



TREC Advisor

Texas Real Estate Commission ★ Volume 16, Number 4 ★ July 2005



79th Legislature 2005 Legislative Report

SB 810 - Revises Occupations Code Chapters 1101 and 1102 as follows:

- Establishes a fee for attendance at an instructor training program for instructors who wish to teach the TREC required legal and ethics continuing education courses.
- Clarifies that the four-year complaint limitation period also applies to real estate inspectors (persons licensed under Occ. Code Chap. 1102).
- Provides for the issuance of a provisional moral character determination under §1101.353.
- Revises the salesperson education requirements to require 14 semester hours (210 classroom hours) prior to filing an application; revises the salesperson annual education requirements to require 4 additional semester hours (60 classroom hours) for the first renewal; and repeals the salesperson annual education requirements for the subsequent two years; the net requirement of 18 semester hours remains the same.
- Requires the commission to automatically approve core courses and State Bar of Texas CLE courses as elective credit courses to satisfy the nine hours of nonlegal MCE required by §1101.455.
- Requires a broker who represents a party or who lists real property under an exclusive agreement to inform the party of material information related to the transaction, including the receipt of an offer by the broker; to answer the party's questions and to present any offer to or from the party; prohibits a broker who represents a party from telling another broker to negotiate directly with the broker's client; further provides that, for purposes of §1101.157, a license holder who has additional authority to bind a party under a power of attorney or a property management agreement is considered a party to the lease or sale; an inquiry to an employee of a builder or developer about contract terms or forms does not violate §1101.652(b)(22) if the person does not have authority to bind the employer to the contract; the delivery of an offer to a party does not violate §1101.652(b)(22) if the party's broker consents to the delivery and a copy of the offer is sent to the party's broker; provides an exception to the requirement of sending a copy of the offer to a party's broker if the party is a governmental agency using a sealed bid process that does not allow a copy to be sent to the broker.
- Requires that a broker who agrees to represent both a buyer and a seller must agree to act as an intermediary.
- Provides TREC with enforcement authority over a licensee who engages in misrepresentation, dishonesty or fraud when selling or buying real property in the name of the spouse or a first degree relative of the licensee.
- Requires a licensee to notify the commission within 30 days of the date of a final conviction of a felony or a criminal offense involving fraud.
- Modifies the recovery fund provisions under Subchapter M to clarify that a person is not eligible for a license under Chapter 1101 until the person has repaid the full amount paid on behalf of the person, whether that person's license was revoked or expired.
- Provides for the licensing and renewal of professional inspectors under a corporate or LLC entity.

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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.

June 13, 2005

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, June 13, 2005. Chairman John Walton presided.

Denise Whisenant, Director of Continuing Education from the Real Estate Center at Texas A&M University, reported that 106 people attended the instructor training session for the Legal Update and Ethics courses held in College Station on May 23-24, 2005. The Commission requested that the Real Estate Center update the required Legal Update and Legal Ethics Courses.

After executive session, the Commission voted to pay four claims against the Real Estate Recovery Trust Fund: one for \$100,000, one for \$9,000, one for \$7,000 and one for \$4,500. They also voted to pay one claim against the Inspector Recovery Fund for \$8,000.

Loretta DeHay, general counsel, presented the agenda item concerning discussion and possible action to adopt amendments to 22 TAC §535.2. The Commission voted to postpone any action on this item until the next meeting.

The Commission voted to adopt amendments to §535.51, regarding general requirements; §535.71, regarding mandatory continuing education; and §535.121, regarding inactive licenses. (See page 5).

The Commission voted to withdraw the proposed amendment to §535.220, regarding profession conduct and ethics for inspectors.

The Commission voted to withdraw the proposed repeal of §535.217 regarding dishonest conduct as grounds for disciplinary action.

The Commission voted to propose amendments to §§539.31, 539.51, 539.81, and 539.121. (See page 5)

Mr. Thorburn presented his legislative update concerning three bills that will affect the Commission. They are SB 810, HB 1236 and HB 1045. (See page 1).

The Commission voted to seek an attorney general opinion regarding the Inspector Committee's ability to meet by teleconference under §552.125 of the Texas Government Code.

There was a discussion concerning the elimination of salesperson and broker renewal forms and simplifying the process by mailing out notification postcards.

