



# TREC Advisor

Texas Real Estate Commission **p** Volume 12, Number 2 **p** June 2001

## GOVERNOR PERRY APPOINTS THREE TO REAL ESTATE COMMISSION



**Paul H. Jordan**  
Public Member



**Louise E. Hull**  
Broker Member



**John S. Walton**  
Broker Member

Governor Rick Perry announced the appointment of three new members of the Texas Real Estate Commission on May 2, 2001. In so doing, he asked the Texas Senate to advise, consent and confirm the appointment of Paul H. Jordan, Louise E. Hull, and John Walton to serve for terms to expire on January 31, 2007. The three appointees appeared before the Senate Nominations Committee on May 8th and were unanimously approved and referred to the full Senate. Senate confirmation took place on May 16, 2001, at which time the nominees became members of the Texas Real Estate Commission.

**PAUL H. JORDAN** was appointed to serve as one of three public members on the Commission. A resident of Georgetown, he is an attorney with Sneed, Vine & Perry and offices out of Georgetown. Jordan specializes in civil litigation and brings to his position a familiarity with the real estate profession, having previously been licensed as a salesperson. A graduate of Texas A & M University, he completed graduate studies at the Lyndon B. Johnson School of Public Affairs and received his law degree from the University of Texas School of Law. Commissioner Jordan replaces Deanna Mayfield of San Angelo.

**LOUISE E. HULL** will serve as one of the six broker members on the Commission. Commissioner Hull is Owner and Principal Broker of Cornerstone Properties in Victoria, an 11 agent firm involved primarily in residential listing and sales activity. Long active in civic and professional affairs, Ms. Hull served as Chairman of the Board for the Texas Association of Realtors for the year 2000 during which time she was instrumental in enhancing relations between real estate professionals in Texas and Mexico. Currently, she is a Director from Texas to

the National Association of Realtors. Commissioner Hull was appointed to the place formerly occupied by Jay Brummett of Austin.

**JOHN S. WALTON, JR.** of Lubbock was selected by Governor Perry to replace Christine T. Folmer of El Paso on the Texas Real Estate Commission. Walton is Owner and Broker of Century 21 John Walton Realtors, a full service brokerage firm in Lubbock. He is a former President of the Texas Association of Realtors and serves as a Director for the National Association of Realtors. Walton is a graduate of Texas Tech University and brings a distinguished career in real estate to his new position.

The three new Commissioners will participate in their first meeting of the Texas Real Estate Commission on June 11th. They join broker members Chairman Mike Brodie of Plano, Kay Sutton of Midland, Lawrence Jokl of Brownsville, and James N. Austin, Jr., of Fort Worth as well as public members Ramon "Mick" Cantu of Houston and Maria Gil of San Antonio on the nine member Commission.

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TEXAS REAL ESTATE  
COMMISSION

# Meeting Highlights

**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.



Jay C. Brummett



Deanna Mayfield



Chris T. Folmer

*April 23, 2001*

On April 23, 2001, the Texas Real Estate Commission gave special recognition to Jay Brummett, Deanna Mayfield, and Christine Folmer who have served on the Commission since 1995. Their official six year term of appointment as Commissioners came to a conclusion as of January 31st of this year but they continued to serve until their successors qualified for office.

Chairman Mike Brodie presented commemorative plaques to each and a resolution was adopted unanimously by the Commission in recognition of all three for their dedicated service to the citizens of Texas.

Jay C. Brummett was appointed as a member of the Texas Real Estate Commission by Governor George W. Bush in May of 1995 and, upon designation of the Governor, served as Chairman from 1995 to 2000. In addition, he was ex-officio member of the Advisory Committee of the Real Estate Center at Texas A & M University and served on the Board of Directors of the international Association of Real Estate License Law Officials (ARELLO).

Jay and his wife, Sheri, who is also a real estate licensee, live in Austin and are the proud parents of two sons attending the University of Texas at Austin and one daughter attending high school. A graduate of the University of Oklahoma, Mr. Brummett is an active real estate broker, investor and entrepreneur who is involved in many civic and community organizations.

