



# TRECA Advisor

Texas Real Estate Commission \* Volume 16, Number 6 \* November 2005

## Texas Real Estate Commission Under Review by Sunset Commission

The mission and performance of the Texas Real Estate Commission is currently being reviewed by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed, and what improvements are necessary to ensure that state funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff will evaluate the Texas Real Estate Commission and, in March 2006, will issue a report recommending solutions to problems found. The Sunset Commission will then meet to hear public testimony on the agency and the recommendations of the Sunset staff. This meeting will likely be scheduled for Spring, 2006. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2007.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the Texas Real Estate Commission can be strengthened. If you would like to share your ideas about the agency, please contact Christian Ninaud of the Sunset staff. Suggestions are preferred by December 1, 2005, so they can be fully considered by the Commission staff.

Sunset Advisory Commission  
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## FEDS IMPOSE NEW REQUIREMENTS FOR HVAC UNITS

The U.S. Department of Energy has created regulations which will require all manufacturers of air conditioners and heat pumps to produce only units with a SEER rating of 13 or higher, beginning January 23, 2006. Any less efficient unit made prior to this date can still be sold, installed, and repaired, but no additional ones can be manufactured.

SEER refers to Seasonal Energy Efficiency Ratio and measures the efficiency of cooling units such as heat pumps and air conditioners. The higher the SEER rating, the more efficient the unit. Previous minimums allowed were units rated at a SEER 10. This new standard does not require consumers to replace and upgrade existing units; however replacement parts for units with SEER less than 13 may become unavailable or expensive. Moreover, replacement of an existing unit may be difficult or expensive due to the increased size of SEER13 units.

Buyers, sellers and their representatives have no duty to disclose or inquire about the SEER rating for air conditioners or heat pumps. Residential service companies and their representatives may be impacted, however. These companies now provide "repair or replace" coverage for air conditioners subject to certain exclusions. Given the increased cost of replacing units under these new rules, at least some companies may change their coverage, perhaps by increasing a deductible, excluding units with less than SEER13, or providing only limited repair coverage and excluding installation modifications. In this context there may be disclosure issues for real estate licensees who are involved in selling residential service contracts to purchasers. Individuals marketing home warranties should be aware of changes in a policy's coverage and should work with the residential service company and their attorney to best determine how to address any disclosure issues.

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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.

October 17, 2005

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, October 17, 2005. Chairman John Walton presided.

Mr. Thorburn announced that the Commission had won two awards at the ARELLO Annual Conference held in Toronto, Canada in late September. An award was presented to Paul Simpson, TREC's web designer and programmer designating TREC's web site as the "Outstanding Web Site for 2005." Gwen Jackson, TREC Education Manager, and Denise Whisenant, Education Coordinator for the Real Estate Center at Texas A&M, accepted an award for "Outstanding Post-licensing or Continuing Education Program" for the Legal Update and Ethics Mandatory Program.

Rene Gonzalez, TREC's internal auditor, presented the internal audit report for FY 05 to the Commission for approval. It was approved.

The Commission voted to approve payment of two claims against the Recovery Trust Account, one for \$38,500 and one for \$50,000. The Commission voted to approve payment of two claims against the Inspection Recovery Fund, one for \$7,700 and one for \$12,500.

The Commission voted to adopt amendments to 22 TAC §535.64, §535.71, §535.208 and §535.209. The Commission voted to adopt amendments to §535.63, §535.92, and §535.216 on emergency basis. The Commission voted to propose amendments to §§ 535.210, 535.216, 535.218, and Chapter 543 concerning Rules Relating to the Provisions of the Texas Timeshare Act. (see p. 3)

The Motion for Rehearing in the Matter of Mary Helen Klonek, Hearing Number 05-322-051829 was overruled. The Motion for Rehearing in the Matter of Kimberly Dawn Zentner, Hearing Number 05-368-053042 was overruled.

The next meetings of the Commission are scheduled for December 5, 2005 and February 13, 2006 in Austin at TREC Headquarters.

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

Volume 16, Number 6  
November 2005

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Governor

Commission Members:

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Chairman  
LUBBOCK

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DALLAS

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VICTORIA

**Lawrence D. Joki**  
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  
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(512) 459-6544 or (800) 250-TREC  
<http://www.trec.state.tx.us>



Administrator Wayne Thorburn and Web Designer Paul Simpson accept ARELLO Communications Award for "Outstanding Web Site for 2005" at ARELLO meeting in Toronto.