The next meeting of the Commission will be August 15, 2005. Meetings have been scheduled for October 17, 2005 and December 5, 2005.

BROKER/LAWYER COMMITTEE APPOINTMENTS

On August 31, 2005 the term of office for two broker members of the Broker/Lawyer Committee appointed by the Texas Real Estate Commission will expire. This is an appointment for a period of six years.

It is the intention of the Texas Real Estate Commission to appoint an individual to this position at its meeting on August 15, 2005. Individuals wishing to be considered for the appointments should submit a letter requesting consideration along with a resume and any letters of recommendation addressed to:

**Chairman
Texas Real Estate Commission
Broker/Lawyer Committee
P.O. Box 12188
Austin, TX 78711-2188**

no later than July 31, 2005. All such information shall be provided to members of the Texas Real Estate Commission for their review and consideration prior to the Commission meeting on August 15, 2005.

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July 2005

Rick Perry
Governor

Commission Members:

John Walton
Chairman
LUBBOCK

Mary Frances Bureson
Vice-Chair
DALLAS

Elizabeth Leal
Secretary
EL PASO

James N. Austin
FORT WORTH

Ramon "Mick" Cantu
HOUSTON

William H. Flores
SUGAR LAND

Louise Hull
VICTORIA

Lawrence D. Jokl
BROWNSVILLE

Paul H. Jordan
GEORGETOWN

TREC Administrator
Wayne Thorburn

Desktop Publishing
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>

79th Legislature Bills Affecting TREC

(Continued from page 1)

- Increases continuing education requirements to 16 hours for apprentice and real estate inspectors.
- Effective date—September 1, 2005.

HB 1236 - Provides an exception for licensing under the Real Estate License Act, Occupations Code, Chapter 1101 for persons engaging in foreclosure sales.

- Effective date—May 17, 2005.

HB 1045 - Updates the Texas Timeshare Act, Property Code, Chapter 221 as follows¹:

- Adds definitions and modifies others to reflect current products in the timeshare industry, including both deeded and non-deeded timeshare interests as well as single-and multi-site timeshare plans offering either specific interests or non-specific interests.
- Permits a developer to conduct presales prior to completion of registration provided the developer obtains TREC's permission, the application is administratively complete, and the developer otherwise complies with specific statutory requirements.
- Establishes an abbreviated registration process, at the commission's discretion, for out-of-state developers who are appropriately registered in another U.S. jurisdiction and provide certain documentation to TREC.
- Clarifies when amendments to a timeshare plan registration must be filed.
- Expands TREC's powers to conduct hearings, initiate disciplinary actions and assess administrative penalties.
- Provides for renewals of registrations under the Act.
- Permits TREC to request copies of a developer's advertising and requires any advertisement containing a "promotion" to comply with the Contest and Giveaway Act.
- Revises the content of the timeshare disclosure statement that a developer must provide to a purchaser prior to the sale of a timeshare interest to provide additional disclosures and documentation.
- Clarifies required purchase contract provisions, including the purchaser's rescission period, processing of purchaser refunds, and disclosure of the rescission period in the purchase contract.
- Modifies the escrow and financial assurance provisions to better protect the consumer during the rescission period and when construction of the timeshare unit is not finished at the time of purchase.
- Adds a violation under the Texas Timeshare Act and the Deceptive Practices Act for a developer to exceed a one-to-one purchaser-to-accommodation ratio for a timeshare plan during a 12-month period.
- Expands the information available to timeshare purchasers and owners regarding annual expenses of the association, and requires an independent annual audit of the timeshare's financial statements.
- Clarifies how managing entities that manage more than one timeshare plan are to operate.
- Adds a requirement that the developer of managing entity must keep a copy of each purchase contract in its records.
- Effective date—January 15, 2006.

¹ Adapted from American Resort Development Association Summary of HB 1045

Check out the TREC web site www.trec.state.tx.us for **ONLINE** filing of applications and renewals, useful consumer information and downloads, and FAQs concerning Enforcement, Inspectors, and Education.

