



TREC Advisor

The agency exists to safeguard the public interest and protect consumers of real estate services. In accord with state and federal laws the agency oversees real estate brokerage, appraisal, inspection, home warranty and timeshare interest providers. Through education, licensing and regulation, the agency ensures the availability of qualified and ethical service providers, thereby facilitating economic growth and opportunity in Texas.

Inside this issue: Hot Topics for Education Providers (page 1) From the Administrator (page 2) Advisory Group Appointments Announced (page 3) What Does a TREC Investigator Do? (page 4) ESAC Update (page 5) Proposed Rule Changes (page 6) TREC Enforcement Actions (page 10)

Hot Topics for Education Providers and Instructors

If you are a TREC-approved education provider who offers real estate Pre-Licensure (Core) or Mandatory Continuing Education (MCE) courses, you may select instructors of your choice to teach courses approved for credit by the Commission. The instructors you employ must have expertise in the subject area(s) they teach and should have training or work experience in specialized subjects such as law, appraisal, investments, or brokerage. TREC rules also require that instructors be approved by the Commission. Instructor applications may be obtained from the TREC website. When an instructor meets the qualifications and is approved, TREC issues an approval letter that should be presented to an education provider as evidence that the instructor has the authority to teach. Approval letters for instructors of Core real estate courses list the subject area(s) that an instructor is approved to teach as well as the instructor's two-year approval term.

Education providers should confirm that instructors on staff have current TREC approval by requesting a copy of the instructor's approval letter or contacting our office for verification. Keep in mind that credit might not be awarded to real estate students who complete courses taught by

instructors who have not been TREC approved or whose approval term has expired. Education providers and instructors may be subject to disciplinary action if courses are taught by instructors without current approval.

The current version of TREC's Legal Update and Ethics MCE courses will expire this December 31, 2013. The new course will be available effective January 1, 2014. MCE education providers must submit an MCE Course Application supplement form MCE CAS-2 for MCE non-elective courses to obtain approval to offer the new course. Any instructor who qualifies and wants to teach the new course must get certified by attending the instructor workshop training session through the Real Estate Center and must obtain a certification letter from TREC. Instructors who are approved to teach specific Core courses and are eligible to attend the training sessions may register at <http://recenter.tamu.edu/register>.

While an instructor's Core and MCE elective approval may be current, instructors cannot teach the revised non-elective courses without obtaining certification.

From the Administrator...

It's football season and everywhere I go the talk is about the teams, either real or "fantasy". I have my favorites, like most of you, but try hard not to gloat or pout regardless of the week's performance. Every victory is a recognition and building moment, and every defeat an opportunity to learn and grow.

So to with this fine agency. Some days we hum like a fine-tuned machine, all divisions working together in collaborative, team building harmony; and others we struggle to overcome a new or unexpected challenge. But altogether, I love the way this team works and we have many more victories than challenges. Renewals are up, phone hold times are way down, online glitches are fewer and we finished the year in better financial shape than ever. But our website still needs serious revamping (a current project underway) and we still need to add more tools to our online capabilities. Our quadrennial rule review will commence shortly and 2014 is a Strategic Planning year. We are short one General Counsel, putting significant pressure on the whole team to support all of the policy making bodies and advisory committees the agency has. So we adjust, audible, run the play and move the ball. And we advance.

The 2014-15 Legal & Ethics Update MCE courses will be introduced this month and the Real Estate Center will conduct six training sessions to certify instructors for these fundamental courses. ESAC continues to recommend updated baseline guidance for core pre-license courses. All toward the goal of building a "fantasy team" where every broker takes seriously their responsibility to deliver

accurate and timely guidance to consumers through the professional services of the fully trained, informed and supported sales agents they sponsor. In the end, our goal is exceptional service to consumers and no complaints to



Douglas E. Oldmixon

the agency about our license holders. While this "fantasy" might be a tad unrealistic, complaints are actually going down as education is strengthened and broker training requirements are given higher priority. So all of us working together can make this season the best ever.

The Commission will meet next on Wednesday October 23rd at Room E1.010 of the State Capitol at 10 a.m. As always, we welcome our license holders and any members of the public who are interested in watching the Commission in action and offering relevant comments. If you plan to be there, come a few minutes early to clear security. If you can't make it, know that the meetings are also broadcast live over the internet and video recorded as the official record of the meeting. Links to the agenda, materials, live broadcast and video archive are available on the agency's website. Hope your team continues to win!

TREC Advisory Group Appointments Announced

The Texas Real Estate Commission (TREC) announced appointments to three of its advisory committees at its August meeting. Positions on the Texas Real Estate Inspector Committee, the Broker-Lawyer Committee, and the Broker Responsibility Working Group were filled by qualified candidates after an extensive screening and interview process held in August from a large pool of applicants.

Barbara Evans and Elizabeth Heidelberg were appointed to two year terms as public members of the Texas Real Estate Inspector Committee. Barbara Evans of Fort Worth is an education consultant with a focus on professional development and has almost 40 years' experience in the education field and a clear interest in serving the public. Elizabeth Heidelberg of El Paso is a business consultant and a former real estate license holder. Her unique combination of experience is a welcome addition to this important committee.

Ron Walker and Leigh York were appointed to serve six-year terms on the Broker Lawyer Committee. Ron Walker of Austin has previously served on this committee, and brings a wealth of experience and institutional knowledge gained from 31 years of experience, including working as an appraiser, director of TREC's enforcement division, and general counsel for the Texas

Association of REALTORS. Leigh York of Fort Worth has been a licensed real estate broker since 1999. Ms. York has extensive experience working with a variety of clients and will give great insight into the daily use of the TREC promulgated contracts, the primary focus of this vital committee.

Charles "Mac" McClure of Dallas, Bob Guerin of Spring and Kathy Schroeder of Waco were appointed to serve on the newly reinstated Broker Responsibility Working Group. Mac McClure has been a commercial broker and developer for 39 years and will bring his unique commercial perspective to the group. Bob Guerin has had a real estate career spanning 50 years, with an active interest in improving the real estate profession. Kathy Schroeder is the vice president of residential services at Coldwell Banker Jim Stewart and brings her valuable management experience to this important working group.

Participation of industry and public members in advisory committees is crucial to the success of the agency, and plays an instrumental role in shaping the regulation of real estate practice in Texas. The Commission greatly appreciates the many generous individuals who volunteer to serve on all of our advisory committees.

Important Dates to Remember

TREC Commission Meeting — October 23 —At
the Capitol

TREC Education Standards Advisory
Committee Meeting—January 7

TREC Legal Update and Ethics Instructor Training

The Real Estate Center will be offering instructor training for the revised TREC legal and ethics courses in November and December. This course fulfills the instructor training mandated by TREC for those instructors desiring to teach the Legal Update and Ethics MCE. Instructors must be approved by TREC before attending the training. Registration for the training courses requires a TREC ID which will be provided to you on your approval letter.

Price for the courses is \$190. All courses begin at 9:00 a.m. and end at 5:00 p.m. Lunch will be provided to attendees. Course dates and locations are as

follows:

November 1—Greater Fort Worth Association of REALTORS

November 13—MetroTex Association of REALTORS

November 21 Permian Basin Board of REALTORS

December 3—Austin Board of RELATORS

December 6—San Antonio Board of REALTORS

December 8—Norris Conference Center - Houston

For more information contact Denise Whisenant at dwhisenant@tamu.edu.

What Does a TREC Investigator Do? Can I Be One?

The TREC investigator performs a critical role in the investigation of complaints that the Texas Real Estate Commission receives. The investigator is the “eyes and ears” of TREC’s Standards & Enforcement Services division.

What is the process? When the allegations warrant a field investigation, a legal assistant or attorney sends the complaint out “to the field” for an investigation by a TREC investigator. The investigator then typically contacts the complainant, each respondent (there is often more than one licensee involved in a dispute, especially if the main complaint is directed at a salesperson), and some or all of the listed witnesses. After conducting these interviews, either by phone or in person, the investigator prepares a written report of the facts. The investigator attaches relevant exhibits. The report is then submitted electronically to headquarters.

Does this process involve a lot of paper? Yes, in some cases, but we don’t keep paper. The investigative report process is entirely electronic. Paper received by an investigator in the field is scanned and included in the file.

Whose side is the investigator on? The TREC investigator doesn’t take sides. The investigator’s job

is to gather the facts, not to make a determination or to decide who is right or wrong, or good or bad, or any other legal or moral determinations.

What happens to the investigative report? The report is placed in the electronic file and reviewed by the attorney assigned to the complaint. If the attorney determines that any additional information is necessary, the report may be supplemented. After the report (or any supplemental report) is complete, the attorney makes a determination regarding the complaint. This determination ranges from no violation to formal disciplinary action.