Mrs. J. Stanley (Deanna) Mayfield served as a public member of the Commission from 1995 to 2001. A resident of San Angelo, Mrs. Mayfield is co-owner of Mayfield Paper Company with her husband, Stanley, and the mother of two daughters and a son. A graduate of Southern Methodist University, Deanna Mayfield has held leadership positions in several community organizations, including the San Angelo Chamber of Commerce, Junior League, and San Angelo

Symphony Society. Mrs. Mayfield was elected both Vice Chairman and Secretary by her fellow Commissioners during her six years of service.

Christine T. Folmer contributed six years as a broker member and served most recently as Vice Chairman of the Commission. She is affiliated with Sandy Messer and Associates in El Paso and has been active in the real estate industry for more than twenty years. Chris Folmer graduated from the University of Arizona and resides in El Paso with her husband, John, and their daughter, Sylvia. Mrs. Folmer has been active in community and educational affairs in West Texas and is a member of the El Paso Board of Realtors.

In other business, the Commission was provided a demonstration of the new TREC web site and received a report on pending legislation. Retiring investigator John T. Currey was recognized for more than 25 years of service with TREC.

The Commission adopted amendments to rules concerning the Residential Service Company Act and the Texas Timeshares Act. This completed the four-year rule review process during which the Commission produced an 18% reduction in the number of rules in force. Amendments to 535.148 concerning receiving an undisclosed commission or rebate and 535.64 concerning examination preparation courses were formally proposed and will be under consideration for possible action at the June 11, 2001 Commission meeting.

A general discussion was held on policy towards former licensees who practice with an expired license and brokers who share commissions with former licensees. The Commission approved a staff recommendation to seek agreed administrative penalties based on the length of time during which unlicensed activity occurred. Motions for rehearing were heard in the matters of Kerry Roger Rudman, David Fernandez, and Paul Nathan Fielding, all of which were overruled.

Official publication of the  
**Texas Real Estate Commission**  
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**Rick Perry**  
Governor

Commission Members:

**C. Michael Brodie**  
Chairman  
Broker member

**Kay Sutton**  
Vice-Chair  
Broker member

**James N. Austin, Jr.**  
Secretary  
Broker member

**Ramon "Mick" Cantu**  
Public member

**Maria Gil**  
Public member

**Louise E. Hull**  
Broker member

**Lawrence D. Joki**  
Broker member

**Paul H. Jordan**  
Public member

**John S. Walton**  
Broker member

TREC Administrator  
**Wayne Thorburn**

Desktop Publisher  
**Patricia Holder**

The TRECAdvisor (ISSN 1047-4579) is published by the Texas Real Estate Commission (TREC) as an educational service to licensees 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 TRECAdvisor 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 acknowledgments. Subscriptions are available for \$4.00 for two years. Single issues are \$1.00. To order a subscription or a single issue write to TRECAdvisor, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. For information regarding TREC, contact:

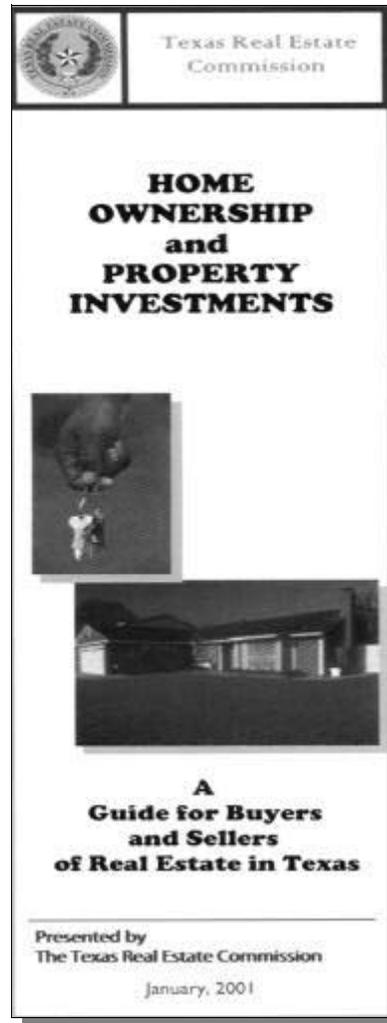
**Texas Real Estate Commission**  
P.O. Box 12188  
Austin, Texas 78711-2188  
(512) 459-6544 or (800) 250-TREC  
<http://www.trec.state.tx.us>

## New Consumer Brochure Available from TREC

In an effort to provide concise and clear information to Texas residents who are considering investing in real estate, the Texas Real Estate Commission has developed a new consumer-oriented brochure. "Home Ownership and Property Investments: A Guide for Buyers and Sellers of Real Estate in Texas" is now available for distribution by real estate licensees.