Rules Adopted at the June 13, 2005 meeting of the Texas Real Estate Commission

(for text of rules go to www.trec.state.tx.us)

Rule Number	Topic of Rule	Summary of amendment
§535.51	Requirements for Licensure	Revises §535.51(c)(6) to clarify that an education evaluation must be obtained within one year of the date of application for a license.
§535.71	Mandatory Continuing Education: Approval of Providers, Courses and Instructors,	Revises the verification on MCE Form 14-1, Individual MCE Partial Credit Request Form, which an education provider must sign as evidence that the provider has no reason to believe the amount of credit claimed is inaccurate. Adds new subsection (hh) to allow accredited colleges and universities, and professional trade associations that are otherwise approved MCE providers, to use experts from other related fields to teach an approved MCE elective course without first registering as a commission-approved instructor.
§535.121	Termination of Salesperson's Association With Sponsoring Broker	Revises subsection (b) to clarify that a broker may notify the Commission that sponsorship of a salesperson has ended by either sending the license or a copy of the license to the Commission, or otherwise notifying the Commission that sponsorship has ended

Rules Proposed at the June 13, 2005 meeting of the Texas Real Estate Commission

(for text of rules go to www.trec.state.tx.us)

Rule Number	Topic of Rule	Summary of amendment
§539.31	Definitions	Changes the cites to the relevant statutory provisions in Chapter 1303, Texas Occupations Code.
§539.51	Authorized Personnel	Changes the cites to the relevant statutory provisions in Chapter 1303, Texas Occupations Code.
§539.81	Funded Reserves	Changes the cites to the relevant statutory provisions in Chapter 1303, Texas Occupations Code.
§539.121	Examinations	Changes the cites to the relevant statutory provisions in Chapter 1303, Texas Occupations Code.

§535.2-Action was postponed.

§535.217-The proposed repeal was withdrawn.

§535.220-The proposed amendments were withdrawn.

Coming soon: a change in the renewal process for salespersons and brokers.

At its June 13, 2005 meeting, the Commission discussed eliminating the current license renewal form for salespersons and brokers. It is anticipated that the existing renewal card will be replaced with a notification postcard by July 1, 2006. The notification postcard will alert salespersons and brokers that they need to renew their license online.

WHAT WILL CHANGE

- All licensees will renew online using a credit card
- Those licensees who do not wish to renew online will be able to download a renewal form from TREC's web site and send it in with the requisite check or money order
- Effective July 1, 2006, TREC will no longer send out renewal forms
- Unlike the existing renewal notices that are mailed back with checks and money orders, the new postcard may not be used to renew a license. Any postcards sent back to TREC with checks or money orders will be rejected

WHAT WILL REMAIN THE SAME

- The postcard will be mailed out 90 days in advance of the license expiration date
- It will list the license number and expiration date
- Any MCE hours that must be taken in order to renew will be published on the postcard
- The existing online renewal process will remain unchanged

This change is being implemented to further streamline the salesperson and broker license renewal process and should be in place by July 1, 2006.

Although the postcard notification change does not go into effect until July 1, 2006, salespersons and brokers may continue renewing their licenses online by visiting: www.trec.state.tx.us

The online renewal service has been available since August 2000. Please visit TREC's web site for online renewals and to obtain other current information pertaining to the Commission.



FOR YOUR OWN GOOD... CHECK THE EXPIRATION DATE OF YOUR LICENSE

It is your responsibility to ensure that your license is renewed in a timely manner. Any education required must be completed before your license expiration date if you want to maintain an active real estate license, unless you pay an additional \$200 fee and complete your MCE within 60 days of the expiration date of your license. (A license subject to SAE cannot renew without education being completed).

Renewal forms are sent out to all licensees and may also be obtained on our web site. The Texas Real Estate Commission is not responsible for U.S. Postal Service delivery or knowing where to find you if you have moved and have not filed a change of address with our office. Failure to receive a renewal notice does not provide a valid excuse for not renewing your license.