Can I be a TREC investigator? Possibly. Please see our website at www.trec.texas.gov for our current postings. (Click on “Employment at TREC” on the left side of the home page under “HOME Area”). Real estate experience or a current real estate license is a preferred qualification. Please note that if you become a TREC investigator, and have a current real estate license, your license must be put on inactive status for the duration of your employment as a TREC investigator. Please also note that some travel is required, but there is a possibility of working from a home field office. If you are qualified and interested, please apply!

TEXAS REAL ESTATE COMMISSION

EDUCATION STANDARDS ADVISORY COMMITTEE

PROGRESS

The Education Standards Advisory Committee (ESAC) held its last meeting of 2013 on October 1st. In just its first year, ESAC performed extensive reviews of pre-license core education courses including Real Estate Principles I and II, Law of Agency, Law of Contracts, Promulgated Contract Forms, and most recently, Real Estate Finance. Based on the members' review, ESAC has made recommendations for specific curriculum topics, subtopics and required time frames relevant to each of these courses. Amendments to TREC Rule §535.62 regarding curriculum standards for Principles I and II have been proposed and passed. The proposed amendments regarding Law of Agency, Law of Contracts and Promulgated Contract Forms are on the agenda for consideration at the October 23rd TREC meeting. Based on the recommendations for Real Estate Finance, TREC staff will prepare revised forms to present to ESAC at its January meeting.

As ESAC works through each core course revision, new forms are being adopted that will be required to be included with the core course approval applications. These forms require the provider to indicate where each topic and subtopic are covered in the course materials. These forms guidance to providers and assurance to the provider that the material the Commission has determined is that all relevant and important topics are covered in all pre-licensure courses providers.

While the hot topic of the July ESAC meeting was the proposal to require that Principles I and II be completed prior to any other qualifying pre-licensure real estate courses (this proposal has been taken off the table for discussion at a later date), the hot topic of the October meeting was the discussion to combine Law of Contracts and Promulgated Contract Forms into one course. The committee ultimately decided not to move forward in this direction, but to allow the education providers the option of combining the two courses provided they adhere to the required topics, subtopics and time frames. To offer these two courses in a combined 60 hour format, the provider would be required to submit the curriculum forms specific to each course along with the core course application and all additional required items.

Additional agenda items discussed at the October ESAC meeting included clarification of the correspondence course approval process for core courses, delivery methodologies for core and MCE courses, as well as instructor experience requirements.

For information on upcoming meetings, click on the News & Public Data tab on the TREC website. The Education Standards Advisory Committee will meet again on January 7, 2014 at 10:00 a.m. at TREC headquarters in Austin.

PROPOSED RULES

Chapter 535, General Provisions

Subchapter I. Licenses

**§535.95. Miscellaneous Provisions Concerning
License or Registration Applications or
Renewals, Including Fingerprinting
Requirements**

The amendments to §535.95(a) add a provision to reference Chapter 1102 as home inspectors renewal applicants will be subject to new fingerprinting requirements which are the same as the requirements for real estate salesperson and broker licensees. These same amendments were adopted on an emergency basis because of the September 1, 2013 effective date for HB 2911. In relevant part, HB 2911 amended Texas Occupations Code, Chapter 1102 requiring fingerprinting of home inspectors on renewal.

The amendments to §535.95(f) change the requirements for expedited licensing of military spouses as required by SB 162. Senate Bill 162 adds §55.005 and 55.006 to the Texas Occupations Code to require an expedited licensing and process for the issuance of a license to spouses of active duty military.

The amendments to §535.95(g) add requirements for crediting military related experience for license requirements as required by HB 2254. House Bill 2254 requires a licensing agency to credit verifiable military service, training or education obtained by an applicant who is a military service member or veteran, toward the requirements of a license.

Subchapter J. Fees

§535.101. Fees

The amendments to §535.101 propose a new fee of \$40 for preparing a certificate of active licensure or sponsorship.

Subchapter R. Real Estate Inspectors

**§535.206, The Texas Real Estate Inspector
Committee, §535.208, Application for a License,
§535.209, Examinations, §535.210, Fees,
§535.211, Professional Liability Insurance, or
Any Other Insurance That Provides Coverage for
Violations of Subchapter G of Texas
Occupations Code, Chapter 1102, §535.216,
Renewal of License**

Most of the amendments are proposed to implement the relevant provisions of House Bill (HB) 2911, 83rd

Session, Texas Legislature, Regular Session (2013). In relevant part, HB 2911 amended Texas Occupations Code, Chapter 1102 regarding examinations, late renewals, education requirements, financial responsibility, and fingerprinting. Much of the same amendments were adopted on an emergency basis because of the September 1, 2013 effective date. Other amendments were made pursuant to the recommendation of the Texas Real Estate Inspector Committee.

The amendments to §535.206 add term limits for inspector and public members.

The amendments to §535.208 change the reference to professional responsibility requirements, change the period for completing all application requirements from six to 12 months, and add a new fingerprinting requirement for applicants to be consistent with new statutory requirements.

The amendment to §535.209 adds a new subsection to the rule regarding additional education requirements for applicants who fail an exam three consecutive times to be consistent with new statutory requirements.

The amendments to §535.210 add new fees for late renewals and fingerprinting to be consistent with new statutory requirements. In addition, the amendments to §535.210 propose a new fee of \$40 for preparing a certificate of active licensure or sponsorship.

The amendments to §535.211 add new proof of professional responsibility requirements to be consistent with new statutory requirements.

The amendments to §535.216 add new provisions for late renewals and fingerprinting to be consistent with new statutory requirements.

**§535.212, Education and Experience Requirements
for a License, §535.213, Approval of Courses in
Real Estate Inspection, §535.214, Providers of Real
Estate Inspection Courses, §535.218, Continuing
Education**

The amendments are proposed to implement the relevant provisions of House Bill (HB) 2911, 83rd Session, Texas Legislature, Regular Session (2013) and to implement a more comprehensive continuing education program for inspectors. The effective date of the relevant provisions of HB 2911 is September 1, 2013. In relevant part, HB 2911 amended Texas Occupations Code, Chapter 1102, regarding education requirements for professional inspectors and substitute experience requirements.

The amendments to §535.212 increase the number

Proposed Rules Continued...

of hours required for education for a professional inspector license by two hours and change the specific requirements for substitute experience requirements for real estate and professional inspectors by adding required interactive module hours and field work component to be consistent with new statutory requirements. The amendments also correct and clarify the language of the rule to increase comprehension.

The amendments to §535.213 clarify that the rule applies to core courses, define certain terms, clarify the qualifications for correspondence courses and increase the time frame that an applicant cannot receive repeat credit for a course from two years to three years.

The amendment to §535.214 clarifies that the rule applies to providers of core education courses.

The amendments to §535.218 provide a process and requirements for approval of real estate inspector courses, providers and instructors and set out requirements for the Texas Standards of Practice/Legal /Ethics Update course and a ride along inspection course. The amendments also increase the time frame that an applicant cannot receive repeat credit for a course from two years to three years.

The Texas Real Estate Inspector Committee has recommended a modification to several proposals based on comments received.

Chapter 537 Professional Agreements and Standard Contracts

§537.20. Standard Contract Form TREC No. 9-11, Unimproved Property Contract; §537.28. Standard Contract Form TREC No. 20-12, One to Four Family Residential Contract (Resale); §537.30. Standard Contract Form TREC No. 23-13, New Home Contract (Incomplete Construction); §537.31. Standard Contract Form TREC No. 24-13, New Home Contract (Completed Construction); §537.32. Standard Contract Form TREC No. 25-10 Farm and Ranch Contract; §537.37. Standard Contract Form TREC No. 30-11 Residential Condominium Contract; §537.44. Standard Contract Form TREC No. 37-5 Subdivision Information, Including Resale Certificate for Property Subject to Mandatory Membership in a Property Owners' Association; §537.47. Standard Contract Form TREC No. 40 5, Third Party Financing Addendum for Credit Approval; and new §537.53. Standard Contract Form TREC No. 46-0, Mutual Termination of Contract

The amendments propose to adopt by reference six revised contract forms, two revised addenda, and one new addendum for use by Texas real estate

licensees.

