

# ADVISOR

Volume 6, Number 2

1995

## Legislative changes affect TREC communications

The 74th Texas Legislature passed several laws this year which address current real estate issues and affect both real estate industry practices and TREC operations. TREC's legislative appropriations request in the 74th Texas Legislative session consisted of initiatives designed to strengthen communication efforts and improve internal agency operations. Unfortunately, all money requested was not granted as legislators were pressed to find ways to finance the state budget. Accordingly, TREC was appropriated

less money than the previous fiscal year.

Current agency appropriations for Fiscal 1996 will be \$3,417,513; a reduction of approximately \$46,000 (appropriations for Fiscal 1995 were \$3,463,892). TREC is required by the Appropriations Act to generate funds exclusive of the fees collected for state General Revenue; Foundation School Fund; and the A&M Real Estate Research Center, sufficient to cover its appropriations. This statute requires TREC to estimate the number of

licensees for the biennium and to assure that the licensing fee will generate sufficient revenue. The Real Estate Research Center estimates that there will be a decrease of 10,000 licensees during the next biennium. The proposed fee adjustments, discussed on page six of this issue, are required to assure compliance with the requirements of the Appropriations Act.

The Commission's legislative appropriations request included a plea for sufficient funding to expand circulation of its newsletter, the *Advisor*, to include all licensees. Unfortunately, that request was not granted and the Legislature directed the Commission to seek alternate methods of informing licensees of changes affecting laws and practices in the real estate industry. As a result, TREC has created several plans to respond to this directive and continue to communicate Commission news to licensees. Licensees may now use

*continued on page 5*

## Governor George Bush appoints three new commissioners

The Texas Real Estate Commission had three new members appointed by Governor George W. Bush and confirmed by the Texas Senate this past legislative session. Austin real estate broker Jay Brummett was designated chairman of the Commission. Brummett, a broker member, takes over the chairman's post from Austin broker Eden Box. Commissioner Box's term ends in 1997. El Paso broker Chris Folmer was appointed a broker member of the Commission. She replaces Commissioner Henry Santamaria. Deanna Mayfield of San Angelo replaced Commissioner Thelma Elizalde as a public member. The new commissioners' terms expire January 31, 2001.



Jay Brummett



Deanna Mayfield



Chris T. Folmer

Licensees:  
**Appreciate the  
*Advisor*?**  
**Subscribe and  
stay informed.**  
See page 6.

### Inside

TREC meeting highlights	2
TRECFax Service	3
Legislative overview	4 - 6
Intermediary bill passes	4
Inspector news	7
Disciplinary action	8



**ADVISOR**  
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1995

Official publication of the  
**Texas Real Estate Commission**

**STATE OF TEXAS**  
George W. Bush, Governor

**Commission Members:**

Jay Brummett, Chairman,  
Broker Member  
Rick M. Albers, Vice Chairman,  
Public Member  
Mitchell Katine, Secretary-Treasurer,  
Public Member  
Eden Box, Broker Member  
Pete Cantu, Broker Member  
Chris T. Folmer, Broker Member  
Hazel W. Lewis, Broker Member  
Deanna Mayfield, Public Member  
Weldon Traylor, Sr., Broker Member

**TREC Administrator:**

William H. Kuntz, Jr.

**Advisor Editor:** Mary Streetman

The *ADVISOR* (ISSN 1047-4579) is published by the Texas Real Estate Commission (TREC) as an educational service to all brokers and inspectors in the state of Texas. The purpose of the newsletter is to promote a better understanding of The Real Estate License Act and to inform all licensees of changes affecting laws and practices in the real estate industry. The *ADVISOR* is funded through legislative appropriations and subscriptions collected from TREC licensees.

The official text of TREC rules is filed with the Office of the Secretary of State, *Texas Register*.