Disciplinary Actions

April 2005

Consumer Complaints

Fenoglio, Jacqueline
(Houston); license #402069

Revocation of salesperson license, effective March 4, 2005; failing to provide information to the Commission in response to Commission request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC §535.91(c) of the Rules of the Texas Real Estate Commission

Dicken, Jerry Wayne
(Paris); license #309778

Agreed reprimand of broker license, entered March 8, 2005; acted negligently or incompetently when, after the ending of a written exclusive listing agreement that included terms of a protection period and during an oral open listing agreement wherein it did not include a definite start or ending date or a protection period, Mr. Dicken made demands for the payment of a commission that he was not otherwise entitled to as he had not complied with the written exclusive listing agreement protection period terms, and the oral open listing agreement did not include a protection period, in violation of 15(a)(6)(W) of the Real Estate License Act [§1101.652(b)(1) of the Texas Occupations Code]

Waddell, Willard Bemus
(Mansfield); license #497639

Agreed 1 month suspension of salesperson license fully probated for 6 months, effective March 10, 2005; Agreed administrative penalty of \$500, entered March 9, 2005; published, or caused to be published, advertisements, including a web site and listing agreement, that tended to create a misleading impression in others that Mr. Waddell was the person responsible for the operation of the real estate brokerage in violation of 1101.652(b)(23) of the Texas Occupations Code; acted negligently or incompetently when, in an attempt to promote a listing to a prospective buyer's agent, he mistakenly informed the other agent that the sellers would take a sales price that was in fact lower than the listed sales price and, under a mistaken belief that he had the seller's permission, Mr. Waddell accessed the property for purposes that were not expressly authorized under the written listing agreement, in violation of §1101.652(b)(1) of the Texas Occupations Code

Grunnah, Robert James Jr.
(Austin); license #499205

Agreed 6 months suspension of salesperson license fully probated for 1 year, effective March 15, 2005; Agreed administrative penalty of \$1,000, entered February 25, 2005; acting negligently or incompetently in performing an act for which a person is required to hold a real estate license, in violation of §1101.652(b)(1) of the Texas Occupations Code; paying a commission or fees to or dividing a commission or fees with an unlicensed assistant for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code; using a business name in brokerage business which had not been properly filed with the Commission, and publishing, or causing to be published, an advertisement which is misleading, or which is likely to deceive the public, or which in any manner tends to create a misleading impression, in violation of §1101.652(b)(23) of the Texas Occupations Code; and establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a real estate licensee, in violation of §1101.652(b)(26) of the Texas Occupations Code

D & J Real Estate Services, Inc.
(Plano); license #435319

Agreed administrative penalty of \$500 against broker license, entered March 21, 2005; paid a commission or fees to, or divided a commission or fees with, an unlicensed person for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code; and established an association, by employment or otherwise, with an unlicensed person who was expected or required to act as a real estate licensee, in violation of §1101.652(b)(26) of the Texas Occupations Code.

Ford, Patricia Davies
(Austin); license #220593

Agreed reprimand of salesperson license, entered March 24, 2005; Agreed administrative penalty of \$250, entered March 24, 2005; performing real estate brokerage services and accepting a fee or commission in year 2001, while salesperson's real estate license was in inactive status, in violation of §1(b) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.351(c) of the Texas Occupations Code] and §15(a)(5) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(a)(9) of the Texas Occupations Code]

Johnson, William Lee
(Mabank); license #474670

Agreed 3 month suspension of salesperson license, fully probated for 6 months, effective April 4, 2005; Agreed administrative penalty of \$3,000, entered April 4, 2005; as president of a real estate company that conducted property management services, William Lee Johnson acted negligently or incompetently, failed within a reasonable time to account for or remit money received for another person, and commingled money belonging to another person with his own when Mr. Johnson maintained a trust account that was not properly identified as such; advanced the funds belonging to owners from the trust account to pay for expenses of another owner without owners' authorizations; failed to take necessary steps to stop using the funds of owners for expenses of another owner; failed to maintain procedures to allow time for tenant's rent payments to clear prior to issuing checks to an owner whereby the checks were returned insufficient funds; failed to adequately keep owners informed of significant information regarding the management and leasing of the owners' properties; failed to account for and remit moneys belonging to owners within the proper time period after termination of his property management services; and managed property for an owner whereby a sales associate personally leased the property and failed to pay rent for the first 7 months of the lease in violation of §1101.652(b)(1) of the Texas Occupations Code [§15(a)(6)(W) of the Real Estate License Act], §1101.652(b)(9)&(10) of the Texas Occupations Code [§15(a)(6)(E) of the Real Estate License Act], and 22 TAC §535.156©

Vaughan, Olujimi O.
(Houston); license #437546

Agreed reprimand of broker license, entered April 5, 2005; Agreed administrative penalty of \$500, entered April 5, 2005; failing within a reasonable time to properly account for or remit money coming into his possession which belongs to others, or commingling money belonging to others with his own funds, in violation of §15(a)(6)(E) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(10) of the Texas Occupations Code, effective June 1, 2003] and 22 TAC §535.159(f).