The amendments to §537.28 propose to adopt by reference Standard Contract Form TREC No. 20-12, One to Four Family Residential Contract (Resale). The proposed amendments are as follows. The definition of "Property" is moved from the end of Paragraph 2 to the beginning of the paragraph. Paragraph 6.A.(8) is amended to provide that, at buyers' expense, the exception shall be amended to read "shortages in area" unless the buyer instructs the title company otherwise. The third sentence in Paragraph 6.B regarding delivery of Commitment and Exception Documents is amended to read "... the time for delivery will be automatically extended up to 15 days or 3 days before the Closing Date, whichever is earlier" to foreclose the delivery of such documents at closing. Paragraph 7.D is amended to define "As Is" as "the present condition of the Property with any and all defects and without warranty except for the warranties of title and the warranties in this contract." The notice after paragraph 7.D is moved to the body of the paragraph after the definition of "As Is" and the defined term "As Is" is added to that sentence and subparagraphs (1) and (2) to replace "in its present condition." The parenthetical at the end of paragraph 7.D is changed to add "and treatments" at the end of the sentence. The second sentence in Paragraph 7.F is amended to clarify that, if no license is required by law to perform a repair or treatment, all repairs and treatments must be performed by persons "who are commercially engaged in the trade of providing such repairs or treatments" rather than "authorized by law to provide such repairs or treatments." Paragraph 7.F is amended to change the number of days in the last sentence from 15 to 5 days regarding the Buyer's option to extent the Closing Date if Seller fails to complete agreed repairs and treatments prior to closing. Paragraph 9 is amended by adding a new Paragraph 9.B regarding leases wherein the Seller (1) agrees not to execute any lease or convey any interest in the Property after the effective date without the Buyer's written consent, and (2) incorporates existing Paragraph 9.B(5) and renumbers existing Paragraph 9B to 9C to contain 9B(1)-(4). Paragraph 14 is amended to add the clause "or cause to be restored" in the first sentence. Paragraph 16 is amended to remove the mediation check boxes to require mediation to resolve disputes between Buyer and Seller related to the contract. Paragraph 23 is amended to provide that the Seller or Listing Broker must receive the option fee within 3 days after the effective date of the contract rather than Buyer paying Seller the option fee within two days after the effective date of the contract to make it clear that it is not enough that

Proposed Rules Continued...

the Buyer puts the option fee in the mail within 2 days after the effective date; the Seller or Listing Broker must receive the option fee within 3 days after the effective date. The last page is amended to clarify that the agents should not sign on the blank lines, they should insert their names only.

The amendment to §537.20 proposes to adopt by reference Standard Contract Form TREC No. 9-11, Unimproved Property Contract. The proposed revisions are the same as those proposed for TREC Form No. 20-9 except as follows. The definition of "Property" in Paragraph 2 is not changed. Paragraph 7.E(1) is amended to be the same as Paragraph 7.H(1) in Form 25-10, Farm and Ranch Contract. Paragraph 7.E(3) regarding environmental hazards is amended to change "any environmental hazards or conditions affecting" to "any environmental hazards that materially and adversely affect" the property.

The amendment to §537.30 proposes to adopt by reference Standard Contract Form TREC No. 23-13, New Home Contract (Incomplete Construction). The proposed revisions are the same as those proposed for TREC Form No. 20-12, except as follows. The definition of "Property" in Paragraph 2 is not changed. There are no amendments to paragraph 7 except to insert missing parentheses as the paragraph has no reference to "as is" condition or repairs and treatments. Paragraph 7.I(3) regarding seller's disclosure of environmental hazards is amended to change "any environmental hazards or conditions materially affecting" to "any environmental hazards that materially and adversely affect" the property. Paragraph 9 is amended by adding a new Paragraph 9.B regarding leases wherein the Seller agrees not to execute any lease or convey any interest in the Property after the effective date without the Buyer's written consent.

The amendment to §537.31 proposes to adopt by reference Standard Contract Form TREC No. 24-13, New Home Contract (Completed Construction). The proposed revisions are the same as those proposed for TREC Form No. 20-12 except as follows. The definition of "Property" in Paragraph 2 is not changed. Paragraph 7.H(3) regarding seller's disclosure of environmental hazards is amended to change "any environmental hazards or conditions materially affecting" to "any environmental hazards that materially and adversely affect" the property. Paragraph 9 is amended by adding a new Paragraph 9.B regarding leases wherein the Seller agrees not to execute any lease or convey any interest in the Property after the effective date without the Buyer's written consent.

The amendment to §537.32 proposes to adopt by reference Standard Contract Form TREC No. 25-10,

Farm and Ranch Contract. The proposed revisions are the same as those proposed for TREC Form No. 20-12, except as follows. Paragraph 2 is amended to except exclusions and reservations. The definition of "Property" in Paragraph 2 is not changed. Paragraph 7.H(3) regarding seller's disclosure of environmental hazards is amended to change "any environmental hazards or conditions materially affecting" to "any environmental hazards that materially and adversely affect" the property. The last page is not amended.

The amendment to §537.37 proposes to adopt by reference Standard Contract Form TREC No. 30-11, Residential Condominium Contract. The proposed revisions are the same as those proposed for TREC Form No. 20-12 except as follows. The definition of "Property" in Paragraph 2 is not changed. Paragraph 2.B(3) is deleted as a typographical error. No changes were made to paragraph 6.A.(8).

The amendment to §537.44 propose to adopt by reference Standard Contract Form TREC No. 37-5, Subdivision Information, Including Resale Certificate for Property Subject to Mandatory Membership in a Property Owners' Association. Paragraph H is amended to more closely track statutory changes to Chapter 207, Property Code.

The amendment to §537.47 proposes to adopt by reference Standard Contract Form TREC No. 405, Third Party Financing Addendum for Credit Approval. New paragraph E is added to reference USDA Guaranteed Financing.

New §537.47 propose to adopt reference by Standard Contract Form TREC No. 46-0, Mutual Termination of Contract. The form is to be used when the Buyer and Seller mutually agree to terminate the contract and release the earnest money, or to terminate the contract without releasing the earnest money.

The Broker Lawyer Committee has recommended modifications to the contracts as proposed based on comments received.

Chapter 539 Rules Relating to the Residential Service Company Act

Q. Issues Affecting Consumers

§539.162. Contract Requirements.

The amendments propose new §539.162, Copy of Residential Service Company Contract, and require companies to provide a disclosure in all contracts regarding how to file a complaint with the Texas Real Estate Commission.

TREC Enforcement Actions Taken ...

Name and Location	Order	Basis For Order												
<p>Case#: 120835,121103,121339,121833,130086,130937,131228,131283 COLINDRES, GUADALUPE M (license # 514609) Real Estate Broker / Salesperson-I KILLEEN(BELL) Effective Date: 8/15/2013</p> <table border="1" data-bbox="115 590 386 1161"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(06)</td></tr> <tr><td>1101.652(b)(02)</td></tr> <tr><td>1101.652(b)(07)</td></tr> <tr><td>1101.652(b)(09)</td></tr> <tr><td>1101.652(b)(10)</td></tr> <tr><td>1101.652(b)(19)</td></tr> <tr><td>1101.652(b)(20)</td></tr> <tr><td>1101.652(b)(24)</td></tr> <tr><td>1101.652(b)(25)</td></tr> <tr><td>1101.652(b)(26)</td></tr> <tr><td>22 TAC 535.154(c)</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(06)	1101.652(b)(02)	1101.652(b)(07)	1101.652(b)(09)	1101.652(b)(10)	1101.652(b)(19)	1101.652(b)(20)	1101.652(b)(24)	1101.652(b)(25)	1101.652(b)(26)	22 TAC 535.154(c)	<p>Temporary suspension until such time that a final order is executed by the Commission.</p>	<p>Consumer Complaint Respondent's continued practice as a real estate broker constitutes a continuing threat to the public welfare.</p>
Violation(s)														
1101.652(a)(06)														
1101.652(b)(02)														
1101.652(b)(07)														
1101.652(b)(09)														
1101.652(b)(10)														
1101.652(b)(19)														
1101.652(b)(20)														
1101.652(b)(24)														
1101.652(b)(25)														
1101.652(b)(26)														
22 TAC 535.154(c)														
<p>Case#: 120848,121942,122112,130057 DWIGHT WALTERS' - REBEL REALTY INC (license # 9000671) Real Estate Company-O DRIPPING SPRINGS(HAYS) Effective Date: 8/21/2013</p> <table border="1" data-bbox="115 1518 391 1801"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(05)</td></tr> <tr><td>1101.652(a)(06)</td></tr> <tr><td>1101.652(b)(01)</td></tr> <tr><td>1101.652(b)(02)</td></tr> <tr><td>1101.652(b)(09)</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(05)	1101.652(a)(06)	1101.652(b)(01)	1101.652(b)(02)	1101.652(b)(09)	<p>Revocation of broker license. Assessment of an administrative penalty of \$30,000.00.</p>	<p>Consumer Complaint Respondent failed to send regular accounting statements to property management client and failed to remit to client the rent for multiple months. Upon termination of the property management agreement, Respondent failed to return the tenant security deposit on the client's demand. Respondent failed to respond to the client's demand for the rental receipts and pet deposits. Respondent failed or refused to produce on request, for inspection by the Commission or a Commission representative, a document, book, or record that is in the license holder's possession and relates to a real estate transaction conducted by the license holder. Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>						
Violation(s)														
1101.652(a)(05)														
1101.652(a)(06)														
1101.652(b)(01)														
1101.652(b)(02)														
1101.652(b)(09)														

TREC Enforcement Actions Taken ...