The pocket-sized brochure discusses dealing with qualified real estate professionals and choosing a broker or salesperson. It also provides a checklist for consumers, a list of other resources and agencies that can assist a buyer or seller, and what to do if a problem develops. Real Estate licensees may request up to ten copies free or they can purchase bulk quantities at \$20 per one hundred copies. The brochure is also found on the TREC web site at [www.trec.state.tx.us](http://www.trec.state.tx.us) under the consumer information section.

When dealing with first-time homebuyers or investors, this brief brochure can help provide basic answers to common questions. Permission is granted for reprinting the brochure in its entirety as long as credit is given to the Texas Real Estate Commission.



### *Education Evaluations and Applications*

#### REMINDER:

As we announced in the last TREC *Advisor*, the process for individuals wishing to obtain a Texas real estate license has *changed*. Now, you must:

- ① Submit a Request for Evaluation of Education form, along with a \$15 fee and copies of all transcripts or course certificates. TREC will evaluate your education documents within three working days and you will be notified as to whether you have successfully completed all educational requirements, or whether any additional courses

are required.

- ② Once all required courses have been completed, you may submit an application for a real estate license, along with a copy of TREC's education approval notification.

Following the above two-step process will ensure timely evaluation of your education documents and your subsequent application for a real estate license.

**NOTE: TREC forms are available online at [www.trec.state.tx.us](http://www.trec.state.tx.us)**



## **Legislature Enacts Changes in The Real Estate License Act**

With the passage of House Bill 695, the Texas Legislature enacted a number of changes in The Real Estate License Act (TRELA). The changes resulted from various recommendations made by licensees and the public during the agency's Strategic Planning process and were incorporated in proposals adopted by the Commission in 2000 as suggested legislative modifications.

A series of education matters comprised one major area of the new legislation. Effective January 1, 2002, individuals seeking a salesperson license will be required to complete 120 hours of core real estate courses (including 60 hours of Principles) prior to taking the examination. Likewise, candidates for a broker license will be required to complete 270 hours of core real estate courses before filing an application. Beginning next year, with renewal notices mailed on or after October 1, 2001, real estate inspectors will be required to complete eight hours of continuing education and professional inspectors will need to take sixteen hours each year prior to license renewal.

Starting with applications filed on September 1, 2001, it is no longer a requirement that salesperson candidates have a sponsoring broker prior to filing an application; individuals may become licensed in an "inactive" status and then subsequently convert to "active" status when they locate a sponsoring broker. The Commission was granted authority to modify the content of core real estate courses and to prescribe the title, content, and length of continuing education courses.

TREC's jurisdiction was broadened from "any licensee" to "any person" who violates a provision of The Real Estate License Act, thus allowing for more direct action against anyone who practices real estate without a license. Moreover, the changes clarified existing statutes to state that violations of The Real Estate License Act are Class A misdemeanors. Greater leeway was provided for the use of administrative

penalties in response to TRELA violations.

Consumers were provided more protection in the event of licensee violations with an increase in the limits payable from the Inspector Recovery Fund and elimination of the bankruptcy exemption on payments from

### **Other New Laws Affect Transactions**

The 77<sup>th</sup> Legislature enacted a number of other bills of interest to real estate licensees. For the full text of each bill visit the Texas Legislature Online at [www.capitol.state.tx.us](http://www.capitol.state.tx.us). Except as noted, the bills are effective September 1, 2001 unless vetoed by the Governor.