Calendar of Events

Commission Meetings:

August 15, 2005
October 17, 2005
December 5, 2005
(Austin)

Broker-Lawyer Committee Meetings:

August 1-2, 2005
(Austin)

Inspector Committee Meetings:

July 22, 2005
(Austin)

Web site:

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

Phone

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

Peterson, Roy Anthony
(El Paso); license #3003

Agreed reprimand of professional inspector license, entered April 12, 2005; Agreed administrative penalty of \$2,500, entered April 12, 2005; acting as a professional real estate inspector in Texas for a buyer or seller of real property without holding a professional real estate inspector license, in violation of §§1102.103 and 1102.305 of the Texas Occupations Code; making a material misstatement to the Commission on an application for licensure, in violation of 22 TAC §535.208(f)

Brown, Leann A.
(Wichita Falls); license #458862

Agreed reprimand of broker license, entered April 13, 2005; acted negligently or incompetently and failed to convey to her principal all known information, when Ms. Brown used a lead based paint addendum that was signed by the owner's property manager when she knew, or should have known, there was no legal authority for the manager to sign for the owner; failed to clarify to parties who the listing broker represented; failed to provide a prospective buyer the Information About Brokerage Services form; and failed to submit all written offers to the seller on the mistaken belief the seller desired to reject one of the offers, in violation of §1101.652(b)(1) of the Texas Occupations Code and 22 TAC §535.156 of the Rules of the Texas Real Estate Commission

M. John Pollock, Inc.
(Arlington); license #479985

Agreed reprimand of broker license, entered April 15, 2005; Agreed administrative penalty of \$1,000, entered April 15, 2005; negligent supervision of a real estate salesperson's activities, in violation of §1101.652(b)(1) of the Texas Occupations Code; commingling money that belongs to another person with the licensee's own money, in violation of §1101.652(b)(10) of the Texas Occupations Code

Dugdale, Lori Lee
(Hurst); license #421396

Agreed reprimand of salesperson license, entered April 15, 2005; Agreed administrative penalty of \$250, entered April 15, 2005; acting negligently or incompetently when completing promulgated real estate sales contract forms, in violation of 1101.652(b)(1) of the Texas Occupations Code; commingling money that belongs to another person with the license holder's own money, in violation of §1101.652(b)(10) of the Texas Occupations Code and 22 TAC §535.146(f); conduct which constitutes dishonest dealings, bad faith or untrustworthiness, in violation of §1101.652(b)(2) of the Texas Occupations Code

Huffman, Maria Luise
(Houston); license #318372

Agreed reprimand of salesperson license, entered April 22, 2005; Agreed administrative penalty of \$250, entered April 22, 2005; acted negligently or incompetently when she, acting as Buyer's agent, gave the Buyer the lock box code before a Temporary Residential Lease was executed, in violation of §1101.652(b)(1) of the Texas Occupations Code

Harris, Archie
(Houston); license #502489

Agreed reprimand of salesperson license, entered April 25, 2005; Agreed administrative penalty of \$750, entered April 25, 2005; acted negligently or incompetently, engaged in conduct which constituted dishonest dealings, bad faith or untrustworthiness, failed to within a reasonable time account for or remit money belonging to another, and commingled money that belonged to another person with the license holder's own money, in violation of §15(a)(6)(E), 15(a)(6)(W), and 15(a)(6)(V) of The Real Estate License Act [Sections 1101.652(b)(9), 1101.652(b)(10), 1101.652(b)(1), and 1101.652(b)(2) of the Texas Occupations Code, effective June 1, 2003]

Administrative Complaints

Carter, Rebecca Leigh
(Austin); license #488717

Agreed reprimand of salesperson license, entered April 4, 2005; Agreed administrative penalty of \$250, entered April 4, 2005; 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