<p>Case#: 120848,121942,122112,130057,131620 WALTERS, DWIGHT E (license # 455380) Real Estate Broker / Salesperson-I DRIPPING SPRINGS(HAYS) Effective Date: 8/21/2013</p> <table border="1" data-bbox="115 495 391 829"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(05)</td></tr> <tr><td>1101.652(a)(06)</td></tr> <tr><td>1101.652(b)(01)</td></tr> <tr><td>1101.652(b)(02)</td></tr> <tr><td>1101.652(b)(09)</td></tr> <tr><td>1101.655</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(05)	1101.652(a)(06)	1101.652(b)(01)	1101.652(b)(02)	1101.652(b)(09)	1101.655	<p>Revocation of broker license. Assessment of an administrative penalty of \$30,000.00.</p>	<p>Consumer Complaint Respondent failed to send regular accounting statements to property management client and failed to remit to client the rent for multiple months. Upon termination of the property management agreement, Respondent failed to return the tenant security deposit on the client's demand. Respondent failed to respond to the client's demand for the rental receipts and pet deposits. Respondent failed or refused to produce on request, for inspection by the Commission or a Commission representative, a document, book, or record that is in the license holder's possession and relates to a real estate transaction conducted by the license holder. Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission. Respondent failed to repay the Commission for payment of \$84,556.28 plus interest made from the Real Estate Recovery Trust Account towards satisfaction of a judgment.</p>	
Violation(s)										
1101.652(a)(05)										
1101.652(a)(06)										
1101.652(b)(01)										
1101.652(b)(02)										
1101.652(b)(09)										
1101.655										
<p>Case#: 120877 PERRY, SHERRIE ELAINE (license # 302189) Real Estate Broker / Salesperson-I NEW BRAUNFELS(COMAL) Effective Date: 8/1/2013</p> <table border="1" data-bbox="115 1121 391 1501"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(05)</td></tr> <tr><td>1101.652(a)(06)</td></tr> <tr><td>1101.652(b)(01)</td></tr> <tr><td>1101.652(b)(02)</td></tr> <tr><td>1101.652(b)(09)</td></tr> <tr><td>1101.652(b)(11)</td></tr> <tr><td>1101.652(b)(26)</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(05)	1101.652(a)(06)	1101.652(b)(01)	1101.652(b)(02)	1101.652(b)(09)	1101.652(b)(11)	1101.652(b)(26)	<p>Revocation of broker license. Assessment of an administrative penalty of \$13,000.00.</p>	<p>Consumer Complaint Respondent leased a property to a tenant, collected the rent, and failed to account to the owner for the rent collected. Respondent failed or refused to produce on request for inspection by the Commission or a Commission representative, a document, book, or record that was in the license holder's possession and relates to a real estate transaction conducted by the license holder. Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission. Respondent paid commissions to and improperly associated with an unlicensed corporation</p>
Violation(s)										
1101.652(a)(05)										
1101.652(a)(06)										
1101.652(b)(01)										
1101.652(b)(02)										
1101.652(b)(09)										
1101.652(b)(11)										
1101.652(b)(26)										
<p>Case#: 120877 BAREFOOT PROPERTIES, INC. (license # 0) None NEW BRAUNFELS(COMAL) Effective Date: 8/1/2013</p> <table border="1" data-bbox="115 1772 391 1866"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.351(a-1)</td></tr> </tbody> </table>	Violation(s)	1101.351(a-1)	<p>Ordered to cease and desist all unlicensed real estate brokerage activities in Texas. Assessment of an administrative penalty of \$5,000.00.</p>	<p>Consumer Complaint Business entity engaged in property management activities without a real estate license.</p>						
Violation(s)										
1101.351(a-1)										

TREC Enforcement Actions Taken ...

<p>Case#: 130106 WALKER, JERMAINE LAMELL (license # 555206) Real Estate Broker / Salesperson-I HOUSTON(HARRIS) Effective Date: 8/6/2013</p> <table border="1" data-bbox="115 422 399 611"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(01)</td> </tr> <tr> <td>1101.652(b)(10)</td> </tr> <tr> <td>1101.652(b)(23)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(01)	1101.652(b)(10)	1101.652(b)(23)	<p>Agreed reprimand of salesperson. Agreed administrative penalty of \$1,600.00. Agreed completion of 30 hours in a property management course due on or before October 30, 2013.</p>	<p>Consumer Complaint Respondent used an assumed name to conduct property management activities without authorization from his broker. The Commission was not notified of the use of the assumed name. Respondent deposited a security deposit from a tenant into an operating account of which Respondent was the only signatory.</p>
Violation(s)						
1101.652(b)(01)						
1101.652(b)(10)						
1101.652(b)(23)						
<p>Case#: 130939 CHOWDHURY, SALIM AHMED (license # 483438) Real Estate Broker / Salesperson-I AUSTIN(WILLIAMSON) Effective Date: 8/6/2013</p>	<p>Agreed reprimand of salesperson. Agreed administrative penalty of \$1,000.00. Agreed completion of 30 hours in a property management course due on or before November 6, 2013.</p>	<p>Consumer Complaint Respondent leased a client's property, depositing a security deposit and rent into a personal account. When tenants gave timely notice to vacate, Respondent returned half of the tenant's security deposit, though Respondent failed to maintain the property move-in condition forms with which to compare the move-out condition. Respondent failed to respond to tenants' demand for the remainder of their security deposit which provided proof of normal wear and tear.</p>				
<p>Case#: 130758 HALK, CHARLES MICHAEL (license # 6620) Inspector-I DENISON(GRAYSON) Effective Date: 8/12/2013</p> <table border="1" data-bbox="115 1192 399 1339"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>22 TAC 535.221(c)</td> </tr> <tr> <td>22 TAC 535.223</td> </tr> </tbody> </table>	Violation(s)	22 TAC 535.221(c)	22 TAC 535.223	<p>Agreed reprimand of professional inspector. Agreed administrative penalty of \$1,500.00.</p>	<p>Consumer Complaint Respondent conducted business under an assumed name without timely notifying the Commission of the use of the name. Respondent used an inspection form which was not an inspection form adopted by the Commission. Respondent altered his inspection form in ways not allowed by the Commission.</p>	
Violation(s)						
22 TAC 535.221(c)						
22 TAC 535.223						
<p>Case#: 130384 DAWSON, RANDALL B (license # 492580) Real Estate Broker / Salesperson-I CARROLLTON(DENTON) Effective Date: 8/9/2013</p> <table border="1" data-bbox="115 1570 399 1717"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(a)(01)</td> </tr> <tr> <td>1101.652(a)(09)</td> </tr> </tbody> </table>	Violation(s)	1101.652(a)(01)	1101.652(a)(09)	<p>Agreed 9 1/2-year suspension of salesperson license fully probated for 9 1/2 years or until the end of his community supervision, whichever occurs first. Agreed administrative penalty of \$1,500.00.</p>	<p>Administrative Complaint Respondent pled guilty to a felony offense. Respondent failed to notify the Commission within 30 days after entry of a plea of guilty to a felony offense.</p>	
Violation(s)						
1101.652(a)(01)						
1101.652(a)(09)						

TREC Enforcement Actions Taken ...

<p>Case#: 130339 WEST, STACIE LYNN (license # 577017) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 8/9/2013</p> <table border="1" data-bbox="110 405 402 499"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(06)</td> </tr> </table>	Violation(s)	1101.652(a)(06)	<p>Reprimand of salesperson. Assessment of an administrative penalty of \$1,000.00. Suspension of salesperson license until the administrative penalty is paid in full and the requested information is received.</p>	<p>Administrative Complaint Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>	
Violation(s)					
1101.652(a)(06)					
<p>Case#: 130075 SOWERS, ELIZABETH MICHELLE (license # 614277) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 8/9/2013</p> <table border="1" data-bbox="110 737 402 877"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(05)</td> </tr> <tr> <td>1101.652(a)(06)</td> </tr> </table>	Violation(s)	1101.652(a)(05)	1101.652(a)(06)	<p>Reprimand of salesperson. Assessment of an administrative penalty of \$2,000.00. Suspension of salesperson license until the administrative penalty is paid in full and the requested information is received.</p>	<p>Administrative Complaint Respondent failed or refused to produce on request, for inspection by the Commission or a Commission representative, a document, book, or record that is in the license holder's possession and relates to a real estate transaction conducted by the license holder. Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>
Violation(s)					
1101.652(a)(05)					
1101.652(a)(06)					
<p>Case#: 131848 CASEY POPE PROPERTIES INC (license # 9002601) Real Estate Company-O FULSHEAR(FORT BEND) Effective Date: 8/21/2013</p> <table border="1" data-bbox="110 1121 402 1215"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.351(a-1)</td> </tr> </table>	Violation(s)	1101.351(a-1)	<p>Agreed administrative penalty of \$1,000.00.</p>	<p>Administrative Complaint Applicant conducted brokerage activities without being licensed through a real estate broker. Applicant demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate broker.</p>	
Violation(s)					
1101.351(a-1)					
<p>Case#: 131685 CAPITOL AREA REALTY INC (license # 306139) Real Estate Company-O SPICEWOOD(TRAVIS) Effective Date: 8/23/2013</p> <table border="1" data-bbox="110 1472 402 1566"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.655</td> </tr> </table>	Violation(s)	1101.655	<p>Revocation of broker license.</p>	<p>Administrative Complaint Respondent failed to repay the Commission for payment of \$11,585.32 plus interest made from the Real Estate Recovery Trust Account towards satisfaction of a judgment.</p>	
Violation(s)					
1101.655					
<p>Case#: 131742 JONES, MARISSA (license # 572108) Real Estate Broker / Salesperson-I CYPRESS(HARRIS) Effective Date: 8/30/2013</p> <table border="1" data-bbox="110 1808 402 1902"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.655</td> </tr> </table>	Violation(s)	1101.655	<p>Revocation of salesperson license.</p>	<p>Administrative Complaint Respondent failed to repay the Commission for payment of \$11,605.53 plus interest made from the Real Estate Recovery Trust Account towards satisfaction of a judgment.</p>	
Violation(s)					
1101.655					

TREC Enforcement Actions Taken ...