TREC encourages reproduction of this newsletter with the appropriate acknowledgements. Subscriptions are available for \$3.00 for two years. Single issues are \$1.00. To order a subscription or a single issue write to: *ADVISOR*, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

If you should have any questions or comments about the information in this newsletter please contact:

**Texas Real Estate Commission**  
P.O. Box 12188  
Austin, Texas 78711-2188  
**(512) 459-6544**

# Commission Meeting Highlights

## April 3, 1995

**Austin** --Commission agreed to propose a rule stating that arranging for occupancy of residential properties for consideration, for a definite or indefinite term, constitutes the practice of real estate brokerage, and as such should require a license under the Texas Real Estate License Act.

Commission heard comments from the public and discussed new 22 TAC §535.228, concerning standard inspection report form and proposed amendments to 22 TAC §535.222, concerning inspector standards of practice.

Commission discussed the appointment of members to the Texas Real Estate Inspector Committee and voted to postpone appointments until a further date.

Commission discussed proposed amendments to 22 TAC §535.164, concerning disclosure of agency. Commission discussed SB 489, concerning intermediaries. Commission voted against a motion instructing TREC's administrator to appear in opposition to the legislation.

After discussion, Commission amended and adopted proposed amendments to 22 TAC §§535.61, concerning acceptance of courses, and 535.66 concerning proprietary schools and to 22 TAC §§535.71-73, concerning mandatory continuing education.

Texas Attorney General's Office and the Association of Real Estate License Law Officials.

Chairman Brummett appointed Rick Albers parliamentarian for the Commission.

Commission discussed new 22 TAC §535.228, concerning standard inspection report form, and proposed amendments to 22 TAC §535.222, concerning standards of practice.

Commission voted to publish for comment in the *Texas Register* proposed amendments to 22 TAC §535.13, concerning real estate license requirements to arrange for persons to occupy vacant residential property.

Commission discussed adoption or withdrawal of proposed amendments to 22 TAC §535.164, concerning disclosure of agency. Commission voted to postpone action pending legislative action.

Commission discussed a member's request that the Texas A&M University Real Estate Research Center conduct public focus groups on the agency disclosure issue. Commission voted to postpone action pending any legislative decisions.

TREC Administrator Kuntz reported on legislation of interest to TREC relaying that the state appropriations bill included the funding riders TREC requested and half of the funding requested for TREC ombudsman staff.

## May 15, 1995

**Austin** --Commissioner Eden Box announced the appointment of three new members of the commission and introduced Jay Brummett and Deanna Mayfield (see page 1, "New Commissioners").

TREC Administrator Bill Kuntz briefed the Commission on a nationwide consumer alert in which TREC participated with the

*continued on page 3*

### *Upcoming Meeting Dates:*

Texas Real Estate Inspector  
Committee:  
July 28, 1995 - Austin

TALCB  
August 4, 1995 - Austin

Texas Real Estate  
Commission:  
August 7, 1995- Austin

Broker-Lawyer Committee:  
August 10 - 11, 1995 - Houston

Texas Real Estate  
Commission:  
Sept. 22, 1995 - Corpus Christi

*The mission of the Texas Real Estate Commission is to assist and protect consumers of real estate services, and foster economic growth in Texas. Through its programs of education, licensing and industry regulation, the Commission ensures the availability of capable and honest real estate service providers.*

## Agency disclosure: TREC 4 proposal withdrawn

TREC has withdrawn its proposal to amend 22 TAC §535.164. The amendment would have adopted a revised agency disclosure form. The members of the commission voted to withdraw the pending rule change during the June 26, 1995, meeting after discussing the new statement about agency relationships which licensees will be required to provide beginning January 1, 1996 (see "Intermediary Bill Passes" page 3). More information about the statutory statement and possible sources of printed copies will appear in the next issue of the *Advisor*. Until the current rule is amended or repealed, however, licensees must continue providing the parties with copies of TREC Agency Disclosure Form 3 as required by the rule.

## Education and licensing: Evaluation of prior core course hours changes

Under Texas Real Estate Commission §535.61 (aa), effective May 4, 1995, core real estate courses completed more than 10 years prior to the date of evaluation are not acceptable for core credit toward sales or broker license requirements. Core courses completed more than 10 years ago may be accepted as related courses.

