORT-**

##### **Review of Financial and Statistical Reports**

#### **LEGAL REPORT- Staff Attorney**

Appeal of complaint 2015008103- Motion by Commissioner Horne seconded by Commissioner Franks to not appeal the ALJ. Motion passes unanimously. Commissioner Hills recused.

1. 2015005651

Opened: 5/27/15

First License Obtained: 7/25/05

License Expiration: 4/6/16

E&O Expiration: 1/1/17

Type of License: Principal Broker

History: No Prior Disciplinary Action

*Previous Recommendation: Consent Order for Litigation Monitoring.*

*Previous DECISION: The Commission voted to accept the recommendation of legal counsel.*

Recommendation: Refer to analysis above.

Decision: The Commission voted to dismiss the complaint. Motion by Commissioner McMullen seconded by Commissioner Franks.

2. 2016004231

Opened: 1/27/16

First Licensed: 6/23/11

Expiration: 6/22/17

Type of License: Principal Broker

History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner McMullen.

3. 2016003801

Opened: 1/27/16

First Licensed: 8/27/98

Expiration: 12/19/16

Type of License: Broker

History: \$5000 civil penalty for failure to remit money, failing to preserve records, accepting commission from someone other than the broker, and escrow violation in 2015.

Recommendation: Consent order for \$500 for violation of T.C.A. § 62-13-403(1)(reasonable skill and care), plus \$500 for violation of T.C.A. § 62-13-312(b)(9)(using any real estate listing agreement form that fails to specify a definite termination date), plus CE to be determined by the Commission. Legal counsel defers to the Commission's expertise regarding standard industry practices for commercial transactions for any other potential violations.

Decision: The Commission voted to authorize a consent order for \$500 for violation of T.C.A. § 62-13-312(b)(9)(using any real estate listing agreement form that fails to specify a definite termination date) plus either attendance and successful completion of four hours of continuing education in contracts above and beyond the amount required for license renewal or attendance at one entire regularly scheduled meeting of the Commission, all to be completed within 180 days of execution of the consent order. Motion by Commissioner McMullen seconded by Commissioner Horne.

4. 2016003831

Opened: 1/27/16

First Licensed: 5/19/99

Expiration: 1/21/17

Type of License: Principal Broker

History: Consent order for \$4000 for FTS (2015), Final Order for \$1000 for FTS (2015),  
Consent Order for \$1000 for FTS (2015)

Recommendation: Consent order for \$500 for violation of T.C.A. § 62-13-312(b)(15(failure to supervise).

Decision: The Commission voted to authorize a Consent order for \$1000 for violation of T.C.A. § 62-13-312(b)(15(failure to supervise) plus either attendance and successful completion of four hours of continuing education in contracts or attendance at one entire regularly scheduled meeting of the Commission, all to be completed within 180 days of execution of the consent order. Motion by Commissioner McMullen seconded by Commissioner Taylor.

5. 2016003741

Opened: 1/27/16

First Licensed: 5/22/96

Expiration: 12/12/17

Type of License: Affiliate Broker

History: No Prior Disciplinary Action

Recommendation: Consent Order for \$500 for violation of T.C.A. § 62-13-401(an agency and sub-agency relationship shall not be assumed, implied, or created without a written bilateral agreement that establishes the terms and conditions of the agency or sub-agency relationship), plus at least 4 hours of continuing education in property management above the requirement for license renewal.

Decision: The Commission voted to authorized a Consent Order for \$1000 for violation of T.C.A. § 62-13-401(an agency and sub-agency relationship shall not be assumed, implied, or created without a written bilateral agreement that establishes the terms and conditions of the agency or sub-agency relationship), plus either attendance and successful completion of at least 4 hours of continuing education in property management above the requirement for license renewal or attendance at one entire regularly scheduled meeting of the Commission, all within 180 days of execution of the consent order. Motion by Commissioner Hills seconded by Commissioner Taylor.

6. 2016003761

Opened: 1/27/16

First Licensed: 5/22/96

Expiration: 12/12/17

Type of License: Principal Broker

History: No Prior Disciplinary Action

Recommendation: Consent Order for \$500 for violation of T.C.A. § 62-13-401(an agency and sub-agency relationship shall not be assumed, implied, or created without a written bilateral agreement that establishes the terms and conditions of the agency or sub-agency relationship) and \$500 for violation of Rule 1260-02-.09(5)(where a contract authorizes a principal broker to place trust money in an escrow or trustee account, the principal broker shall clearly specify in the contract (a) the terms and conditions for disbursement of the trust money) plus at least 4 hours of continuing education in property management above the requirement for license renewal.