TREC Chair, John Walton (center) presents ARELLO award for "Outstanding Post-licensing or Continuing Education Program 2005" to Denise Whisenant, R.E. Center Texas A&M, and Gwen Jackson, TREC Education Manager.

## Rules Adopted by Emergency Action at the October 17, 2005 meeting of the Texas Real Estate Commission

(for text of rules go to [www.trec.state.tx.us](http://www.trec.state.tx.us))

Rule Number	Topic of Rule	Summary of amendment
<b>§535.63</b>	Education, Experience, Educational Programs, Time Periods and Type of License	Adopts on an emergency basis amendments to §535.63 concerning satisfaction of SAE requirements for licensees in Texas who reside in Jefferson, Orange, Jasper, Newton, Tyler, Hardin, Polk, Liberty, and Chambers Counties and were significantly affected by Hurricane Rita. Outlines the process and conditions the Commission will use to renew licenses for salespersons subject to annual education who wish to renew on active status but are unable to timely complete Salesperson Annual Education (SAE) requirements because of the disaster conditions created by Hurricane Rita. This license renewal procedure will be available only to those licensed salespersons affected by Hurricane Rita in the referenced counties. The extension option will be available only for licenses that otherwise meet the requirements and expire on or before March 31, 2006. For licenses that expire after that date, the license is subject to §535.63(c).
<b>§535.92</b>	Licenses	Adopts on an emergency basis amendments to §535.92 concerning satisfaction of MCE requirements for licensees in Texas who reside in Jefferson, Orange, Jasper, Newton, Tyler, Hardin, Polk, Liberty, and Chambers Counties and were significantly affected by Hurricane Rita. No fee is required for extension of time to complete MCE under the new subsections. The extension option will be available only for licenses that otherwise meet the requirements and expire on or before March 31, 2006. For licensee that expire after that date, the licensee is subject to §535.92(f) should the licensee wish to renew a license on active status and extend the period of time to complete their MCE by 60 days and pay an additional \$200.
<b>§§535.208, 535.209</b>	Real Estate Inspectors	Adopts on an emergency basis revisions to §535.208 concerning Application for a License, and adds new §535.209 concerning Professional Inspector Corporations and Limited Liability Companies to comply with new legislation effective 9-1-2005 which requires licensing and renewal of corporations and limited liability companies engaging in professional home inspecting for buyers and sellers in Texas. Adopts a new application form to be used by corporations and limited liability companies applying for a professional inspector license. TREC is simultaneously withdrawing existing emergency amendments to §535.208 and new §535.209 which appeared in the September 2, 2005 issues of the Texas Register (30TexReg 5115).
<b>§535.216</b>	Real Estate Inspectors	Adopts on an emergency basis amendments that outline the process and conditions the Commission will use to renew licenses for professional, real estate, and apprentice inspectors who wish to renew on active status but are unable to timely complete Continuing Education requirements because of the disaster conditions created by Hurricane Rita. This license renewal procedure will be available only to those licensed home inspectors affected by Hurricane Rita who reside in Jefferson, Orange, Jasper, Newton, Tyler, Hardin, Polk, Liberty, and Chambers Counties; or are working as or for a Federal Emergency Management Agency contractor in a disaster area created by Hurricane Rita or Hurricane Katrina and who submit suitable documentation of same to the commission. The extension option will be available only for licenses that otherwise meet the requirements and expire on or before March 31, 2006. For licenses that expire after that date, the licensee is subject to §535.216(a).

### 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 form 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.

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](http://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 more information on the renewal notification postcard see TRECAdvisor, Vol. 16, Number 4, July 2005 issue, page 5.



## Rules Adopted at the October 17, 2005 meeting of the Texas Real Estate Commission

(for text of rules go to [www.trec.state.tx.us](http://www.trec.state.tx.us))

Rule Number	Topic of Rule	Summary of amendment
<b>§535.64</b>	Education, Experience, Educational Programs, Time Periods and Type of License	Changes the cites in Form ED 5-1, Real Estate Provider Bond, to the relevant statutory provisions in Chapter 1101, Texas Occupations Code.
<b>§535.71</b>	Mandatory Continuing Education	Revises subsection (d)(4) which adopts by reference MCE Form 3A-3, MCE Course Application, to parallel existing language in §535.71(r) which states an applicant must provide a brief written statement that describes the course objective and how the subject matter is related to activities for which a real estate license is required.
<b>§§535.208, 535.209</b>	Real Estate Inspectors	Adopts revisions to §535.208 concerning Application for a License, and adds new §535.209 concerning Professional Inspector Corporations and Limited Liability Companies to comply with new legislation effective 9-1-2005 which requires licensing and renewal of corporations and limited liability companies engaging in professional home inspecting for buyers and sellers in Texas. Adopts a new application form to be used by corporations and limited liability companies applying for a professional inspector license.