If college transcripts or course completion certificates were submitted for evaluation with the \$15 fee prior to May 4, 1995, the evaluation will be valid for the time shown in the evaluation letter, i.e., salesman evaluations for one year, broker evaluations for two years. All evaluations completed after May 4, 1995 are valid for one year only.

## **Commission Meeting Highlights** *continued from page 2*

### June 26, 1995

**Austin** --Commission approved formal resolutions honoring Commissioners Henry Santamaria, Marsha Spencer and Thelma Elizalde for their TREC service.

Commission elected Rick Albers vice-chairman. Commission elected Mitchell Katine as secretary-treasurer. The Chairman appointed Commissioner Pete Cantu TREC's ad hoc member of the Texas A&M University Real Estate Research Center Advisory Board.

Commission heard a summary of legislation affecting TREC. (See pages 4-6, this issue, "Legislative Update.")

Commission discussed proposed amendment to 22 TAC §535.13 concerning real estate license requirements to arrange for persons to occupy vacant residential property.

Commission adopted proposed amendment to 22 TAC §535.222 concerning inspector standards of practice. The adopted amendment requires the inspector to follow the order of the items in the report as those items are addressed in the standards. The rule, in effect, creates a standard format rather than a standard form. (See page 7, "TREC amends Inspector Standards")

Commission withdrew 22 TAC §535.164 concerning disclosure of agency. (see page 3, "Proposed TREC 4 withdrawn")

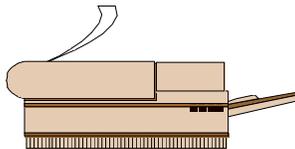
Commission discussed proposed amendments to 22 §§TAC 535.61, concerning acceptance of courses, §535.66, concerning proprietary schools, §535.71 concerning mandatory continuing education, and §535.101 concerning fees. Commission set the time of the next Commission meeting in order to allow for presentation of alternative delivery methods. The presentation will begin at 8 a.m. in the Commission Meeting Room, August 7, 1995. The regular order of Commission business will begin at 9:30 a.m.

Commission approved a motion to begin offering the TREC newsletter, the *Advisor*, on a voluntary, subscription basis.

Commission authorized payments from recovery funds, incentive bonus award for administrator and plan of staff reorganization.

Commission appointed three new members to the Real Estate Inspector Committee (see page 7, "Inspector Committee Appointments").

# Announcing ...



## TRECFax

**N**ow you can instantly receive documents from TREC by using your fax machine. TRECFax is the new Fax-on-Demand retrieval system of the Texas Real Estate Commission designed to bring you the most current and accurate TREC information when and where you need it. TRECFax offers a wide variety of important TREC information including upcoming Commission meeting agendas, past Commission meeting minutes, license examination schedules, complaint forms, application forms, even the latest issue of the *Advisor*.

TRECFax is available 24 hours a day, 7 days a week. To get a list of documents offered by TRECFax, dial (512)419-1623 from your fax machine (TRECFax must be called from the handset of a fax machine). When prompted to enter a document number, enter the number one to select the catalog of TREC documents available, press START on your fax machine and wait for the catalog to be sent to your fax machine.

TREC plans to expand the catalog of information available to make the information you need available at your fingertips. We welcome your suggestions for possible additions to this service.



# 74th Texas Legislature *Update*

## New law allows for intermediary status

**O**n June 9, 1995, Governor George W. Bush signed into law Senate Bill No. 489, which takes effect January 1, 1996. The bill amends Section 15C of The Real Estate License Act (TRELA) to permit a broker who obtains the written consent of both parties to act as an intermediary between the parties in negotiating the transaction. As an intermediary, the broker must not act to the disadvantage of either party and not reveal confidential information obtained from a party. With the written consent of the parties, the intermediary broker also may appoint other licensees associated with the broker to work with the parties in the transaction. In its final form, the bill neither prohibits nor authorizes the practice of dual agency.