#### ***IMPROPERLY INDUCED APPRAISALS***

HB 1268 creates a criminal offense for a lender to pay an appraiser if the payment is conditioned upon a minimum, maximum, or pre-agreed estimate of value of the property securing the loan, and the payment interferes with the appraiser's ability or obligation to provide an independent and impartial opinion of the property's value. The offense is a Class A misdemeanor, punishable by a fine not to exceed \$4,000 and one year of imprisonment. The bill clarifies that a lender may give instructions to an appraiser regarding legal or other regulatory requirements for the appraisal or communicate with the appraiser about underwriting standards without interfering with the appraisal process.

#### ***NOTICE REGARDING WATER OR SEWER SERVICE***

HB 2033 requires a statutory notice to be given to a purchaser of unimproved real property located in a certificated service area of a utility service provider. The notice identifies the service provider and advises the

*(Continued on page 5)*

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purchaser to contact the provider to determine the cost of obtaining water or sewer service and the time period that may be required before service can be provided to the property. The notice must be given before the effective date of the contract. The notice may be given separately or as an addendum or paragraph of the contract. If the seller fails to give the notice, the purchaser may terminate the contract, and, in some cases, sue the seller for damages and reasonable attorney's fees. There are a number of transactions which are not subject to the bill, similar to those exceptions for the seller's notice of property condition under §5.008, Texas Property Code, and the bill provides defenses for persons relying upon the map of the certificated service area filed in the county's real property records by the utility service provider.

### **SECURITY DEPOSITS IN COMMERCIAL LEASES**

HB 2803 creates an obligation for the landlord in a commercial lease to refund or account for a security deposit in a manner similar to that required in residential leases. The bill requires the landlord to keep accurate records of all security deposits. Until the tenant gives the landlord written notice of the tenant's forwarding address, the landlord is not obligated to return the deposit or give the tenant a written description of the damages and charges deducted from the deposit. A tenant who withholds rent on the ground that the security deposit secures payment of the rent may be liable to the landlord for three times the rent wrongfully withheld and for attorney's fees. A landlord who wrongfully retains a security deposit may be liable to the tenant for \$100, for an amount three times the portion of the deposit wrongfully withheld and for attorney's fees. The bill applies only to leases entered into or renewed on or after September 1, 2001.

### **SALES BY EXECUTORY CONTRACT**

SB 198 extends the law governing the sale of real property under an executory contract (contract for deed) to apply to sales of residential property throughout the state. The bill requires a seller using an executory contract to provide a statutory notice to the buyer disclosing information about utilities, road maintenance, liens and other matters. If the negotiations prior to entering into the con-

tract are conducted primarily in a language other than English, copies of all written documents relating to the transaction must be provided to the buyer in that language. The seller also is required to provide the buyer with a tax certificate and a copy of any insurance policy covering the property. The bill addresses disclosure of financing terms, requirements for the seller to enforce the contract on the buyer's default, the buyer's right to cure a default and the buyer's right to cancel the contract without cause. A wide range of remedies is provided for the buyer if the seller fails to comply with the seller's obligations under the bill.

### **HOMEOWNERS ASSOCIATIONS**

SB 507 enacts the Texas Residential Property Owner's Protection Act, which applies only to a residential subdivision in which the property owners' association is authorized by its declaration to collect assessments on property in the subdivision and in which membership in the association is mandatory for all or a majority of the owners. The bill establishes notice and hearing requirements for enforcement actions by the association. A property owner must be given a reasonable period of time to cure a violation of the restrictions or bylaws or rules of the association. An association is prohibited from foreclosing its lien on an owner's property solely for fines and attorney's fees incurred in connection with the fines. An owner may redeem property sold at foreclosure within 180 days after a notice of sale is mailed to the owner by the association. The bill is effective January 1, 2002.

### **TITLE INSURANCE**

SB 1707 authorizes the Commissioner of Insurance to adopt rules permitting a title insurance company not to require a new survey when providing area and boundary coverage and to accept an existing survey with an affidavit verifying the existing survey. The title company is prohibited from discriminating in providing the coverage for residential property solely because of the platting or lack of platting of the subdivision and from requiring an indemnity from a seller, buyer, borrower, or lender to provide area and boundary coverage. The bill is effective on signing by the Governor.

