



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE REAL ESTATE COMMISSION

500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1151
(615) 741-2273
fax (615) 741-0313

Dear Complainant:

Enclosed please find the official complaint form of the Tennessee Real Estate Commission. Before you file a complaint with our office, the Commission requests that you read the following information which explains its function, responsibilities and powers. This also contains very important information regarding the Complaint process and the Open Records Law.

1. **The Commission was created to enforce the Tennessee Real Estate Broker License Act of 1973.** It has only such powers as the legislature gave it. In order to safeguard the interests of the public, the Commission wants to ensure that only those who meet the statutory requirements for licenses are able to obtain them and that those who fail to comply with the laws governing the conduct of the profession are disciplined.
2. **The Commission cannot recover or order the refund of any money or property to which you may be entitled. You must institute a civil lawsuit for this purpose and hire your own legal counsel, if necessary.** Anyone who has suffered a financial loss should not wait for the Complaint to be heard by the Commission before consulting an attorney. The Commission cannot replace any financial loss. The Commission is empowered to reprimand, suspend, revoke a license, downgrade a license and/or impose fines or educational requirements. In certain instances, if you file lawsuit against the Respondent, a judge can revoke or suspend the license of the person against whom you are complaining.
3. **Please be advised that all information you submit to TREC will be a matter of public record and as such, subject to disclosure pursuant to the Open Records Law.** In Tennessee, the Open Records Law requires that any and all documents received by TREC be made available to anyone who requests such files and/or documents. This includes, without limitation, the news media, respondents, the courts, attorneys and any member of the general public.
4. **Attach legible copies of all pertinent documents, including: contracts, closing statements, correspondence, emails, front and back of checks, and any other evidence that will assist in validating your complaint.** After we receive your completely executed and NOTARIZED complaint form and all supporting documents, we will send a copy of the complaint to the Respondent with the request that he or she reply within 10 days of the postmarked date of receipt. When the response is received by our office, we will send a copy to you. You may respond to the Respondent's answer if you wish.
5. If additional information is necessary, your complaint may be forwarded to an Auditor or an Investigator. The Auditor/Investigator assigned to the case will seek any additional evidence requested and the legal department will review the complaint and present it to the Commission at its monthly meeting. The Commission will review and discuss the available information and will decide what action, if any, should be taken. Please be advised that just because a complaint is processed, there has not necessarily been a

determination that a violation of the law has occurred or that a licensee is being charged with a violation. Once a complaint is filed, the Commission and the legal department make all determinations regarding the complaint and the complaint becomes an action between the state and the respondent. The role of the state attorney is to represent the Commission, not the Complainant nor the Respondent. After filing, the role of the Complainant becomes that of a potential witness who most likely will be subpoenaed to testify as a witness in the event a formal hearing becomes necessary. As such, the Complainant will not be regularly updated or consulted about the Complaint.

6. **The Commission cannot decide matters that do not fall within its jurisdiction.** The Commission cannot mediate or resolve personal or professional disputes, homeowner association disputes, zoning issues, inspection or survey issues, commission disputes, construction or repair defect matters, loan, mortgage, title or interest rate problems, earnest money disputes (who is entitled to the earnest money), order specific performance, restitution or any other monetary remedy.
7. The Commission suggests that you first contact the person or firm about whom you have a complaint to see if the matter can be settled. Call the person's Principal Broker to see if the misunderstandings or problems can be resolved. Some actions appear to represent poor business practices and some appear to be improper or unethical, but such actions are not necessarily illegal under the Tennessee Real Estate License Law. If your situation involves these matters, you should consider filing a complaint for mediation or arbitration with the agent's local Realtor association. If these options have been unsuccessful, please be advised that the Commission and TREC staff are not attorneys and are prohibited by law from providing legal advice. If you need advice and/or guidance to determine what course of action to take, you will need to consult with your attorney. All of these steps may be taken in conjunction with or instead of filing a complaint with TREC.