The intermediary bill also requires a licensee who represents a party to disclose that representation at the time of the first contact with another party or another licensee representing the other party. Unlike the current Texas Real Estate Commission (TREC) rule, the bill permits this disclosure of agency to be either oral or in writing. The bill further specifies the text of a statement about duties of a broker acting as agent of the buyer, agent of the seller, or as intermediary between the parties. This statement must be provided to the party by the licensee at the time of the first face-to-face meeting with the party. A face-to-face meeting is defined in the bill as "a meeting at which a substantive discussion occurs with respect to specific real property," the statement is not required for meetings at open houses or after the parties have signed the contract, for residential leases for

not more than one year if no sale is being considered, or for meetings with a party who is represented by another licensee.

TREC will provide more information about the intermediary law and its impact on current TREC rules in the next issue of the *Advisor*. It is anticipated that copies of the statutory statement will be available from TREC prior to the effective date of the law. Licensees are permitted by the law to print the statement in any format that uses at least 10-point type.

It is the opinion of TREC's general counsel that licensees should not attempt to act as intermediaries or use the statutory statement prior to the effective date of the intermediary bill. Since TRELA does not currently recognize an intermediary status, licensees who act as intermediaries prior to January 1, 1996 would fall within common law agency and be considered dual agents by the courts if the licensees provide opinions and advice to the parties.

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## No child support = no real estate license

**E**ffective September 1, 1995, a real estate licensee who is delinquent on a child support repayment order may have his or her real estate broker, salesman, or inspector license suspended. HB 433 establishes a program to collect delinquent child support payments from non-custodial parents who skip from job to job, are self-employed, or work for cash. The license suspension law authorizes the Office of the Attorney General/Child Support Division (OAG/CSD) or the family law courts to order suspension of a recreational, commercial, occupational or driver's license.

The license suspension law will affect non-custodial parents who hold a state regulated license, owe more than 90 days of past due child support, and are not in compliance with an existing repayment plan. All notice and hearing requirements for license suspension under this law will be handled by the OAG/CSD or the court

of continuing jurisdiction in the child custody and support matter. Once an order has been entered by either the OAG/CSD or the court of continuing jurisdiction, a copy of the order will be transmitted to the licensing authority notifying the licensing authority to suspend the license.

The Texas Real Estate Commission will receive any order entered against a real estate broker, salesman or inspector who has been determined to be delinquent in child support payments in accordance with the provisions of HB 433. On receipt of an order, TREC will take the necessary administrative steps to show that the license has been suspended pursuant to the license suspension law and that the licensee may not engage in any real estate brokerage or inspector activity during the suspension. The license suspension law specifically states that a licensing authority shall suspend the license without additional review or hearing. The law also states that the

*continued on page 5*

## Real Estate License Act amended

**A**mendments to The Real Estate License Act (TRELA) will modify two grounds for disciplinary action to be "agency neutral," create a new section in the law requiring residential rental locators to be licensed by TREC and make various other "house-keeping" measures to TRELA's administrative provisions.

The following provisions of the bill are effective January 1, 1996.

According to the new law TREC may discipline a licensee who fails to have a termination date in any contract in which the licensee agrees to perform services for which a license is required. This provision ensures that a buyer or tenant representation agreement is subject to the same requirements as a listing contract. In addition, the law authorizes TREC to discipline a licensee who negotiates or attempts to negotiate a transaction with a buyer or tenant who has granted exclusive agency to another broker. This provision ensures that the buyer or tenant and that person's agent have the same protections afforded owners and listing brokers in the Act.

The new law requires residential rental locators to be licensed as real estate brokers or salesmen and permits TREC by rule to waive some or all of the requirements for a real estate license if the applicant was previously licensed in Texas within the five-year period prior to the filing of the application.

Other provisions require TREC to adopt regulations and standards relating to permissible forms of advertising by residential rental locators and add education topics relating to landlord tenant laws, the Department of Veterans affairs, and property tax consulting laws to the list of acceptable legal topics for MCE.

Provisions relating to continuing education provide for automatic acceptance of core real estate courses for MCE credit, authorize TREC to require examinations for MCE courses conducted by computer, and standardize the MCE required for license renewal at 15 hours, including renewals for licenses issued for one year (under current law, eight hours is required to renew a one-year license).