Decision: The Commission voted to authorize a Consent Order for \$1000 for violation of T.C.A. § 62-13-401(an agency and sub-agency relationship shall not be assumed, implied, or created without a written bilateral agreement that establishes the terms and conditions of the agency or sub-agency relationship) and \$1000 for violation of Rule 1260-02-.09(5)(where a contract authorizes a principal

broker to place trust money in an escrow or trustee account, the principal broker shall clearly specify in the contract (a) the terms and conditions for disbursement of the trust money) plus attendance and successful completion of at least 4 hours of continuing education in property management above the requirement for license renewal to be completed within 180 days of execution of the consent order. Motion by Commissioner Blume seconded by Commissioner Taylor.

7. 2016003901

Opened: 1/27/16

First Licensed: 4/19/07

Expiration: 2/27/18

Type of License: Broker

History: No Prior Disciplinary Action

Recommendation: \$1000 consent order for violation of T.C.A. § 62-13-312(b)(20)(improper, fraudulent, or dishonest dealing). However, Counsel recommends reviewing the response from the Principal Broker in Complaint number 2016003921 below before making a determination in this matter.

Decision: The Commission voted to authorize a consent order for \$1000 for violation of T.C.A. § 62-13-312(b)(20)(improper, fraudulent, or dishonest dealing) and T.C.A. § 62-13-404(2)(failure to be loyal to the interests of the client) plus either attendance and successful completion of 6 hours of continuing education in ethics above the minimum for license renewal or attendance at one entire regularly scheduled meeting of the Commission, all within 180 days of execution of the consent order. Motion by Commissioner Blume seconded by Commissioner Franks.

8. 2016003921

Opened: 1/27/16

First Licensed: 8/23/94  
Expiration: 9/22/16  
Type of License: Principal Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss as to Respondent (Principal Broker). 11

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Taylor. Commissioner Horne abstained.

9. 2016004031  
Opened: 1/27/16  
First Licensed: 2/7/73  
Expiration: 3/10/17  
Type of License: Principal Broker  
History: Civil Penalty for failure to supervise (E&O) 2011

Recommendation: Counsel defers to the Commission's expertise as to whether this is of the nature of repairs expected to be disclosed on the property disclosure form as part of standard industry practice.

Decision: The Commission voted to dismiss the complaint. Motion by Commissioner Taylor seconded by Commissioner Franks.

10. 2016004731  
Opened: 2/2/16  
First Licensed: 1/19/99  
Expiration: 1/25/17  
Type of License: Principal Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

11. 2016004831  
Opened: 2/2/16  
First Licensed: 5/20/13  
Expiration: 5/19/17

Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

12. 2016004832  
Opened: 2/2/16  
First Licensed: 8/6/14  
Expiration: 8/5/16  
Type of License: Broker  
History: No Prior Disciplinary Action

13. 2016004833  
Opened: 2/2/16  
First Licensed: 8/21/02  
Expiration: 9/5/16  
Type of License: Broker  
History: No Prior Disciplinary Action

14. 2016004834  
Opened: 2/2/16  
First Licensed: 5/7/12  
Expiration: 5/6/16 (expired/inactive)  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss as to all Respondents.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

15. 2016005261  
Opened: 2/4/16  
First Licensed: 9/3/87  
Expiration: 11/1/16  
Type of License: Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

16. 2016007821  
Opened: 2/11/16  
First Licensed: 8/25/11  
Expiration: 08/24/17  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

17. 2016011401  
Opened: 3/01/16  
First Licensed: 3/31/86  
Expiration: 2/9/17  
Type of License: Principal Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

18. 201600801(1)  
Opened: 2/11/16  
First Licensed: 5/23/86  
Expiration: 1/30/18  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

19. 201600801(2)

Opened: 2/11/16  
First Licensed: 5/21/87  
Expiration: 9/7/16  
Type of License: Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

20. 2016011381  
Opened: 2/11/16  
First Licensed: 11/11/87  
Expiration: 5/6/17  
Type of License: Principal Broker  
History: No prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

21. 2016008061  
Opened: 2/11/16  
First Licensed: 11/1/93  
Expiration: 10/24/16  
Type of License: Principal Broker  
History: No prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

22. 2016008151  
Opened: 2/12/16  
First Licensed: 4/25/06  
Expiration: 04/24/18  
Type of License: Affiliate Broker  
History: No prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

23. 2016008091  
Opened: 2/11/16  
First Licensed: 4/15/10

Expiration: 4/14/18  
Type of License: Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

24. 2016008181 and 2016008211

Opened: 2/12/16  
First Licensed: 11/10/03  
Expiration: 12/17/16  
Type of License: Principal Broker  
History: 2014 - \$1000 Consent Order for failure to supervise, 2016008211 to be presented by legal

Recommendation: Dismiss as to both Complaints.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

25. 201600824(1)

Opened: 2/12/16  
First Licensed: 1/2/14  
Expiration: 1/1/18  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

26. 201600824(2)

Opened: 2/12/16  
First Licensed: 3/5/15  
Expiration: 3/4/17  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss as to both Respondents.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume seconded by Commissioner Horne. Commissioner Franks and Commissioner McMullen abstained.