## Rules Proposed at the October 17, 2005 meeting of the Texas Real Estate Commission

(for text of rules go to [www.trec.state.tx.us](http://www.trec.state.tx.us))

Rule Number	Topic of Rule	Summary of amendment
<b>§§535.210, 535.216, 535.218</b>	Real Estate Inspectors	Proposes amendments to §535.210 concerning Fees, §535.216 concerning Renewal of License or Registration, and §535.218 concerning Inspector Continuing Education. The amendments are proposed to implement revisions to Texas Occupations Code Chapter 1102 enacted during the 79th Legislative Session, Regular Session, by Senate Bill 810, and to reflect the fact that home inspector licenses will go from a one-year renewal to a two-year renewal cycle in 2006 as authorized by revisions to Texas Occupations Code Chapter 1102 enacted during the 78th Legislative Session, Regular Session, by House Bill 1508. The proposed amendments to §535.210 add a \$10 fee to be charged corporations and limited liability companies applying for a Texas professional inspector license, and clarify that the \$100 Inspector Recovery Fund fee does not apply to corporations and limited liability companies that apply for a professional inspector license. The proposed amendments to §535.216 clarify that in order to renew a professional inspector license issued to a corporation or limited liability company, the entity must designate an officer, manager, or employee of the entity who meets the requirements of Chapter 1102, including continuing education requirements. The proposed amendments to Section 535.218 clarify that a licensed apprentice, real estate or professional inspector must take the required hours of continuing education within the term of the current license, and further clarifies that the commission may not give continuing education course credit twice for the same course taken by a licensee within a 2-year period.
<b>§§543.1-543.11</b>	Rules Relating to the Provisions of the Texas Timeshare Act	<p>The amendments and new rules are proposed to implement revisions to the Texas Timeshare Act, Chapter 221, Texas Property Code enacted during the 79th Legislative Session, Regular Session, by House Bill 1045. The amendments are also proposed in connection with TREC's on-going review of its rules. Among other things, the amendments are intended to adopt by reference two revised and two new forms to be used by timeshare developers when registering a timeshare property, amending a registration, obtaining authorization to conduct pre-sales of timeshares, and registering under an abbreviated registration process under limited circumstances.</p> <p>The modifications to the existing rules, among other things, revise the registration form to verify the content of the timeshare disclosure statement that a developer must provide to a purchaser prior to the sale of a timeshare interest; and verify required purchase contract provisions, including the purchaser's rescission period, processing of purchaser refunds, and disclosure of the rescission period in the purchase contract.</p> <p>The proposed rules: adopt by reference a new application for a pre-sale registration form which a developer may use if authorized by TREC to conduct presales prior to completion of registration if the application is administratively complete and if the developer otherwise complies with specific statutory requirements; adopt by reference a new form to be used in an abbreviated registration process for out-of-state developers who are appropriately registered in another U.S. jurisdiction and provide certain documentation to TREC; clarify when amendments to a timeshare plan registration must be filed; revise the fee provisions that are applicable for each type of registration; and clarify TREC's powers to conduct hearings, initiate disciplinary actions and assess administrative penalties.</p>



# Disciplinary Actions

## August 2005—September 2005

### Consumer Complaints

**Ibekwe, Donatus N.**  
(Stafford); license #471282

Agreed reprimand of broker license, entered August 1, 2005; acted negligently or incompetently in performing an act for which a person is required to hold a real estate license by failing to properly supervise a sponsored salesperson in violation of §1101.652(b)(1) of the Texas Occupations Code

**Inman, Bobby Darrell**  
(Fort Worth); license #468156

Agreed reprimand of salesperson license, entered August 1, 2005; acted negligently or incompetently by indicating in a farm and ranch contract that both the sales price would be adjusted based on the survey required under the contract and that no survey was required, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Lilly, Ronnie Raymond**  
(Mount Pleasant); license #272069