## Property tax consulting legislation passes

Real estate licensees who provide property tax consulting services in connection with single-family residences will be exempt from registration with the Texas Department of Licensing and Regulation according to H.B. 1065 passed by the Texas Legislature this session.

The bill, effective September 1, 1995, exempts licensed active real estate brokers or salesmen, and active licensed or state-certified appraisers who provide property tax consulting services in connection with single-family residences. The bill requires the commissioner of the Texas Department of Licensing and Regulation to recognize for tax consultant continuing education those courses on legal issues and law relating to tax consulting services which have been approved by TREC as MCE courses and which have been attended by a registered tax consultant who is also licensed as a real estate broker, salesman, or appraiser. For further information, contact the Texas Department of Licensing and Regulation at 1 (800) 252-8026.

## Delinquent Child Support continued from page 4

licensing authority may not modify, remand, reverse, vacate or stay an order suspending a license. This means that a TREC licensee whose license is suspended under this process will have no right of review or appeal to TREC. TREC may not reinstate a license until an order is received from OAG/CSD or the court lifting the suspension.

TREC may suspend, revoke or take other disciplinary action against a licensee for violations of the Real Estate License Act or the Rules of the Commission even if the licensee's license is already on suspension for failure to comply with a child support repayment plan.

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## Communications continued from page 1

TRECFax, a new document retrieval service, to order forms, applications, the latest *Advisor* and other important Commission information from their fax machine (see page 3). TREC is in the process of establishing an Information Service Center on the Internet. When the work is completed this fall the site will provide information via World Wide Web, Gopher and File Transfer Protocol (FTP) access methods. In addition, a Bulletin Board System (BBS) access will be provided for those computer users with a modem but without Internet service. Organizationally, TREC has restructured its staffing in order to improve efficiency and is adding two new telephone ombudsman positions in order to handle the heavy telephone

traffic it receives.

One legislative suggestion that TREC will implement is a plan to recover costs of publishing the *Advisor* by offering licensees a subscription to the newsletter. Beginning with renewals mailed on or after September 1, 1995, all licensees will be offered a subscription to the *Advisor*. Brokers and professional inspectors who wish to continue receiving the *Advisor* may subscribe for only \$1.50 for inspectors (one year) and \$3.00 for brokers (2 years), payable at the time of renewal. Salesmen and other inspector license categories may begin subscriptions for \$3.00 (good until the expiration of their current license) at any time by sending in the subscription form found on page six.

# TREC collects license fee increase for A&M Research Center; proposes fee adjustments

License fees collected by the Texas Real Estate Commission will be increased effective September 1, 1995 due to recent legislation and TREC fee adjustments.

The section of the Real Estate License Act requiring TREC to collect fees for the Real Estate Research Center at Texas A&M University was amended when Governor George W. Bush signed H.B. 1205 on June 16, 1995. The bill separates the fees collected by TREC for the Research Center, increases fee amounts that TREC collects from licensees for the Research Center and requires TREC to transfer fees collected for the Research Center quarterly instead of annually.

A portion of each license renewal fee collected by TREC is designated by the legislature to fund operations of the Real Estate Research Center at Texas A&M University. Starting September 1, Research Center fees will change as follows: broker annual license renewal and late license renewal will increase from \$15.00 to \$20.00 per year; broker original license application fee will increase from \$0 to \$20.00 per year; salesman annual license renewal and late license renewal fee will increase from \$7.50 to \$17.50 per year; and salesman

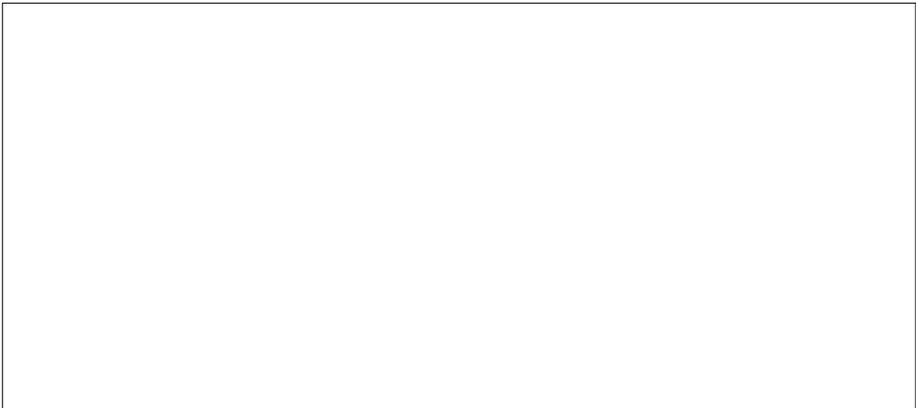
original license application fee will increase from \$0 to \$17.50 per year.