<p>Case#: 121447 CHAVEZ, MARIA ARIZPE (license # 476714) Real Estate Broker / Salesperson-I MIDLAND(MIDLAND) Effective Date: 8/15/2013</p> <table border="1" data-bbox="110 373 407 512"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(01)</td> </tr> <tr> <td>1101.652(a)(09)</td> </tr> </table>	Violation(s)	1101.652(a)(01)	1101.652(a)(09)	<p>Automatic suspension of salesperson license.</p>	<p>Administrative Complaint Respondent failed to comply with the terms of an agreed order entered by the Commission by failing to timely make administrative penalty payments to the Commission.</p>
Violation(s)					
1101.652(a)(01)					
1101.652(a)(09)					
<p>Case#: 131029 ADAMS, SARAH KATHRYN (license # 607568) Real Estate Broker / Salesperson-I FRIENDSWOOD(GALVESTON) Effective Date: 8/15/2013</p> <table border="1" data-bbox="110 785 418 877"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(06)</td> </tr> </table>	Violation(s)	1101.652(a)(06)	<p>Reprimand of salesperson. Assessment of an administrative penalty of \$1,500.00. Suspension of salesperson license until payment in full of the administrative penalty and the requested information is received.</p>	<p>Administrative Complaint Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>	
Violation(s)					
1101.652(a)(06)					
<p>Case#: 120995 MENDIOLA, MONA LISA (license # 423847) Real Estate Broker / Salesperson-I SAN MARCOS(HAYS) Effective Date: 8/16/2013</p> <table border="1" data-bbox="110 1117 407 1209"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(06)</td> </tr> </table>	Violation(s)	1101.652(a)(06)	<p>Automatic suspension of salesperson license.</p>	<p>Administrative Complaint Respondent failed to comply with the terms of an agreed order entered by the Commission by failing to timely make administrative penalty payments to the Commission.</p>	
Violation(s)					
1101.652(a)(06)					
<p>Case#: 131054 BORDEN, JAMES MAX (license # 455371) Real Estate Broker / Salesperson-I ATHENS(HENDERSON) Effective Date: 8/20/2013</p> <table border="1" data-bbox="110 1451 407 1591"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(01)</td> </tr> <tr> <td>1101.652(a)(09)</td> </tr> </table>	Violation(s)	1101.652(a)(01)	1101.652(a)(09)	<p>Agreed nine-year suspension of broker license fully probated for nine years or until the end of his community supervision, whichever occurs first. Agreed administrative penalty of \$1,500.</p>	<p>Administrative Complaint Respondent pled guilty to a felony offense. Respondent failed to notify the Commission within 30 days after entry of a plea of guilty of felony offense.</p>
Violation(s)					
1101.652(a)(01)					
1101.652(a)(09)					
<p>Case#: 131047 IVERSON, KIRK (license # 632400) Real Estate Broker / Salesperson-I DALLAS(DALLAS) Effective Date: 8/21/2013</p>	<p>Agreed seven-year probationary salesperson license issued.</p>	<p>Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in Tex. Occ. Code §53.023 and, subject to reasonable terms of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>			

TREC Enforcement Actions Taken ...

<p>Case#: 131934 ELLIS, SAMUEL HASSAN (license # 616247) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 8/21/2013</p>	<p>Agreed two-year probationary salesperson license issued. Agreed administrative penalty of \$2,000.00.</p>	<p>Applications Applicant conducted brokerage activities without being licensed through a real estate broker. Applicant demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson.</p>						
<p>Case#: 131785,130471 OPTIVEST PROPERTIES LLC (license # 9002616) Real Estate Company-O DANA POINT(ORANGE) Effective Date: 8/12/2013</p>	<p>Agreed one-year probationary broker license issued. Agreed administrative penalty of \$1,000.00.</p>	<p>Applications Applicant conducted brokerage activities without being licensed through a real estate broker. Applicant demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate broker.</p>						
<p>Case#: 121831,121553 GARCIA, JOSE ENRIQUE (license # 539454) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 9/3/2013</p> <table border="1" data-bbox="110 898 386 1184"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(a)(05)</td> </tr> <tr> <td>1101.652(a)(06)</td> </tr> <tr> <td>1101.652(b)(02)</td> </tr> <tr> <td>1101.652(b)(09)</td> </tr> <tr> <td>1101.652(b)(10)</td> </tr> </tbody> </table>	Violation(s)	1101.652(a)(05)	1101.652(a)(06)	1101.652(b)(02)	1101.652(b)(09)	1101.652(b)(10)	<p>Revocation of broker license. Assessment of an administrative penalty of \$13,000.00.</p>	<p>Consumer Complaint Respondent collected \$3,465.00 from a client for rent, security, and application fee for a rental property. Telling the client she did not get the property and collecting an additional \$1400.00 for a second application, at move-in, Respondent texted client that her application was rejected and failed to return any of the money. Respondent falsified a contract document to show \$2000.00 due from the buyer for earnest money rather than the actual \$1,000.00 due and collected that amount from his client. Respondent then falsely represented that the seller wanted an additional \$1,500.00 earnest money and collected that amount from his client. Respondent gave \$1,000 to the seller and retained the rest of the money.</p>
Violation(s)								
1101.652(a)(05)								
1101.652(a)(06)								
1101.652(b)(02)								
1101.652(b)(09)								
1101.652(b)(10)								
<p>Case#: 121871 RIDDLE, KENT ALAN (license # 468428) Real Estate Broker / Salesperson-I LOCKHART(CALDWELL) Effective Date: 9/5/2013</p> <table border="1" data-bbox="110 1430 415 1619"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(01)</td> </tr> <tr> <td>1101.652(b)(10)</td> </tr> <tr> <td>1101.652(b)(20)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(01)	1101.652(b)(10)	1101.652(b)(20)	<p>Agreed one-year suspension of broker license fully probated for one year. Agreed administrative penalty of \$5,000.00.</p>	<p>Consumer Complaint Respondent managed a residential property for four years. During that time, he failed to inspect the property, which allowed the tenant to operate an unauthorized group home and alter the residential property on the premises in violation of city code. Respondent failed to use a trust account.</p>		
Violation(s)								
1101.652(b)(01)								
1101.652(b)(10)								
1101.652(b)(20)								
<p>Case#: 130998 BARRON, JUAN LUIS (license # 607492) Real Estate Broker / Salesperson-I LEAGUE CITY(GALVESTON) Effective Date: 9/4/2013</p> <table border="1" data-bbox="110 1854 399 1948"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(01)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(01)	<p>Agreed reprimand. Agreed administrative penalty of \$750.00.</p>	<p>Consumer Complaint Respondent failed to request the Seller's Disclosure Notice from Seller and the Notice was not provided to the Respondent's client, (the buyer), until closing day.</p>				
Violation(s)								
1101.652(b)(01)								