Agreed 3 months suspension of salesperson license fully probated for 1 year, effective August 1, 2005; Agreed administrative penalty of \$500, entered July 28, 2005; acted negligently or incompetently and in bad faith in retaining an earnest money check from a buyer whom he represented when the buyers indicated that they were having second thoughts about their purchase, although their contract did not include an option to terminate, and returning the earnest money check to the buyers when they decided not to purchase the property, in violation of §§1101.652(b)(1) and 1101.652(b)(2) of the Texas Occupations Code; failed to deposit an earnest money check in trust with a title company, in violation of §1101.652(b)(30)(A) of the Texas Occupations Code

**Allers, Harry Diehl**  
(Houston); license #182809

Agreed reprimand of broker license, entered August 3, 2005; negligently or incompetently in failing, after his clients asked him to secure an amendment extending the closing date of their contract, to notify his clients that the seller refused to extend the closing date, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Post, Gregory Wayne**  
(Houston); license #343473

Agreed reprimand of broker license, entered August 9, 2005; Agreed administrative penalty of \$500, entered August 9, 2005; while acting as the designated manager of a licensed Texas limited liability company broker, negligent supervision of a sponsored salesperson who was negligent in the handling of earnest money checks in the amount of \$530.00, in violation of §1101.652(b)(1) of the Texas Occupations Code; while acting as the designated manager of a licensed Texas limited liability company broker, negligent supervision of a sponsored salesperson who continued to work for the brokerage firm after the salesperson's license expired, in violation of §1101.652(b)(1) of the Texas Occupations Code; establishing 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; and paying a commission or fees to or dividing 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

**G & M Holding, LLC**  
(Houston); license #485354

Agreed reprimand of broker license, entered August 9, 2005; Agreed administrative penalty of \$500, entered August 9, 2005; negligent supervision of a sponsored salesperson who was negligent in the handling of earnest money checks in the amount of \$530.00, in violation of §1101.652(b)(1) of the Texas Occupations Code; negligent supervision of a sponsored salesperson who continued to work for the brokerage firm after the salesperson's license expired, in violation of §1101.652(b)(1) of the Texas Occupations Code; establishing 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; and paying a commission or fees to or dividing 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

**Ronquille, Danny D.**  
(Houston); license #428489

Agreed 1 year suspension of broker license, fully probated for 2 years, effective August 15, 2005; Agreed administrative penalty of \$250, entered August 9, 2005; acted 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; established 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

**Seligman, Edwin Kenneth**  
(Katy); license #331485

Agreed revocation of broker license fully probated for 3 years, effective August 15, 2005; acted negligently or incompetently in performing an act for which a person is required to hold a real estate license, in violation of §15(a)(6)(W) of the Real Estate License Act [§1101.652(b)(1) of the Texas Occupations Code, effective June 1, 2003]; engaged in conduct which constitutes dishonest dealings, bad faith, or untrustworthiness, in violation of Section 15(a)(6)(V) [§1101.652(b)(2) of the Texas Occupations Code, effective, June 1, 2003]; made a false promise of a character likely to influence, persuade, or induce any person to enter into a contract or agreement when the licensee could not or did not intend to keep such a promise, in violation of §15(a)(6)(B) of the Real Estate License Act [§1101.652(b)(5) of the Texas Occupations Code, effective June 1, 2003]; failed to within a

#### Calendar of Events

##### Commission Meetings:

December 5, 2005  
February 13, 2006  
(Austin)

##### Broker-Lawyer Committee Meetings:

February 2-3, 2006  
(Austin)

##### Inspector Committee Meetings:

December 9, 2005  
(Austin)

##### Web site:

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

##### Phone

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

reasonable time properly account for or remit money that is received by the license holder and that belongs to another person, in violation of §15(a)(6)(E) of the Real Estate License Act [§1101.652(b)(9) of the Texas Occupations Code, effective June 1, 2003]

**Carter, Stanwyn Jay**  
(Houston); license #429956

Agreed 30-day suspension of broker license fully probated for 1 year, effective August 15, 2005; Agreed administrative penalty of \$1,000, entered August 9, 2005; acted negligently or incompetently in retaining funds belonging to buyers and failing to return the funds even after agreeing to do so, in violation of §15(a)(6)(W) of The Real Estate License Act [§1101.652(b)(1) of the Texas Occupations Code, effective June 1, 2003]; failed within a reasonable time to return funds belonging to buyers, in violation of §15(a)(6)(E) of The Real Estate License Act [§1101.652(b)(9) of the Texas Occupations Code, effective June 1, 2003]; commingled funds belonging to buyers by holding them in his own business checking account, in violation of §15(a)(6)(E) of The Real Estate License Act [§1101.652(b)(10) of the Texas Occupations Code, effective June 1, 2003]