Because state law requires agencies to set fees for operations cost recovery, the Commission has proposed adjustment of renewal fees to compensate for the projected decrease in licensees. According to the Research Center as many as 10,000 licensees are expected to not renew their license because of HB 1205 fee increases. This decline in licensee numbers will result in a reduction in Commission revenue of approximately \$560,000.

The Commission will consider adoption of rules for fee adjustments at its meeting on August 7. License

renewal applications mailed on or after September 1, 1995 will reflect the fee changes decided at this meeting.

Original license applications and late renewal applications received at TREC after September 1, 1995 must include this increased fee. License fee components will be listed on the form as: General Revenue Fund, Foundation School Fund, TREC fees, Research Center fees, and *Advisor* subscription. All fee components detailed, (with the exception of the elective *Advisor* subscription) are required by law and must be paid in order to process an application.



Yes, I want to receive the *Advisor*. Enter my subscription now. I've enclosed \$3.00. I understand this subscription is good until the expiration of my current license. My *Advisor* subscription will be mailed to my residence address.

name \_\_\_\_\_

residence address \_\_\_\_\_

city \_\_\_\_\_

state \_\_\_\_\_ zip \_\_\_\_\_

license # \_\_\_\_\_ ph. # \_\_\_\_\_

## Subscribe and Stay Informed

Changes to the Real Estate License Act affect you and your business.

Over the years the Texas Real Estate Commission's *Advisor* has kept real estate professionals up-to-date on real estate regulatory news. If you are a real estate salesman, inspector or apprentice inspector and wish to receive this valuable information as it's published, subscribe to the *Advisor* now.

## Inspector News:

# TREC amends inspection standards; appoints new committee members

At its June 26, 1995, meeting, TREC adopted amendments to the Inspector Standards of Practice (22 TAC §535.222). The amendments, which will take effect on January 1, 1996, were developed and recommended by the Texas Real Estate Inspector Committee after considering comments submitted by inspectors, real estate licensees and trade associations. TREC determined that no action should be taken on the proposed rule requiring use of a standard inspection report form (22 TAC §535.228).

The new amendments primarily reorganize the standards so that related items are grouped together, such as electric and gas ranges or electric and gas water heaters. Provisions for windows and door glazing, for instance, would be found along with their related components, exterior walls and doors. A number of specific limitations, which state what inspectors are **not** required to do, have been eliminated as unnecessary; for example, there is no need for a specific limitation showing that an inspector is not required to inspect inaccessible cooling system equipment, since the scope provision of the standards clearly indicates that the inspection is limited to accessible parts, components and systems. In some provisions, language has been added for

more precise identification of the part or component being inspected.

As finally adopted, the scope provision of the standards contains a change recommended by the Inspector Committee after the original proposal had been published for comments.

**Beginning January 1, 1996, the inspector's report must contain all items which were (1) found in the property; (2) required for inspection by the standards; and (3) inspected, listed in the report in the same order as the items appear in the standards.** For example, the portion of the report related to foundations must appear first, followed by interior walls, doors, ceilings and floors. The inspector is not required to follow this required format if either of two exceptions apply: (1) a different form of report is required by an agency of the federal government, or (2) use of a different form of report is required by a client who buys and sells properties *in the due course of the client's business*. Inspectors will want to review the departure provisions of the standards to confirm the inspector's understanding of the limited circumstances in which an item or system does not have to be inspected. The standards continue to require the report to indicate if the inspected item is not functioning or in need of repair. Recognized hazards specifically listed as such in the standards must continue to be called out as in need of repair.