### **Got A Question About A Relocation Company?**

Through a link maintained on the TREC web site, licensees may directly access The Real Estate Coalition for Cooperative Business Practices (the Coalition) of the Employee Relocation Council. By clicking on "The Interchange" on the Coalition's website at

<http://coalition.erc.org>

Licensees may raise concerns about their dealings with a relocation company and send a message to the appropriate company for response.



# Disciplinary Actions

## March 2001-May 2001

### Mosley, Morris Lamar (Dallas)

Revocation of proprietary school instructor approval, effective March 1, 2001; removing or attempting to remove questions or answers from an examination site, in violation of 22 TAC Section 535.61 (a)(2) of the Rules of the Texas Real Estate Commission

### Woosley, Diane (Odessa); license# 336027

Agreed reprimand of salesperson license, entered March 14, 2001; Agreed administrative penalty of \$200.00, entered March 14, 2001; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Henderson, Donna W. (Angleton); license# 396209

Agreed reprimand of salesperson license, entered March 14, 2001; Agreed administrative penalty of \$500.00, entered March 14, 2001; representing a party in a real estate transaction and failing to disclose that representation at the time of the first contact with another party, in violation of Section 15C(d); failing to furnish the party she represented with the written statement required by Section 15C (d); acting negligently or incompetently in failing to secure the initials of the party she represented to changes made to a real estate contract by another party, in violation of Section 15(a)(6)(W) of The Real Estate License Act

### Gonzales, Marie A. (San Antonio); license# 421110

Agreed reprimand of salesperson license, entered March 14, 2001; Agreed administrative penalty of \$200.00, entered March 14, 2001; failing to pay the \$200 Mandatory Continuing Education fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Boyd, Jon Taylor (Dallas); license# 271404

Agreed reprimand of broker license, entered March 19, 2001; Agreed administrative penalty of \$200.00, entered March 19, 2001; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Kopecky, Bryan Joseph (Austin); license# 420430

Agreed reprimand of salesperson license, entered by March 22, 2001; publishing advertisements that tend to create misleading impressions including identifying himself as a real estate broker, in violation of Section 15(a)(6)(P); using a marketing plan not authorized in the written listing agreement, in violation of Section 15(a)(6) (W) of The Real Estate License Act; and failing to include on every page of a web site used for advertising the sponsoring broker's name and identification as an agent, in violation of 22 TAC Section 535.154(i) of the Rules of the Texas Real Estate Commission

### Pashilk, Sharol Ann (Grand Prairie); license# 138956

Agreed reprimand of salesperson license, entered March 26, 2001; Agreed administrative penalty of \$200.00, entered March 26, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Gottesman, Sanford Lee (Austin); license# 237358

Agreed reprimand of salesperson license, entered March 30, 2001; Agreed administrative penalty of \$200.00, entered March 30, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Boyd, Jon Taylor (Dallas); license# 271404

Agreed reprimand of broker license, entered March 19, 2001; Agreed administrative penalty of \$200.00, entered March 19, 2001; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Fairman, Ronald L. (San Antonio); license# 296884

Agreed 1 month suspension of salesperson license, fully probated for six months, effective March 30, 2001; acting negligently or incompetently by failing to follow up with the buyer regarding the buyer's failure to deposit of the earnest money and failing to inform the listing agent that the earnest money had not been deposited, in violation of Section 15(a)(6) (W) of The Real Estate License Act

### Jones, Jo Rovello (Austin); license# 337484

Agreed reprimand of broker license, entered April 2, 2001; negligently supervising the selling agent and the listing agent, both salespersons under her sponsorship, to ensure that a transaction was being handled correctly and the earnest money deposited, in violation of Section 15(a)(6) (W) of The Real Estate License Act

### Mahan, Larry William, Jr. (San Antonio); license# 3611

Agreed reprimand of professional inspector license, entered April 2, 2001; Agreed administrative penalty of \$500.00, entered April 2, 2001; performing repairs to a property he also inspected, in violation of Section 23(l)(6); negligently inspecting a property by failing to note a cracked window and a missing bathtub plug, in violation of Section 23(l)(3) of The Real Estate License Act