<p>Case#: 130489 SETZER, AVERY MCDUFFY (license # 444253) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 9/10/2013</p> <table border="1" data-bbox="110 401 431 590"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(01)</td> </tr> <tr> <td>1101.652(b)(09)</td> </tr> <tr> <td>1101.652(b)(10)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(01)	1101.652(b)(09)	1101.652(b)(10)	<p>Revocation of broker license. May not file an application to obtain any license or certificate issued by the Commission before September 11, 2019.</p>	<p>Consumer Complaint Respondent managed property. Respondent suffered a stroke after collecting rent and failed to turn over rent and a security deposit to the owner.</p>		
Violation(s)								
1101.652(b)(01)								
1101.652(b)(09)								
1101.652(b)(10)								
<p>Case#: 131081 ANDERSON, TERESA KAY (license # 572549) Real Estate Broker / Salesperson-I KILLEEN(BELL) Effective Date: 9/13/2013</p> <table border="1" data-bbox="110 825 431 1014"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(01)</td> </tr> <tr> <td>1101.652(b)(09)</td> </tr> <tr> <td>1101.652(b)(10)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(01)	1101.652(b)(09)	1101.652(b)(10)	<p>Agreed two-year suspension of salesperson license fully probated for two years. Agreed administrative penalty of \$2,500.00.</p>	<p>Consumer Complaint Respondent managed property without the knowledge of her broker and failed to use trust accounts and account for security deposits or provide monthly statements.</p>		
Violation(s)								
1101.652(b)(01)								
1101.652(b)(09)								
1101.652(b)(10)								
<p>Case#: 131520,121357,121802,121954, 122006,130085,130837,131113, 131414 COMER, GREGORY WAYNE (license # 498420) Real Estate Broker / Salesperson-I HOUSTON(HARRIS) Effective Date: 9/15/2013</p> <table border="1" data-bbox="110 1436 449 1719"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(a)(05)</td> </tr> <tr> <td>1101.652(a)(06)</td> </tr> <tr> <td>1101.652(b)(01)</td> </tr> <tr> <td>1101.652(b)(09)</td> </tr> <tr> <td>1101.652(b)(28)</td> </tr> </tbody> </table>	Violation(s)	1101.652(a)(05)	1101.652(a)(06)	1101.652(b)(01)	1101.652(b)(09)	1101.652(b)(28)	<p>Agreed three-year suspension of broker license fully probated for three years. Agreed administrative penalty of \$13,000.00.</p>	<p>Consumer Complaint Respondent, while acting as a property manager, acted negligently or incompetently by using a portion of a security deposit to cover make-ready improvements without apparent authority from the property owner; miscalculating and incorrectly deducting late charges; failing to provide accountings; failing to follow the instructions of property owners that he represented; failing to provide, on request, a copy of an executed lease to a property owner that he represented; authorizing a move-in ready charge without contractual authority; failing to timely respond to property owners that he represented; collecting duplicate charges for a repair; failing to properly account for or remit security deposits; failing or refusing to produce on request, for inspection by the Commission, a document, book, or record that was in Respondent's possession and related to a real estate transaction conducted by Respondent; and failing to provide, within a reasonable time, information requested by the Commission that related to a formal or informal complaint to the Commission that would indicate a violation the Commission's Act or Rules.</p>
Violation(s)								
1101.652(a)(05)								
1101.652(a)(06)								
1101.652(b)(01)								
1101.652(b)(09)								
1101.652(b)(28)								

TREC Enforcement Actions Taken ...

<p>Case#: 131864 GULFSTREAM PROPERTIES, LLC (license # 0) None HOUSTON(HARRIS) Effective Date: 9/16/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.351(a-1)</td> </tr> </tbody> </table>	Violation(s)	1101.351(a-1)	<p>Agreed administrative penalty of \$1,000.00. Agreed to cease and desist from engaging in all activities for which a person must first hold a real estate broker or salesperson license until the appropriate license is obtained.</p>	<p>Consumer Complaint Respondent conducted real estate brokerage activities without holding a license by acting as listing broker in a sales contract.</p>			
Violation(s)							
1101.351(a-1)							
<p>Case#: 131516 TARR DAHLEN LLC (license # 527595) Real Estate Company-O SAN MARCOS(HAYS) Effective Date: 9/17/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(11)</td> </tr> <tr> <td>1101.652(b)(26)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(11)	1101.652(b)(26)	<p>Agreed reprimand. Agreed administrative penalty of \$2,000.00.</p>	<p>Consumer Complaint Respondent associated with two people who conducted locating services without holding a real estate license. Each person had held real estate licenses that expired without renewal. Respondent paid or shared commissions or fees for the real estate brokerage services provided by each unlicensed person.</p>		
Violation(s)							
1101.652(b)(11)							
1101.652(b)(26)							
<p>Case#: 131516 TARR, JASON FLOYD (license # 455814) Real Estate Broker / Salesperson-I KYLE(HAYS) Effective Date: 9/17/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.652(b)(01)</td> </tr> </tbody> </table>	Violation(s)	1101.652(b)(01)	<p>Agreed reprimand. Agreed administrative penalty of \$1,000.00. Agreed completion of 30 hours in a real estate brokerage course on or before December 13, 2013.</p>	<p>Consumer Complaint Respondent was the designated broker for a business broker and acted negligently or incompetently when the business broker associated with two people who conducted locating services without holding a real estate license. The business broker paid or shared commissions or fees for the real estate brokerage services provided by each unlicensed person.</p>			
Violation(s)							
1101.652(b)(01)							
<p>Case#: 121600 GOMEZ, RICHARD MICHAEL (license # 555374) Real Estate Broker / Salesperson-I CORPUS CHRISTI(NUECES) Effective Date: 9/30/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr> <td>1101.559(c)</td> </tr> <tr> <td>1101.652(b)(01)</td> </tr> <tr> <td>1101.652(b)(26)</td> </tr> <tr> <td>22 TAC 535.154(e)</td> </tr> </tbody> </table>	Violation(s)	1101.559(c)	1101.652(b)(01)	1101.652(b)(26)	22 TAC 535.154(e)	<p>Agreed one-year suspension of broker license fully probated for one year. Agreed administrative penalty of \$5,500.00. Agreed completion of 30 classroom hours in a contract law course on or before December 15, 2013. Agreed to submit an application for a real estate broker license for Gomez Gabriel Real Estate, LLC, on or before October 15, 2013.</p>	<p>Consumer Complaint Respondent acted as an intermediary of the buyer and seller in a real estate transaction but the buyers did not provide written consent to the intermediary relationship. Respondent failed to timely notify the Commission of the use of an assumed name. Respondent associated with an entity which conducted real estate brokerage activities without holding a Texas real estate license. Respondent acted negligently or incompetently by drafting a sales contract with no closing date, listing the incorrect broker number, incorrectly indicating addenda were attached, and using a sales contract form for a lease-to-own transaction. Respondent accepted and retained personal checks from buyer labeled as "down payment" and did not deposit them</p>
Violation(s)							
1101.559(c)							
1101.652(b)(01)							
1101.652(b)(26)							
22 TAC 535.154(e)							

<p>Case#: 120269 VALADEZ, RUBEN C (license # 402604) Real Estate Broker / Salesperson-I SAN ANTONIO(BEXAR) Effective Date: 9/27/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.559(a)</td></tr> <tr><td>1101.652(b)(01)</td></tr> <tr><td>1101.652(b)(02)</td></tr> <tr><td>1101.652(b)(10)</td></tr> <tr><td>1101.652(b)(19)</td></tr> <tr><td>1101.652(b)(23)</td></tr> <tr><td>22 TAC 535.154(c)</td></tr> </tbody> </table>	Violation(s)	1101.559(a)	1101.652(b)(01)	1101.652(b)(02)	1101.652(b)(10)	1101.652(b)(19)	1101.652(b)(23)	22 TAC 535.154(c)	<p>Agreed five-year suspension of salesperson license fully probated for five years. Agreed administrative penalty of \$10,000.00.</p>	<p>Consumer Complaint The sign Respondent placed on the property did not indicate that he was a broker or agent and the sign further failed to include his sponsoring broker's name. The Respondent had the tenant make checks payable to the salesperson and the monies received were not deposited into the Respondent's broker's trust or escrow account. The Respondent failed to account for monies received. Although Respondent knew that the person he was dealing with was not the owner of the property, Respondent continued to negotiate with her. Respondent failed to get the buyer's written consent to intermediary.</p>
Violation(s)										
1101.559(a)										
1101.652(b)(01)										
1101.652(b)(02)										
1101.652(b)(10)										
1101.652(b)(19)										
1101.652(b)(23)										
22 TAC 535.154(c)										
<p>Case#: 131028 MCGAVOCK-COE, STEPHANIE MIKAL (license # 571400) Real Estate Broker / Salesperson-I LUBBOCK(LUBBOCK) Effective Date: 9/27/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(06)</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(06)	<p>Reprimand of salesperson. Assessment of an administrative penalty of \$1,500.00. Suspension of salesperson license until payment in full of the administrative penalty and the requested information is received.</p>	<p>Administrative Complaint Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>						
Violation(s)										
1101.652(a)(06)										
<p>Case#: 131273 GROVER, ALLISON RILEY (license # 428255) Real Estate Broker / Salesperson-I HOUSTON(HARRIS) Effective Date: 9/19/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(01)</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(01)	<p>Agreed four-year suspension of salesperson license fully probated for four years.</p>	<p>Administrative Complaint Respondent pled guilty to a felony offense.</p>						
Violation(s)										
1101.652(a)(01)										
<p>Case#: 131274 SPENCER, MATTHEW DAVID (license # 482293) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 9/19/2013</p> <table border="1"> <thead> <tr> <th>Violation(s)</th> </tr> </thead> <tbody> <tr><td>1101.652(a)(06)</td></tr> </tbody> </table>	Violation(s)	1101.652(a)(06)	<p>Reprimand of salesperson. Assessment of an administrative penalty of \$1,500.00. Suspension of salesperson license until payment in full of the administrative penalty and the requested information is received.</p>	<p>Administrative Complaint Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>						
Violation(s)										
1101.652(a)(06)										

