

Notice of July 1-2, 2015 meeting of Real Estate Commission
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STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
Tennessee Real Estate Commission
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Program Website: <http://www.tn.gov/regboards/trec/>

AGENDA

TENNESSEE REAL ESTATE COMMISSION
NOTICE of COMMISSION MEETING

Wednesday, July 1, 2015 Room 1-A
Thursday, July 2, 2015 Room 1-A

Call To Order: 9:00 A.M.

Informal Appearance: Esther Eunhye Kim, Applicant for Timeshare Salesperson, Sue Carole Acee, Principal Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Informal Appearance: O'Bryant Cannon, Applicant for Affiliate Broker, Darren Wilmoth, Principal Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Informal Appearance: William Sheridan Wilson, Applicant for Affiliate Broker, Richard A. Smith, Principal Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Informal Appearance: Dawn Clarissa Lundberg, Applicant for Affiliate Broker, Steven M. Champion, Principal Broker: Individuals desiring licensure with the Commission appear before the Commission in order to determine whether satisfactory proof has been presented to the Commission that the individual bears a good reputation for honesty, trustworthiness, integrity and

competence to transact the business of broker, affiliate broker or time-share salesperson pursuant to T.C.A. 62-13-303(a)(1).

Reinstatement Appearance: Ruth Randolph, Principal Broker: The Commission adopted Commission Policy Statement 2013-CPS-002, Reinstatement of an Expired License, which provides for reinstatement of a license during the first 12 months following expiration of the license. After the 12 month period, paragraph 3 of the Reinstatement Policy states: A licensee seeking reinstatement of a license expired more than one (1) year must reapply for licensure, meet current education requirements and pass all required examinations. The license of the licensee has been expired over 12 months and is therefore not eligible for reinstatement under 2013-CPS-002. The expired licensee has requested that the Commission waive the provisions of Paragraph 3 of 2013-CPS-002 and allow reinstatement of the license.

Reinstatement Appearance: Jake Lipsey, Principal Broker: The Commission adopted Commission Policy Statement 2013-CPS-002, Reinstatement of an Expired License, which provides for reinstatement of a license during the first 12 months following expiration of the license. After the 12 month period, paragraph 3 of the Reinstatement Policy states: A licensee seeking reinstatement of a license expired more than one (1) year must reapply for licensure, meet current education requirements and pass all required examinations. The license of the licensee has been expired over 12 months and is therefore not eligible for reinstatement under 2013-CPS-002. The expired licensee has requested that the Commission waive the provisions of Paragraph 3 of 2013-CPS-002 and allow reinstatement of the license.

50 Mile Rule Appearance: Anthony Lopes, Principal Broker; Michelle Anne McCammon, Transfer Applicant: Rule 1260-02-.01(2) contains a requirement that an affiliate broker (other than a property manager) cannot live more than fifty (50) miles by a straight line calculation from the firm office, but the rule also allows for possible waiver, upon request by the principal broker. Appearances are made for the purpose of the Commission determining whether or not it has been demonstrated to the Commission's satisfaction that the distance involved is not unreasonable and that adequate supervision can be provided, and thus whether waiver will be granted.

Please note that the order of items on the agenda is subject to change and that after publication and prior to, or during the meeting, items may be supplemented, deleted or added.

Commission meetings will be conducted by permitting participation of the Commission members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at (615) 741-8307.

Legal Report: The legal report, presented to the Commission at each meeting, consists of summaries prepared by legal counsel of complaints which have been filed with TREC. The summaries are prepared in an anonymous fashion, and allegations within each complaint are summarized as well as the content of responses given to complaints filed. The Commission discusses the matters to determine whether there is probable cause that a violation of the Broker Act and/or the Commission's rules has taken place, and the Commission authorizes appropriate action. The matters to be presented include:

- 2014007601
- 2014007602
- 2014020001
- 2015002711
- 2015002721
- 2015002921
- 2015003001
- 2015005141
- 2015005142
- 2015005211

- 2015005151
- 2015005201
- 2015005201
- 2015005221
- 2015005231
- 2015005232
- 2015005241
- 2015005261
- 2015005481
- 2015005651
- 2015005671
- 2015005672
- 2015005681
- 2015005691
- 2015005692
- 2015005711
- 2015005721
- 2015005731
- 2015005732
- 2015005741
- 2015005751
- 2015005761
- 2015005771
- 2015005781

Please note that the cases listed include only those in preparation at the time of publication of the Agenda and that after publication and prior to presentation, cases may be supplemented, deleted or added.

Consent Order Log: The Consent Order log consists of a spreadsheet maintained by legal counsel which lists information about Consent Orders which have been authorized by the Commission at previous meetings and sent to Respondents but have not yet been accepted. This log is maintained as a tracking mechanism to ensure that any Consent Order which is not accepted is timely transferred to a litigating attorney to prepare the matter for a formal hearing.

Education Report: Rule 1260-05-.01 requires satisfactory completion of certain courses in real estate by applicants for, and holders of, licenses as a broker or affiliate broker. The Broker Act and the Rules establish standards and procedures governing the establishment and operation of courses and instructors designed to satisfy those requirements, including, but not limited to, approval by the Commission. Courses and instructors which have been properly and timely submitted to the Commission and reviewed by the Education Director are presented in a table format to the Commission for discussion and determination whether the course should be approved for Tennessee real estate licensees and/or applicants and whether an instructor should be approved to teach a specified course.

Licensing Statistics: Executive Director presents tables which contain statistics from the past month and from past years. The statistics may include the number of: licensees, exams given, licenses issued and licenses not renewed.

Testing Scenario: A hypothetical scenario involving situations which might arise at the test locations.

E&O Update: TCA 62-13-112 and Rule 1260-01-.16 require licensees to obtain, maintain and renew Errors and Omissions Insurance and to provide proof to the Commission. A license is placed in a suspended status if such proof is not submitted timely to the Commission. The Executive Director presents an update on the number of licensees in suspension and insured.

Complaint Report: Executive Director presents statistics for the current fiscal year regarding the number of complaints closed, opened, sent to litigation, the types of consent orders authorized by the Commission, the dollar amounts authorized, breakdown of monies received for the preceding month and the current fiscal year, the number of complaints involving property management and the Disciplinary Action Report.

Fingerprint Facts: TCA 62-13-303 and Rule 1260-01-.17 require all initial applicants to submit a complete and legible set of fingerprints in an electronic format through the state vendor. Executive Director presents compilation of numbers regarding applicants fingerprinted.

Budget: Each month the Commission has an opportunity to review the previous months' budget numbers which are prepared and distributed to Executive Director. Commission members have opportunity to ask questions regarding the budget.



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**TENNESSEE REAL ESTATE COMMISSION
NOTICE of COMMISSION MEETING**

Thursday, July 2, 2015 Room 1-A

Formal Hearing

9:00A.M. CST CALL TO ORDER

**TREC v. Diana Carol Richards Docket # 12.18-130847A
TREC v. Deirdre N. Russell Docket # 12.18-130848A**

ADJOURN