### Stallings, Kyle Louis (Midland); license# 269729

Agreed reprimand of broker license, entered April 2, 2001; Agreed administrative penalty of \$200.00, entered April 2, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Hutchinson, Linda L. (Floresville); license# 452280

Agreed reprimand of salesperson license, entered April 5, 2001; acting negligently or incompetently by failing to follow up with the selling agent regarding the buyer's failure to deposit of the earnest money, in violation of Section 15(a)(6)(W) of The Real Estate License Act

### Woodham, Cynthia Diane (Denton); license# 444967

Agreed reprimand of salesperson license, entered April 9, 2001; filing a lawsuit to recover a real estate commission against a party who had not signed any written promise of agreement to pay a fee or commission, thereby acting negligently or

incompetently in performing an act for which a person is required to hold a real estate license, in violation of Section 15(a) (6)(W) of The Real Estate License Act

### Smith, Bert Arnold (Waco); license# 459237

Agreed reprimand of salesperson license, entered April 10, 2001; shortly before the closing of a transaction and without the prior agreement of the other party or their agent, insisting upon a change in the closing statement which required his principal pay a lesser amount of closing costs that the parties had agreed in the sale contract, thereby acting negligently or incompetently in performing an act for which a person is required to hold a real estate license, in violation of Section 15(a) (6)(W) of The Real Estate License Act

### Elizardo, Ann Margaret (Austin); license# 473363

Agreed 1 month suspension of salesperson license, fully probated for 1 year, effective April 16, 2001; attempting to purchase for herself a property for which she was representing the seller as listing agent and another buyer as a buyer's agent creating a conflict in agency relationships, in violation of Section 15(a)(6)(W) of The Real Estate License Act

### Gonzalez, Gayle Denise (Allen); license# 429935

Agreed reprimand of salesperson license, entered April 17, 2001; Agreed administrative penalty of \$200.00, entered April 17, 2001; failing to pay the \$200 mandatory continuing education fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Sewell, Joan Carolyn (Dallas); license# 398772

Agreed reprimand of broker license, entered April 17, 2001; Agreed administrative penalty of \$200.00, entered April 17, 2001; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

### Colvin, Jay Wallace, III (Center Point); license# 153708

Agreed reprimand of broker license, entered April 23, 2001; Agreed administrative penalty of \$200.00, entered April 23, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC 535.92(f) of the Rules of the Texas Real Estate Commission

### Jenness, Charles W. (Houston); license# 188234

Agreed reprimand of salesperson license, entered April 26, 2001; Agreed administrative penalty of \$200.00, entered April 26, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC 535.92(f) of the Rules of the Texas Real Estate Commission

### Lyons, Edward Russell (Dallas); license# 367028

Revocation of salesperson license, effective April 26, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

### Love, Hope Delaine

**(Webster); license# 468597**

Revocation of salesperson license, effective April 26, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Orth, Lawrence Harold (Dallas); license# 347461**

Revocation of broker license, effective April 27, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate broker license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Wood, Janis (Waco); license# 454980**

Revocation of salesperson license, effective April 27, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Southard, Janice Lou (Fort Worth); license# 409565**

Revocation of salesperson license, effective April 27, 2001; failing to provide information to the Commission in response to Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**O'Con, Richard, Jr. (San Antonio); license# 418323**

Revocation of salesperson license, effective April 30, 2001; failing within a reasonable time properly to account for or remit money coming into his possession which belongs to other, or commingling money belonging to others with his own funds in violation of Section 15(a)(6)(E) of The Real Estate License Act

**Rudman, Kerry Roger (Fort Worth); license# 444938**

Revocation of broker license, effective April 30, 2001; engaging in conduct that constitutes dishonest dealings, bad faith, or untrustworthiness by continuing to pursue groundless lawsuits against a seller who had elected to market his property on his own terms in his own best interest in violation of Section 15(a)(6)(V) of The Real Estate License Act