**Hopkins, Becky Barron**  
(Carrollton); license #472198

Agreed reprimand of salesperson license, entered August 16, 2005; Agreed administrative penalty of \$500, entered August 16, 2005; acted negligently or incompetently in reviewing an offer, in violation of Section 1101.652(b)(1) of the Texas Occupations Code; failed to present to her client an offer she believed to have been submitted on an outdated version of a TREC-promulgated form, in violation of 22 TAC §535.156(a) of the Rules of the Texas Real Estate Commission

**Conner, Steve Charles**  
(Coppell); license #331071

Agreed 1 month suspension of salesperson license fully probated for 6 months, effective August 26, 2005; acted negligently and incompetently when he mistakenly showed his clients the incorrect property for sale and subsequently drafted and negotiated a sales contract on another property that was purportedly the viewed property and incorrectly drafted and used the TREC No. 38-1, Notice of Termination of Contract as the termination was not in accordance with the unrestricted right of the buyer to terminate the sales contract, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Krebsbach, David Walter**  
(Richardson); license #497101

Agreed reprimand of salesperson license, entered August 29, 2005; Agreed administrative penalty of \$500, entered August 29, 2005; engaged in misrepresentation or dishonest or fraudulent conduct when he attempted to assign a sales contract to real property before he had an executory interest in the property himself and added ambiguous language to the assignment that attempted to fix or define the legal rights of parties, in violation of §1101.652(a)(3) of the Texas Occupations Code.

**Thompson, Shawn Alan**  
(San Antonio); license #4546

Agreed 6 month suspension of professional inspector license, fully probated for 2 years, effective August 31, 2005; Agreed administrative penalty of \$1,500, entered August 25, 2005; performed a real estate inspection in a negligent or incompetent manner, in violation of §1102.301 of the Texas Occupations Code; failed to report as in need of repair an area of improper roof covering where three-tab composite shingles covered a dead valley and evidence of water pooling was visible, in violation of 22 TAC §§ 535.228(h)(1)(A), (4), and (5) of the Rules of the Texas Real Estate Commission; failed to state in the written inspection report that he did not inspect a toilet to which the water supply had been turned off, in violation of 22 TAC § 535.227(c)(4)(B) of the Rules of the Texas Real Estate Commission

**Turner, James Ealy**  
(Houston); license #311486

Agreed 3-months suspension of broker license fully probated for 6 months, effective August 31, 2005; agreed administrative penalty of \$500, entered August 31, 2005; acted negligently or incompetently in retaining and failing to properly account for funds belonging to a landlord client, in violation of §15(a)(6)(W) of The Real Estate License Act [§1101.652(b)(1) of the Texas Occupations Code, effective June 1, 2003] and §15(a)(6)(E) of The Real Estate License Act [§1101.652(b)(9) of the Texas Occupations Code, effective June 1, 2003]; commingled funds belonging to landlord client by holding them in his own business account, in violation of §15(a)(6)(E) of The Real Estate License Act [§1101.652(b)(10) of the Texas Occupations Code, effective June 1, 2003]

**Igwe, Joseph O.**  
(Missouri City); license #473305

Agreed 1 month suspension of salesperson license fully probated for 3 months, effective September 1, 2005; acted negligently and/or incompetently by failing to use the proper amendment form promulgated by TREC and for failing to have his client sign the contract before depositing it with the title company, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Alexander, Lazette Renee**  
(Royce City); license #466752

Agreed reprimand of salesperson license, entered September 6, 2005; acted negligently or incompetently in failing, after agreeing to reimburse a client for an expense incurred due to a delay in closing, to provide the funds in a timely manner, in violation of §15(a)(6)(W) of The Real Estate License Act [§1101.652(b)(1) of the Texas Occupations Code, effective June 1, 2003]