Darbonne, Todd John
(Houston); license #513359

Agreed reprimand of salesperson license, entered April 5, 2005; Agreed administrative penalty of \$250, entered April 5, 2005; 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 §535.91(c) of the Rules of the Texas Real Estate Commission

Kniejski, Celina Garcia
(Von Ormy); license #487251

Revocation of salesperson license, effective April 5, 2005; 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 §535.91(c) of the Rules of the Texas Real Estate Commission

Blanton, Larry J. Jr.
(Dallas); license #480482

Agreed reprimand of salesperson license, entered April 7, 2005; Agreed administrative penalty of \$250, entered April 7, 2005; 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

Sharp, Boyd Franklin
(Austin); license #479909

Agreed reprimand of salesperson license, entered April 11, 2005; Agreed administrative penalty of \$250, entered April 11, 2005; 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

Kirchhoff, John Edwin
(Temple); license #225594

Revocation of broker license, effective April 13, 2005; 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

Hines, Andrew H.

(Greenville, South Carolina); license #477905

Revocation of salesperson license, effective April 13, 2005; 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

Dickson, Robbie Mae

(Dallas); license #261757

Agreed reprimand of broker license, entered April 28, 2005; Agreed administrative penalty of \$250, entered April 28, 2005; 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

Dickson, Maloyce

(Dallas); license #335179

Agreed reprimand of salesperson license, entered April 28, 2005; Agreed administrative penalty of \$250, entered April 28, 2005; 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

Stephens, Brian Robert

(Double Oak); license #500561

Agreed reprimand of salesperson license, entered April 29, 2005; Agreed administrative penalty of \$250, entered April 29, 2005; 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 §535.91(c) of the Rules of the Texas Real Estate Commission

TEXAS REAL ESTATE COMMISSION APPOINTS THREE MEMBERS TO THE INSPECTION COMMITTEE

At its April 25, 2005 meeting, the Commission appointed three new members to the Texas Real Estate Inspection Committee. The inspector committee is required by statute to recommend rules, forms, fees and ethical conduct standards to the commission to provide a high degree of service to and protection of the public in dealing with an inspector. Each member serves a six year term. The Inspector Committee generally meets about six times a year at commission headquarters in Austin.

Curtis Carr of Beaumont has served as president of Home Team Inspection Service of Beaumont, Texas, since 1996. He is a member of The Texas Association of Real Estate Inspectors (TAREI) and has nine years experience in conducting home inspections. Mr. Carr is active in his local Chamber of Commerce, a licensed mold inspector and tester and manages the fifth largest Home Team company out of approximately 300 in the nation. Mr. Carr is active in his community and profession. His term will expire February 1, 2011.

Russell Strahan of Austin is the owner and operator of Stone Creek Engineering Services, Inc., an engineering and inspection firm that produces property condition reports, due diligence reports for residential and commercial structures, inspects foundation, framing or installation performance, special forensics, stucco problems, moisture detection among other specializations. Mr. Strahan obtained his Bachelor of Science in Mechanical Engineering in 1987 from the University of Texas at Austin and his Master of Science in Mechanical Engineering in 1991 from the University of Southern California, Los Angeles. In addition to his professional inspector

license, he is a licensed professional engineer, a licensed by the Texas Structural Pest Control Board, and a code certified building official and residential inspector.

Mr. Strahan is a member of a number of inspector and engineer related organizations and associations including the American Society of Home Inspectors and the National Academy of Building Inspection Engineers. His term will expire February 1, 2011.

Phillip Stojanik of Houston is a licensed home inspector, certified mold remediator and inspector, a mold assessor consultant and a licensed HVAC contractor among other building related licenses and certifications that he currently holds. He has more than 15 years experience in home and property inspections. Mr. Stojanik is active in a number of professionally related associations and organizations. He is a TREC approved instructor for general inspection training and has written several educational courses and textbooks. His term will expire February 1, 2011.



S.D. Davis was presented with a resolution honoring him for more than 50 years as a real estate licensee at the New Braunfels/Canyon Lake Association of Realtors on June 10, 2005. Pictured with Mr. Davis are (left) The Honorable Carter Casteel, State Representative for District 73, and (right) TREC Assistant Administrator Dr. Sabrina Hassumani.