<p>Case#: 131686 ENGLISH, WESLEY H (license # 505628) Real Estate Broker / Salesperson-I DALLAS(DALLAS) Effective Date: 9/20/2013</p> <table border="1" data-bbox="110 411 347 506"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.655</td> </tr> </table>	Violation(s)	1101.655	<p>Agreed revocation of broker license.</p>	<p>Administrative Complaint Respondent failed to repay the Commission for payment of \$50,000.00 made from the Real Estate Recovery Trust Account towards satisfaction of a judgment.</p>
Violation(s)				
1101.655				
<p>Case#: 131934 ELLIS, SAMUEL HASSAN (license # 616247) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 9/16/2013</p>	<p>Automatic suspension of salesperson license.</p>	<p>Administrative Complaint Respondent failed to comply with the terms of an agreed order entered by the Commission by failing to timely make administrative penalty payments to the Commission.</p>		
<p>Case#: 131428 ANAMI, MICHAEL JOSHUA (license # 604595) Real Estate Broker / Salesperson-I AUSTIN(TRAVIS) Effective Date: 9/3/2013</p> <table border="1" data-bbox="110 951 425 1045"> <tr> <th>Violation(s)</th> </tr> <tr> <td>1101.652(a)(01)</td> </tr> </table>	Violation(s)	1101.652(a)(01)	<p>Agreed five-year suspension of salesperson license fully probated for five years.</p>	<p>Administrative Complaint Respondent pled guilty to a felony offense.</p>
Violation(s)				
1101.652(a)(01)				
<p>Case#: 131589 TILLMAN, TIMOTHY WAYNE (license # 633063) Real Estate Broker / Salesperson-I BROWNSVILLE(CAMERON) Effective Date: 9/9/2013</p>	<p>Agreed five-year probationary salesperson license issued.</p>	<p>Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in Tex. Occ. Code §53.023 and, subject to reasonable terms of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>		
<p>Case#: 131722 SCOTT, JANA JUNE (license # 633062) Real Estate Broker / Salesperson-I HEARNE(ROBERTSON) Effective Date: 9/9/2013</p>	<p>Agreed one-year probationary salesperson license issued.</p>	<p>Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in Tex. Occ. Code §53.023 and, subject to reasonable terms of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>		

TALCB Bulletin



TALCB was created by an act of the Texas Legislature in 1991 to license, certify and regulate real estate appraisers in Texas under state and federal laws. In 2011, TALCB's jurisdiction was expanded to register and regulate appraisal management companies.

Inside this issue: Texas Appraiser Convicted (page 1) From the Commissioner (page 2) New TALCB Board Member Appointed (page 3) Proposed Rules (page 3)

Former Texas Certified Appraiser Convicted of Fraud

On September 12th, 2013, the Board's Standards and Enforcement Services Division ("TALCB SES") received notice from the Texas Attorney General's Office ("the AG") that former certified appraiser James Lee Adams pled guilty to two separate felony informations for false statement to obtain property or credit under Texas Penal Code § 32.32. The guilty pleas, and ensuing convictions, stem from a longstanding regulatory investigation by the Board and a parallel criminal investigation by the AG.

Mr. Adams was one of the appraisers the United States Attorney's Office referred to the Board for investigation in 2008. After a lengthy regulatory investigation, TALCB SES obtained a final order of revocation of Mr. Adam's certification on February 18th, 2011.

Due to issues revealed during the regulatory proceedings, TALCB SES referred the matter to the AG, which began a criminal investigation into Mr. Adam's activities.

In 2012, after Mr. Adams' certification had been revoked, a former employee of Mr. Adams filed a complaint with TALCB SES claiming his appraisal credentials and signature were being forged by Mr. Adams, without this individual's knowledge or consent. TALCB SES staff worked with this new complainant to provide this additional information to the AG.

Mr. Adams pled guilty earlier this month in Bastrop County District Court. The first conviction relates to Mr. Adams involvement in the original mortgage fraud that caused him to lose his certification issued by the Board. The second conviction stems from Mr. Adams' subsequent forgery of another appraiser's signature and fraudulent use of appraisal credentials to complete appraisals when he no longer had a certification. Mr. Adams was sentenced to 10 years in prison, but in lieu of confinement, placed on 10 years probation, with 100 days to be served in jail and required to pay approximately \$36,000 in restitution to the victims of his fabricated appraisals. The criminal investigation uncovered that approximately 91 appraisals of properties in 19 different counties were fabricated by Mr. Adams falsely using his former employee's certification and signature. The victims of those forgeries will be reimbursed the appraisal fees they paid to Mr. Adams under false pretenses. TALCB SES Staff is grateful for the assistance and cooperation of the AG and the local district attorneys' offices that cooperated in bringing this criminal conduct to a halt and, for providing justice and restitution to the victims of Mr. Adams' illegal conduct.

It is fall, and that means time for all states to go to Washington DC to meet with all of the federal agencies and related professional associations that govern and guide the appraisal community. Uncertainty has dominated the field since the Dodd-Frank law was passed in July 2010 and the new laws and new agencies to enforce them have been slow in getting organized and even slower in drafting the rules needed to provide certainty to an unsteady financial services industry. Into the gap, the market has come roaring back and government is playing catch-up. Sidetracked by a 16 day “shut-down”, more delays are the inevitable result. On top of all that, the politics of DC, while perhaps not “toxic”, is certainly increasingly divided. In this environment the Association of Appraiser Regulatory Officials (AARO) meets every October to exchange ideas, coordinate policy and urge resolution of pressing issues that affect the appraisal community every day. Wish us luck as we tackle these ongoing challenges.

The Board’s Appraisal Management Company Advisory Committee will meet on November 4th to ponder some of the current pressing issues where the Board may be able to offer some improved policy guidance in this ever-developing area. The Enforcement Committee will also meet that day to continue its work of helping to clarify the policies surrounding disciplinary

processes employed by the Board’s staff while investigating complaints filed by consumers and lenders alleging appraisal deficiencies. Both areas of policy have seen incremental improvements in the last year; we hope you have taken notice.



Douglas E. Oldmixon

The Board will meet next on Friday November 22nd at 10 AM in Room 170 of the Stephen F Austin building at 1700 North Congress Avenue, just two blocks north of the State Capitol. We welcome our license holders and members of the public to attend, observe and even comment. If you cannot make it, know that the meetings are also broadcast live over the internet and video recorded as the official record of the meeting. Links to the agenda, materials, live broadcast and video archive are all available on the agency’s website. As always, we welcome your comments on all we do.

Important Dates to Remember

TALCB AMC Advisory Committee –November 4

TALCB Enforcement Committee Meeting - November 4.

TALCB Meeting - November 22

TALCB Board Member Appointed

Governor Perry has appointed Patrick M. Carlson of Austin as a public member to the Texas Appraiser Licensing & Certification Board with a term set to expire January 31, 2015. Mr. Carlson replaces Sheryl Swift of Galveston.

Mr. Carlson is an attorney at Armbrust & Brown PLLC. He focuses his practice on real estate transactions and representing municipal utility districts and other special districts. Mr. Carlson's real estate practice includes acquisitions, sales, leasing, development and financing.

Mr. Carlson is a member of the State Bar of Texas, Austin Bar Association, Texas Young Lawyers Association, Austin Young Lawyers Association, Real Estate Council of Austin, and

Capital Area Suburban Exchange. He received a bachelor's degree from The University of Texas at Austin and a law degree from the Texas Tech University School of Law.

The Texas Appraiser Licensing & Certification Board works to protect the public through the agency's programs of education, licensing and regulation to ensure that real estate appraisers and appraisal service providers are competent and trustworthy. More information on the Board and its programs can be found at www.talcb.texas.gov.

Proposed Rules from The August 16th Meeting of the Board

PROPOSED RULES

Proposed rules will be up for adoption at the November 22, 2013 meeting of the Board. The proposed rules can be found on our website at <http://www.talcb.state.tx.us/ActAndRules/TALCB-Rules.asp>. Comments on proposed rules should be sent to general.counsel@talcb.texas.gov on or before October 7, 2013.

22 TAC §153.15 concerning Experience Required for Certification or Licensing (also adopted on an emergency basis): Amendments are proposed to implement the new experience audit requirement for all appraiser credentials set out in Revised Policy Statement 4, adopted by Appraisal Subcommittee on June 1, 2013, effective as of July 1, 2013. The rule currently sets out that no more than 5% of applicants for a State appraiser license can receive an experience audit. The new ASC revised Policy Statement now requires 100% experience audits for these applicants.