**Price, Edmund Hamm (Humble); license# 471186**

Agreed 12 month suspension of salesperson license, fully probated for 2 years, effective April 16, 2001; presenting a fictitious offer to purchase real property to the listing broker after the buyer terminated the licensee's representation of the buyer and while the buyer continued to negotiate the purchase of the property through another broker thereby engaging in conduct which constitutes dishonest dealings, bad faith, or untrustworthiness, in violation of Section 15(a)(6)(V) of The Real Estate License Act

**Prather, Thomas James (Austin); license# 113607**

Revocation of broker license, effective May 2, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Minter, David Smith (Austin); license# 289526**

Revocation of salesperson license, effective

May 2, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Parker-Urbina, Linn Louise (Ville Platte); license# 346518**

Revocation of salesperson license, effective May 2, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Johnson, Lois Ann (Argyle); license# 283189**

Agreed reprimand of salesperson license, entered May 4, 2001; Agreed administrative penalty of \$200, entered May 4, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Segura, Lomax R. (San Antonio); license# 368772**

Revocation of broker license, effective May 4, 2001; payment of 45,000.00 made by the Texas Real Estate Commission from the Real Estate Recovery Fund toward satisfaction of a judgment against Lomax R. Segura, in violation of Section 8(i) of The Real Estate License Act

**Kelly, Craig Leblanc (Fort Worth); license# 373889**

Agreed reprimand of salesperson license, entered May 10, 2001; Agreed administrative penalty of \$200, entered May 10, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Long, Donald Buford, III (Waskom); license# 425629**

Agreed reprimand of broker license, entered May 16, 2001; Agreed administrative penalty of \$200, entered May 16, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Massey, Craig Lambert (Houston); license# 255322**

Agreed reprimand of broker license, entered May 17, 2001; Agreed administrative penalty of \$200, entered May 17, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Cadena, Florisa G. (Del Rio); license# 223884**

120-day suspension of broker license, effective May 21, 2001; depositing the buyer's earnest money into her operating account; issuing a check from her escrow account that was dishonored, in violation of Section 15(a)(6)(E); failing to make reasonable efforts to monitor the activities of her escrow account, in violation of Section 15(a)(6)(W); failing or refusing on demand to produce documents for inspection by the Commission's investigator, in violation of Section 15(a)(7) of The Real Estate License Act

**Stofer, Dee Dorsey (Port O'Connor); license# 402572**

Revocation of salesperson license, effective May 24, 2001; failing to complete mandatory continuing education hours and

pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Monette, Linda Jacqueline (Henrietta); license# 456787**

Revocation of broker license, effective May 30, 2001; criminal conviction of the federal felony offense of bank fraud, in violation of 18 USC 1344 by unlawfully diverting funds belonging to her employer to her own use, in violation of Section 53.021(b), Texas Occupations Code and Section 15(a)(1) of The Real Estate License Act

**Acosta, Luis Hector (El Paso); license# 429295**

Reprimand of salesperson license, entered May 31, 2001; acting negligently or incompetently in performing an act for which a person is required to hold a real estate license, in violation of Section 15(a)(6)(W) (2 counts); accepting compensation for real estate sales and transaction from a person other than the broker under whom he was at the time licensed, in violation of Section 1(d) of The Real Estate License Act; for a separate fee providing an opinion of value or comparative market analysis which does not conform with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation and failing to provide the person for whom the opinion or analysis is prepared a written statement, in violation of Section 535.17 of the Rules of the Texas Real Estate Commission

**Virginia Cook Realtors, LLC (Dallas); license# 470306**

Agreed reprimand of broker license, entered May 25, 2001; failing within a reasonable time to make good a check issued to the Commission and to pay the processing fee, in violation of Section 15(a)(4) of The Real Estate License Act

**Hefner, Angela Lee (Dallas); license# 474775**

Agreed reprimand of salesperson license, entered May 25, 2001; failing within a reasonable time to make good a check issued to the Commission and to pay the processing fee, in violation of Section 15(a)(4) of The Real Estate License Act

**Mousa, Frank Badeah (Houston); license# 444157**

Agreed reprimand of salesperson license, entered May 30, 2001; Agreed administrative penalty of \$200, entered May 30, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee with the 60-days as provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Sauer, Rose Marie (Austin); license# 242785**