Sincerely,

Eve Maxwell
Executive Director

NOTICE TO COMPLAINANT

PURSUANT TO T.C.A. TITLE 47 CHAPTER 18, THE TENNESSEE CONSUMER PROTECTION ACT, YOU MAY ALSO WANT TO FILE A COMPLAINT WITH THE DIVISION OF CONSUMER AFFAIRS, 500 JAMES ROBERTSON PARKWAY, 5TH FLOOR, NASHVILLE TN 37243 (615-741-4737 OR 1-800-342-8385)



For Office Use Only:

Docket # _____

Date Filed: _____

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500 JAMES ROBERTSON PARKWAY
1ST FLOOR
NASHVILLE, TENNESSEE 37243-1151
(615) 741-2273 or 800-342-4031 fax 615-741-0313
e-mail trec@state.tn.us website www.state.tn.us/commerce/boards/trec

OFFICIAL COMPLAINT AND AFFIDAVIT

IN THE MATTER OF:

_____ v _____
Complainant Respondent(s)

_____ Address
Mailing Address

_____ City, State, Zip Code

Please provide the following information. This will enable the investigator to contact you concerning your complaint if a personal interview becomes necessary:

If the respondent(s) above is an Affiliate Broker, list the name of the Broker and Firm by whom they are employed:

Home Phone () _____

_____ Broker Name

Business Phone () _____

_____ Firm Name

Name of Employer: _____

Address: _____

_____ Address

_____ City, State, Zip Code

Have you consulted an attorney? Yes ___ No ___ *If yes, please provide the following*

_____ Phone () _____

Name of Attorney

Address _____

Street Address

City

State

Zip Code

Are you or have you ever been a licensed broker or affiliate broker in any state? Yes ___ No ___ *If yes, please give your license number and state* _____

The Tennessee Real Estate Commission is a regulatory board of the Tennessee Department of Commerce & Insurance. The Commission is delegated by law (Title 62, Chapter 13, Tennessee Code Annotated) with the responsibility of regulating real estate licenses. If the Commission feels that there is sufficient evidence to warrant a hearing, you will be required to attend. **The Commission only has jurisdiction over the license held by the respondent. The complainant must rely upon the courts for any monetary recovery.**

TENNESSEE REAL ESTATE BROKER'S LICENSING ACT OF 1973

T.C.A. 62-13-312(B)1-21

The causes for which a real estate broker or affiliate broker license may be suspended or revoked are:

1. Making any willful misrepresentation;
2. Making any promise of a character likely to influence, persuade, or induce any person to enter into a contract or agreement when he could not or did not intend to keep such promise;
3. Pursuing a continued and flagrant course of misrepresentation or making of false promises through affiliate brokers, other persons, or any medium of advertising, or otherwise;
4. Misleading or untruthful advertising, including the use of the term "Realtor"™ by a person not authorized to do so, or using any other trade name or insignia or membership in any real estate association or organization, of which the licensee is not a member;
5. Failing, within a reasonable time, to account for or remit any moneys coming into the licensee's possession which belong to others;
6. Failing to preserve for three (3) years following its consummation records relating to any real estate transaction;
7. Acting for more than one (1) party in a transaction without the knowledge and consent in writing of all parties for whom the licensee acts;
8. Failing to furnish a copy of any listing, sale, lease, or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;
9. Using or promoting the use of any real estate listing agreement form, real estate sales contract form, or offer to purchase real estate form which fails to specify a definite termination date;
10. Inducing any party to a contract, sale or lease to break such contract for the purchase of substitution in lieu thereof a new contract, where such substitution is malicious or is motivated by the personal gain of the licensee;
11. Accepting a commission or any valuable consideration by an affiliate broker for the performance of any acts specified in this chapter, from any person except the licensed real estate broker with whom the licensee is affiliated;
12. Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any crime or any similar offenses, or pleading guilty or nolo contendere to any such offense or offenses;
13. Violating any federal, state, or municipal law prohibiting discrimination in the sale or rental of real estate because of race, color, religion, sex or national origin;
14. Violating any provision of this chapter, any rule duly promulgated and adopted thereunder, or the terms of any lawful order entered by the commission;
15. In the case of a licensee, failing to exercise adequate supervision over the activities of any licensed affiliate brokers under the scope of this chapter;
16. In the case of a licensee, failing within a reasonable time to complete such administrative measures as may be required by the commission upon the transfer or termination of any affiliate broker employed by the broker;
17. Paying or accepting, giving or charging any undisclosed commission, rebate, compensation or profit or expenditures for a principal, or in violation of this chapter;
18. Failing to disclose to an owner the licensee's intention or true position if the licensee, directly or indirectly through a third party, purchases for itself or acquires or intends to acquire any interest in or any option to purchase property which has been listed with the licensee's office to sell or lease;
19. Engaging in the unauthorized practice of law;
20. Any conduct, whether of the same or a different character from that hereinbefore specified, which constitutes improper, fraudulent or dishonest dealing; or
21. Violating the Tennessee Time-Share Act, compiled in Title 66, Chapter 32, Part 1, or any rule duly promulgated thereunder.