The amended standards are available through TREC Fax. See page three.

## Inspector Committee appointments

In other inspector related action, TREC reappointed Morton R. Jacobs of San Antonio to the Inspector Committee. Inspectors Michael Crow of Arlington and Alan L. MacGillivray of Del Rio were appointed to take the positions previously held by James C. Hemsell of Denton and Emmett N. Rogers of Lubbock. The new terms are effective until February 1, 2001.

## Violations

### continued from page 8

causing the advertisement to be published as a licensed real estate broker or agent  
§15(a)(6)(S): establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a real estate licensee, or aiding or abetting or conspiring with a person to circumvent the requirements of this Act  
§15(a)(6)(V): conduct which constitute dishonest dealings, bad faith, or untrustworthiness  
§15(a)(6)(W): acting negligently or incompetently in performing an act for which a person is required to hold a real estate license  
§15(a)(6)(Y): failing within a reasonable time to deposit money received as escrow agent  
§15(a)(8): the licensee has failed within a reasonable time to provide information requested by the Commission  
§15B(b): the licensee violated the Real Estate License Act or rule of the Commission  
§23(o): the Commission has made a payment from the Real Estate Inspection Recovery Fund in any amount toward satisfaction of a judgment against a licensed real estate inspector  
§4(a) Article 6252-13c: criminal conviction of a felony or misdemeanor directly relating to the duties and responsibilities of a real estate broker or salesman  
22 TAC §535.71(b): allowing an unapproved instructor to teach an MCE course

## Appraiser Rules Proposed

At its June 7 and 8, 1995, meeting, the Texas Appraiser Licensing and Certification Board proposed rules to conform with amendments to the Act by SB-634. The proposed rules were published in the *Texas Register* on June 23, 1995. Written comments should be directed to Renil C. Liner, Commissioner, TALCB, P.O. Box 12188, Austin, TX 78711-2188, (512) 465-3950. A public hearing on the proposed rules will be held at the August 4, 1995, TALCB meeting.

## Call for nominations to TREC's Broker-Lawyer Committee

The Texas Real Estate Commission is accepting nominations of persons interested in serving on TREC's Broker-Lawyer Committee. Interested persons should submit names and resumes to: Mark Moseley, General Counsel, TREC, P.O. Box 12188, Austin, TX 78711-2188, fax: (512)465-3910.

### Congratulations!

Retiring TREC Education and Licensing division director, Don Roose, received the first-ever, annual "Don Roose Award of Excellence" established by the Texas Real Estate Teachers Association (TRETA) in his honor. Don, we thank you and wish you well.

# TREC Disciplinary Actions

All suspensions and revocations become effective at 5 p.m. on the date specified.

## Suspensions:

**Best, Venita Clarice** (League City); License #316607. Violations: §15(a)(6)(W), §15(a)(6)(P). Disciplinary action: agreed 6-month probated suspension of salesman license, effective February 1, 1995

**Jones, Elizabeth Amber** (Fort Worth); License #424743. Violations: §15B(b), §15(a)(6)(W). Disciplinary action: 180-day suspension of salesman license, effective February 21, 1995

**Graham, Shirley Ann** (Dallas); License #276142. Violations: §15B(b), §15(a)(6)(E). Disciplinary action: 60-day suspension of broker license, effective February 22, 1995

**Jones, David John** (Austin); License #291985. Violations: §15(a)(6)(Y), §15(a)(6)(W). Disciplinary action: agreed 1-year suspension of salesman license, remaining 10 months probated, effective April 28, 1995

**Dillard, Doreen D.** (Austin); License #410939. Violation: §15B(b). Disciplinary action: agreed 30-day suspension of salesman license, effective April 28, 1995

## Revocations:

**Alderete, Albert** (El Paso); License #61502. Violations: (2) of §15B(b), (3) of §15(a)(6)(E). Disciplinary action: revocation of broker license, effective February 7, 1995

**Dockery, Kenneth Wayne** (Houston); License #430679. Violation: §15(a)(6)(V). Disciplinary action: revocation of salesman license, effective February 7, 1995