27. 2016005491  
Opened: 2/4/16  
First Licensed: 3/5/09  
Expiration: 3/4/17  
Type of License: Principal Broker (EXPIRED – E&O)  
History: Suspended 8/2014 for E&O

Recommendation: \$500 for violation of T.C.A. § 62-13-104(vacation lodging service must have a firm license and designated agent) and \$250 for violation of T.C.A. § 62-13-313(a)(2)(failure to respond).

Decision: The Commission voted to authorize a consent order for \$1000 for violation of T.C.A. § 62-13-104(vacation lodging service must have a firm license and designated agent) and \$1000 for violation of T.C.A. § 62-13-313(a)(2)(failure to respond) plus attendance at one entire regularly scheduled meeting of the Commission within 180 days of execution of the consent order. Motion by Commissioner McMullen seconded by Commissioner Hills.

28. 2016005471  
Opened: 2/4/16  
First Licensed: 4/1/16  
Expiration: 3/31/18  
Type of License: VLS  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen seconded by Commissioner Franks.

29. 2016005731  
Opened: 2/5/16  
First Licensed: 12/28/87  
Expiration: 1/28/17  
Type of License: Principal Broker  
History: 2015005721 Formal Hearing Set (7/7/16)

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen seconded by Commissioner Franks.

30. 2016006831  
Opened: 2/9/16  
First Licensed: 11/15/07  
Expiration: 12/3/07

Type of License: Principal Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner McMullen.

31. 2016006861  
Opened: 2/9/16  
First Licensed: 3/26/09  
Expiration: 4/11/17  
Type of License: Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen seconded by Commissioner Hills.

32. 2016006921  
Opened: 2/10/16  
First Licensed: 6/13/14  
Expiration: 6/12/18  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss. The Commission will need to determine whether or not this Respondent and principal broker need to come before the Commission in order to be considered for a 50 mile rule waiver.

Decision: The Commission voted to request both Principal Broker and Respondent to appear at the next meeting to determine whether or not a waiver should be granted. The Commission would like the Complaints re-presented at the August meeting following the waiver decision.

33. 2016010811  
Opened: 2/10/16  
First Licensed: 5/22/72  
Expiration: 7/13/18  
Type of License: Principal Broker  
History: No Prior Disciplinary Action

Recommendation: \$250 for violation of Rule 1260-02-.01(2)(50 mile rule). The Commission will need to determine whether or not this Respondent and affiliate broker need to come before the Commission in order to be considered for a 50 mile rule waiver.

Decision: The Commission voted to request both Principal Broker and Respondent to appear at the next meeting to determine whether or not a waiver should be granted. The Commission would like the Complaints re-presented at the August meeting following the waiver decision.

34. 2016006941  
Opened: 2/10/16  
First Licensed: 6/23/05  
Expiration: 8/26/17  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

35. 2016006942  
Opened: 2/10/16  
First Licensed: 4/25/91  
Expiration: 6/9/14 (expired)  
Type of License: Affiliate Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss as to both Respondents.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Taylor.

36. 2016011301  
Opened: 2/10/16  
First Licensed: 3/2/2000  
Expiration: 7/17/17  
Type of License: Principal Broker  
History: \$1000 civil penalty for failure to account for trust funds in 2011

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills seconded by Commissioner Taylor.

37. 2016003611  
Opened: 1/27/16  
First Licensed: 4/8/14  
Expiration: 4/7/18  
Type of License: Principal Broker

History: 201602778, 201602087, 201602088 not yet referred to legal

38. 2016003612

Opened: 1/27/16

First Licensed: 3/18/10

Expiration: 3/17/18

Type of License: Affiliate Broker

History: No Prior Disciplinary Action

Recommendation: For Respondent 1, \$500 for violation of in T.C.A §62-13-321(escrow records), \$500 for violation of T.C.A §62-13-401(an agency or sub-agency shall not be assumed, implied or created without a written bilateral agreement that establishes the terms and conditions...), \$500 for violation of T.C.A §62-13-403(reasonable skill and care), \$500 for violation of Rule 1260-02-.09(12)(all trust money received and held which relates to the lease of property must be held in one or more separate escrow or trustee accounts) and Rule 1260-02-.09(13)(commingling of funds contained within firm accounts is expressly prohibited) for a total of \$2000 plus 4 hours of continuing education in property management above the amount required for license renewal.

For Respondent 2, \$100 for violation of T.C.A §62-13-312(a)(2)(failure to respond).