Agreed administrative penalty of \$500, entered May 30, 2001; acting negligently or incompetently by providing information to purchasers on forms later relied on by a third party as authentic, in violation of 15(a)(6)(W); failing to obtain the written consent of the buyers to act as an intermediary, in violation of Section 15C(h) of The Real Estate License Act

**Garcia, Roel Serafin (San Antonio); license# 4592**

Agreed reprimand of professional inspector license, entered May 31, 2001; Agreed administrative penalty of \$250, entered May 31, 2001; performing a real estate inspection in a negligent or incompetent manner by failing to note in an inspection report as a hazardous condition in need of repair that a water heater's burners, burner ignition devices or heating elements, switches or thermostats were not a minimum of 18 inches above the lowest garage floor elevation, in violation of Section 23(l)(3) of The Real Estate License Act

## Calendar of Events

### Commission Meetings:

June 11, 2001  
July 16, 2001

### Broker-Lawyer Committee Meetings:

June 21-22, 2001

Web site:  
<http://www.trec.state.tx.us>

### Phone

(800) 250-TREC  
(8732) or  
(512) 459-6544

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### Outstanding TREC Employee

TREC recognizes one employee semi-annually based on nominations of fellow employees. The nominees are evaluated on performance, teamwork, initiative, flexibility, leadership and other contributions to TREC's mission.

TREC is pleased to recognize

### *Michelle Bowens*

as Outstanding TREC Employee for the second half of 2000.

Michelle began her career at TREC in 1980. Since that time, she has held various positions of increasing responsibility. In her current position as Program Manager, Licensing, she manages the day-to-day operations of a section that is responsible for processing applications and renewals, and maintaining records on current and former licensees. Michelle's proven track record as a team player and her ability to lead by example are noteworthy characteristics that have earned her an excellent standing in the agency.

Please join us as we thank Michelle for her service to TREC and to the citizens of Texas.



## Permanent Mailing Address

TREC has proposed address-related rule changes that will impact licensees effective November 1, 2001. As of this date, all official TREC mail (except the *TREC Advisor*) will be sent to a permanent mailing address:

**Brokers**-All your mail will be sent to your permanent mailing address.

**Salespersons**-As long as you are an active salesperson, all your mail will be sent to **your broker's permanent mailing address**. If you become inactive, your mail will be sent to **your permanent mailing address**.

**Corporations/Limited Liability Companies/Partnerships** - All mail will be sent to the business' permanent mailing address.

**Professional Inspectors**-All your mail will be sent to your permanent mailing address.

**Real Estate and Apprentice Inspectors**-All your mail will be sent to your permanent mailing address. Notices of license expiration will be sent to your permanent mailing address and your sponsor's permanent mailing address.

**Easement and Right-of-way Agents**-Mail will be sent to the registered entity, either individual or business, at the permanent mailing address.

It is essential that TREC records reflect your current permanent mailing address at all times. TREC would

appreciate your cooperation in checking to see whether the permanent mailing address you have given us in the past is still current. Please help us in this effort by visiting our web site at [www.trec.state.tx.us](http://www.trec.state.tx.us). Once you access our site, click on *Permanent Mailing Address Verification* link and follow the easy steps to verify or change your permanent mailing address. If the address shown for you is incorrect, please give us your correct permanent address online.

**NOTE:** the online permanent mailing address check/change function operates in a secure environment. The information you send us electronically from your PC is encrypted for maximum security. There is no charge for this service.

If you are unable to check and/or correct your address online, you may also notify us of a change of permanent mailing address by emailing us at [address.change@trec.state.tx.us](mailto:address.change@trec.state.tx.us), by faxing us at (512) 465-3913, or via mail at Texas Real Estate Commission, P.O. Box 12188, Austin, Texas, 78711-2188 (Attention: Permanent Address Change). **Be sure to include your license number in all forms of notification.**

Remember, we must have a valid permanent mailing address on file in order to send your mail to the correct address effective November 1, 2001. Additionally, all subsequent address changes must be reported to TREC within 10 days of the change.