**Aguilera, Linda** (San Antonio); License #291934. Violations: (2) of §15(a)(8). Disciplinary action: revocation of salesman license, effective February 15, 1995

**Newton, Bobby Glyn** (Austin); License #420678. Violation: §15(a)(2). Disciplinary action: revocation of salesman license, effective February 21, 1995

**Golladay, Leslie Gayle** (Dallas); License #420055. Violation: §15(a)(6)(V). Disciplinary action: revocation of salesman license, effective February 22, 1995

**Fowler, Brian Michael** (Carrollton); License #72. Violation: §23(o). Disciplinary action: agreed 2-year probated revocation of professional inspector license, effective March 1, 1995

**Cash, Mary Szoeko** (Houston); License #236449. Violations: §15(a)(6)(V), §4(a) Article 6252-13c. Disciplinary action: agreed revocation of broker license, entered March 1, 1995

**Parker, Darrell Gene** (Brazos); License #292024. Violation: §15(a)(5). Disciplinary action: revocation of salesman license, effective April 17, 1995

**Jensen, Donald Vincent** (Bryan); License #180167. Violation: §4(a) Article 6252-13c. Disciplinary action: probated revocation of broker license, effective April 17, 1995

## Reprimands:

**Clark, Walter M.** (Houston); License #151080. Violation: §15(a)(6)(D). Disciplinary action:

agreed reprimand of broker license, entered February 3, 1995

**Russo, Gerald Edward** (Austin); License #386266. Violation: §15(a)(6)(W). Disciplinary action: agreed reprimand of broker license, entered February 27, 1995

**Rosenberg, Paul I.** (Houston); License #258894. Violation: §15(a)(4). Disciplinary action: reprimand of broker license, effective March 28, 1995

**Holeman, Mildred Maxine** (Houston); License #97544. Violations: §15(a)(6)(G), §15(a)(5). Disciplinary action: agreed reprimand of broker license, effective March 30, 1995

**Anderson, Suzanne Koons** (Houston); License #243116. Violation: §15(a)(6)(D). Disciplinary action: agreed reprimand of broker license, effective March 31, 1995

**Rencher, Charles Gregory** (Missouri City); License #177536. Violation: §15(a)(6)(S). Disciplinary action: agreed reprimand of broker license, entered April 18, 1995

**Stewart Real Estate School** (Houston); Approved provider of MCE. Violation: 22 TAC §535.71(b). Disciplinary action: agreed reprimand, entered April 19, 1995

**McLaggan, Paula Louise** (Lake Jackson); License #400732. Violation: §15(a)(6)(W). Disciplinary action: reprimand of salesman license, entered April 24, 1995

**McLaggan, John Jean** (Lake Jackson); License #200319. Violation: §15(a)(6)(Y). Disciplinary action: reprimand of broker license, entered April 24, 1995

## Violations:

§15(a)(2): the licensee has procured, or attempted to procure, a real estate license, for himself or a salesman, by fraud, misrepresentation or deceit, or by making a material misstatement of fact in an application for a real estate license

§15(a)(4): the licensee has failed within a reasonable time to make good a check issued to the Commission

§15(a)(5): the licensee has disregarded or violated a provision of this Act

§15(a)(6)(D): failing to make clear, to all parties to a transaction, which party he is acting for, or receiving compensation from more than one party except with the full knowledge and consent of all parties

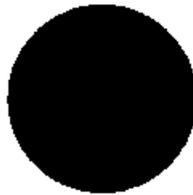
§15(a)(6)(E): failing within a reasonable time properly to account for or remit money coming into his possession which belongs to others, or commingling money belonging to others with his own funds

§15(a)(6)(G): failing to specify in a listing contract a definite termination date which is not subject to prior notice

§15(a)(6)(P): publishing, or causing to be published, an advertisement including, but not limited to, advertising by newspaper, radio, television, or display which is misleading, or which is likely to deceive the public, or which in any manner tends to create a misleading impression, or which fails to identify the person

*continued on page 7*

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