Decision: For Respondent 1, \$1000 for violation of in T.C.A §62-13-321(escrow records), \$1000 for violation of T.C.A §62-13-401(an agency or sub-agency shall not be assumed, implied or created without a written bilateral agreement that establishes the terms and conditions...), \$1000 for violation of T.C.A §62-13-403(reasonable skill and care), \$1000 for violation of Rule 1260-02-.09(12)(all trust money received and held which relates to the lease of property must be held in one or more separate escrow or trustee accounts) and Rule 1260-02-.09(13)(commingling of funds contained within firm accounts is expressly prohibited) for a total of \$4000 plus 4 hours of continuing education in property management above the amount required for license renewal to be completed within 180 days of execution of the consent order. Motion by Commissioner Blume seconded by Commissioner Taylor.

For Respondent 2, \$1000 for violation of T.C.A §62-13-312(a)(2)(failure to respond). Motion by Commissioner Blume seconded by Commissioner Taylor.

39. 2016008681

Opened: 2/19/16

First Licensed: 8/27/08

Expiration: 8/26/16

Type of License: Time Share Registration

History: No History of Disciplinary Action.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Hills.

40. 2016008751  
Opened: 2/19/16  
First Licensed: 3/24/08  
Expiration: 3/23/17  
Type of License: Time Share Registration  
History: No History of Disciplinary Action.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Hills.

41. 2016008771  
Opened: 2/19/16  
First Licensed: 3/24/08  
Expiration: 3/23/17  
Type of License: Time Share Registration  
History: No History of Disciplinary Action.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Taylor.

42. 2016010061  
Opened: 2/24/16  
First Licensed: 2/21/95  
Expiration: 6/7/17  
Type of License: Principal Broker  
History: No Prior Disciplinary Action

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Hills.

43. 2016010731  
Opened: 2/26/16  
First Licensed: 3/13/07  
Expiration: 3/12/17

Type of License: Affiliate Broker  
History: No Prior Disciplinary Action.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Hills.

44. 2016010771  
Opened: 2/26/16  
First Licensed: 2/11/09  
Expiration: 5/6/17  
Type of License: Principal Broker  
History: Complaint # 2015021261 Dismissed 12/2/15 tav

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Franks seconded by Commissioner Hills.

Addendum to legal report – Presented July 7, 2016

45. 2016026651

Opened: 5/17/16  
First License Obtained: 5/30/07 (expired 2008), Current license 5/2/16  
Expiration: 5/1/18  
Type of License: Affiliate Broker (inactive)  
History: No Prior Disciplinary Action

Recommendation: Consent order for voluntary surrender/revocation of Respondent's license for violation of T.C.A. § 62-13-315(b)(obtaining a license under false pretenses or by fraudulent act or conduct) plus notifying Respondent of a summary suspension hearing to be held at the August 2016 meeting should Respondent not accept the consent order. The summary suspension hearing would allow the Commission to suspend Respondent's license until a formal hearing could be scheduled, should the Commission find that there sufficient evidence to do so.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Horne seconded by Commissioner Franks to not appeal the ALJ. Motion passes unanimously. Commissioner Hills recused.

**Meeting adjourned by Chairman John Griess at 4:36 pm.**



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<http://www.tn.gov/commerce/section/real-estate-commission>**

The Tennessee Real Estate Commission held a formal hearing July 7, 2016 at 9:00a.m. in Nashville, Tennessee.

The meeting was called to order by Chairman John Griess.

The following Commission Members were present: Chairman John Griess, Commissioner Diane Hills, Commissioner Franks, Commissioner Austin McMullen, Commissioner Fontaine Taylor, Commissioner Gary Blume, and Commissioner Johnny Horne. Commissioner Bobby Wood was absent. Others present: Executive Director Malcolm Young, Assistant General Counsel Mallorie Kerby, and Commission Staff Brooke Wagner

**Formal Hearing**

9:00 A.M. CST Call to Order

TREC v. Deanne Vinsant

TREC v. Hope Cudd

A formal hearing was held before the Commission with an Administrative Law Judge presiding. The Commission considered all testimony and evidence presented.

**Decision:** TREC v. Deanne Vinsant

Motion by Commissioner Blume to downgrade license to affiliate broker, assessed a civil penalty for \$1,000 for both counts, license will be suspended for 12 months, 60 hours of in class CE required including contract writing, ethics, and property management. Motion carried unanimously.

Respondent is assessed all costs of hearing and investigation. Motion carried unanimously.

**Decision:** TREC v. Hope Cudd

No violation was found on behalf of the respondent. Complaint is dismissed.

Complaint motion by Commissioner Taylor seconded by Commissioner Franks. Motion passes unanimously.

**Hearing adjourned by Chairman John Griess at 6:15 pm.**