22 TAC §153.9 concerning Applications:

Amendments are proposed to implement the relevant

provisions of Senate Bill 162, 83rd Texas Legislature, Regular Session (2013). Senate Bill 162 adds §55.005 and 55.006 to the Texas Occupations Code to require an expedited licensing and process for the issuance of a license to spouses of active duty military, and §55.007, which requires a licensing agency to credit verifiable military service, training or education obtained by an applicant who is a military service member or veteran, toward the requirements of a license.

22 TAC §153.17 concerning Renewal or Extension of Certification and License or Renewal of Trainee Approval:

Amendments are proposed to require the Appraiser Trainee to maintain quarterly logs for each renewal period but no longer require submission of the logs with each renewal. Logs will still be required to be submitted with any application for a license or certification. This procedure is more consistent with the practice for renewal of the other Board credentials.

The amendments also reiterate the AQB criteria that both the trainee and sponsor are responsible for the accuracy of the appraisal logs and set a timeframe for review and signing the appraisal logs.

22 TAC §153.5 concerning Fees: Amendments are proposed to increase the fee for nonresident appraiser registration from \$150 to \$250 as permitted by the Appraisal Subcommittee and adopt a new fee of \$40 for preparing a certificate of active licensure or sponsorship.

22 TAC §159.52 concerning Fees: Amendments are proposed to adopt the following new fees: \$25 for a request to be placed on inactive status; \$40 for preparing a certificate of active licensure; \$20 for a request a to change an owner, primary contact, appraiser contact, registered business name or place of business; \$50 for evaluation of an owner or primary contact's background history after processing of an initial application or renewal.

22 TAC §153.24 concerning Complaint

Processing: An amendment is proposed to clarify that re-examination is an available disciplinary remedial measure that the Board can impose against a respondent. This recommendation was reviewed and recommended by the Board's Enforcement Committee.

22 TAC §155.1 concerning Standards of Practice: Amendments are proposed to delete subsection (b) relating to jurisdictional exception. The Enforcement Committee of the Board has studied this provision extensively is recommending this deletion.

22 TAC §155.2 concerning Work Relating to Property Tax Protests: Amendments are proposed to clarify when the Uniform Standards of Professional Appraisal Practice (USPAP) apply to work prepared by TALCB licensees for an appraisal district for the purposes of a property tax protest and require disclosure by TALCB licensees that are dually

licensed or certified as property tax professionals, whenever they perform work for the purposes of a property tax protest under their authority as a property tax professional. The amendments provide even application of the law to property tax consultants and property tax professionals who are dually licensed by TALCB.

POLICIES ADOPTED – effective August 16, 2013

National Registry Access: A policy was adopted to comply with the Appraisal Subcommittee's (ASC) new Policy Statement 3 that requires States using the ASC's extranet application for submission of data to the National Registry have a written policy governing access to the Registry.

NEW/REVISED FORMS – effective September 1, 2013

Appraiser Applications: In preparation for all appraiser licensees to be able to apply online, staff conducted a comprehensive review of the instructions for and information required in the application process. The revised forms listed below are the result of that review. The Board hopes to have these applications available for online submission by the end of the year.

- a. Application for Approval as an Appraiser Trainee
- b. Application for Appraiser License
- c. Application for Certified Residential Appraiser
- d. Application for Certified General Appraiser
- e. Appraisal Experience Affidavit (for Appraisers & Trainees)
- f. Appraisal Experience Explanation
- g. Appraiser Continuing Education Submission Form
- h. Request for Active Status

AMC Forms: The two new forms listed below were approved for use by AMC's.

- a. AMC to Elect Inactive status
- b. AMC Renewal

Inspector Insight



The Texas Real Estate Inspector Committee is as an advisory committee to the Texas Real Estate Commission on matters pertaining to the licensing and regulation of real estate inspectors. The Committee recommends rules and policies that ensure inspections meet high professional standards and enhance consumer protection.

Inside this Issue: New Education Requirements (page 1) From the Administrator (page 2) New SOPs and Report Form Now on TREC Website (page 3)

IMPLEMENTATION OF NEW INSPECTOR EDUCATION REQUIREMENTS

As reported in that last Insight, emergency rules were adopted at the August Commission meeting to amend §535.212 to comply with the new statutory education requirements established by House Bill 2911. Amendments to §535.212 and §535.218 were also proposed under the regular rule making procedures at that same time to be posted in the Texas Register for notice and comment.

The proposed amendments to §535.212 included increasing the number of education hours required to obtain a professional inspector license by two hours, and adding specific field work hours through ride along sessions, as authorized by the bill (20 for real estate inspector licensees and 40 for professional licensees) to the substitute experience requirements to obtain a license. The proposed effective date of these changes is January 1, 2014.

Based on the comments received, the Inspector Committee is recommending that the Commission keep the proposed 20/40 hour field work requirement for substitute experience, combined with some interactive experience training modules. However, based on some of the concerns raised by the commenters, the Committee is also recommending restoring the completion of

substitute experience hours solely through interactive experience training modules without field experience, if completed prior to May 1, 2014. The field work requirement will not become mandatory until that same date. The Committee believes this will provide the time needed to adjust to and implement the change, to study and present viable alternatives and to develop a larger pool of ride along instructors.

The proposed amendments to §535.218 included a process and requirements for approval of courses, providers and instructors for real estate inspector continuing education and set out requirements for the Texas Standards of Practice/Legal /Ethics Update course and a ride along inspection course. The proposed amendments also increased the time-frame during which an applicant is prohibited from receiving credit for the same course from two years to three years. Based on the comments received regarding §535.218, the Committee is recommending that the Commission adopt the rules with the current two year time-frame restored.

For more information on these, and any other inspector-related rules, please visit the TREC website at: http://www.trec.texas.gov/formslawscontracts/rules_codes/Rule.asp.

From the Administrator

For all license renewals since September 1st, inspectors have experienced the fingerprinting and criminal background checks mandated by HB 2911 passed by the legislature in May. One set of prints, coupled with a biennial records check update, establishes a new public trust benchmark increasingly demanded of licensed service providers who spent time in consumers' homes. At the Commission, we try to make the process simple and predictable. Please let us know if you see ways we can improve it.

At its meeting on October 14th, the Education Sub-committee and the full Inspector Committee were blessed to have over 30 inspectors in attendance, the largest crowd of visitors I have ever witnessed for this advisory committee. The Committee was happy to have them and I offered our public thanks for their concern and involvement with key areas of policy for inspectors. All inspectors are aware that starting January 1, 2014 inspectors must use an updated Inspection report form to match the updated Standards of Practice adopted last May. These two key products are the basic tools inspectors use every day to deliver high quality service to their clients. So the Commission is very careful in approaching any suggestions for changes in either. Most visitors were there to ensure this careful attitude is encouraged and continued. Let me assure all inspectors that we will remain vigilant in this regard. Look for any recommendations to be as minimal as possible and targeted to address only a serious issue. Stay tuned.

Inspectors are also well aware that Inspector Continuing Education (ICE) is being strengthened to require a combined eight hours of standards of practice (4), legal (2) and ethics (2) versus the previous six total hours.

Continuing Education providers are reminded that the old six hour courses should be expanded and resubmitted to TREC for approval. Other changes to the core pre-license education courses have been proposed and will be considered for adoption by the Commission at its meeting on October 23rd. Additional hours dedicated to gaining hands-on field experience obtained through "ride-along" classes are being established that will provide seasoning opportunities to new inspectors.

I am proud of the work the Inspector Committee is doing in thoroughly vetting ideas to strengthen this important trade. I know the Commissioners share my sincere appreciation for their volunteer service. As license holders, always feel free to express your perspective with them and, as appropriate, your gratitude for their diligence. It is not easy work; and they work hard at it.



Douglas E. Oldmixon

LINKS TO NEW SOPS AND REI 7-3 STANDARD INSPECTION REPORT FORM NOW ON THE TREC WEBSITE

Revisions to the rules governing the Inspector Standards of Practice (SOPs) and the Standard Inspection Report Form were adopted at the May meeting of the Texas Real Estate Commission, along with a new Standard Inspection Report Form (REI 7-3) and a revised Texas Real Estate Consumer Notice Concerning Hazards or Deficiencies (OP -I). The revised SOPs and form rules are effective as of January 1, 2014, and all inspectors are required to follow those rules and use the REI 7-3 as of that date.

The language in OP-I was incorporated into REI 7-3 but OP-I can still be used independently. The current report forms (REI 7A-1 and REI 7-2) will no longer be valid after January 1, 2014.

Please Note: use of the revised rules and the new REI 7-3 prior to January 1, 2014 is prohibited.

The rules and the report form can be found on the TREC website at:

<http://www.trec.state.tx.us/inspector/>

Important Dates to Remember

TREIC Education Subcommittee Meeting - November 14

TREIC Education Subcommittee Meeting - February 3

TREIC Enforcement Subcommittee Meeting - February 3

TREIC Committee Meeting- February 3