**Munns, Kyle Williams**  
(Houston); license #2761

Agreed reprimand of professional inspector license, entered September 6, 2005; performed a real estate inspection in a negligent or incompetent manner, in violation of Section 1102.301 of the Texas Occupations Code; failed to report as in need of repair electrical outlets in the kitchen that were not GFCI protected, in violation of 22 TAC §§ 535.230(c)(2)(G); failed to report as in need of repair a copper gas supply line to the furnace, in violation of 22 TAC § 535.229(t)(6)

**Morgan, Shelly R.**  
(Richardson); license #6196

Agreed reprimand of professional inspector license, entered September 15, 2005; agreed administrative penalty

of \$250, entered September 15, 2005; performed a real estate inspection in a negligent or incompetent manner, in violation of §1102.301 of the Texas Occupations Code; failed to report the type of branch circuit wiring, in violation of 22 TAC §535.230(c)(1); reported an inspection on a form that deviated in several respects from the required TREC REI 7A-0 form, in violation of 22 TAC §535.223(b)

**Bunata, Adeline Rose  
(Longview); license #189891**

Agreed 3 month suspension of broker license fully probated for 3 years, effective September 30, 2005; Agreed administrative penalty of \$500, entered September 30, 2005; acted negligently and incompetently and failed to use TREC forms properly when she assisted a buyer while acting as the seller's agent and used a sales contract that was improperly filled in, failed to advise the buyer to have an attorney review the closing documents that were prepared by the seller, represented to the buyer that repairs had been made when she did not know it was not accurate, and after the closing date, delivered to the buyer a seller's disclosure notice that was signed by the seller after the closing, in violation of §1101.652(b)(1) of the Texas Occupations Code and §537.11 of the Rules of the Texas Real Estate Commission

## Administrative Complaints

**Cooper, Allison Berry  
(Galveston); license #475030**

Agreed reprimand of salesperson license, entered August 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

**Delay, Denise Cox  
(Jasper); license #465161**

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

**Villavicencio, Cinthia Jeanette  
(Dallas); license #482951**

Agreed reprimand of salesperson license, entered August 5, 2005; Agreed administrative penalty of \$250, entered August 5, 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

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

Revocation of broker license, effective August 8, 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

**Dizdar, Mark Wallace  
(McAllen); license #298271**

Agreed reprimand of broker license, entered August 12, 2005; Agreed administrative penalty of \$750, entered August 12, 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

**Vargas, Rodrigo Andres  
(Richmond); license #480565**

Agreed reprimand of salesperson license, entered August 24, 2005; Agreed administrative penalty of \$250, entered August 24, 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

**Ikeler, David Phillips  
(Sugar Land); license #307487**

Agreed reprimand of broker license, entered August 25, 2005; Agreed administrative penalty of \$500, entered August 25, 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

**Brock, Robert Joseph  
(Houston); license #354003**

Revocation of broker license, effective August 26, 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; 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

**Bryan, Leigh Ann  
(Houston); license #490317**

Revocation of salesperson license, effective August 30, 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

**Delay, Denise Cox  
(Jasper); license #465161**

Revocation of salesperson license, effective September 8, 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

**Klein, Inell Dyer  
(Houston); license #263484**

Revocation of salesperson license, effective September 8, 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

### 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 TREC's 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.

**Lambert, Louvinia T.**  
**(Livingston); license #441242**

Agreed reprimand of salesperson license, entered September 13, 2005; Agreed administrative penalty of \$250 entered September 13, 2005; 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

**Myers, Erica Monique**  
**(Dallas); license #494452**

Agreed reprimand of salesperson license, entered September 14, 2005; Agreed administrative penalty of \$250, entered September 14, 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

**Boyd, Joe Williams**  
**(Wyle); license #278324**

Agreed reprimand of broker license, entered September 14, 2005; Agreed administrative penalty of \$250, entered September 14, 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

**Acosta, Deborah D.**  
**(San Antonio); license #358047**

Agreed reprimand of broker license, entered September 22, 2005; Agreed administrative penalty of \$250, entered September 22, 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

**Bowers, Michael Lee**  
**(Dallas); license #534730**

Revocation of salesperson license, effective September 22, 2005; failing within a reasonable time to make good a check issued to the Commission and pay the processing fee, in violation of §1101.652(a)(4) of the Texas Occupations Code

**Williams, Pamela Denise**  
**(Waelder); license #484138**

Agreed reprimand of salesperson license, entered September 27, 2005; Agreed administrative penalty of \$250, entered September 27, 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

## Pre-Licensure Education Requirements For Salesperson License Will Change January 1, 2006

### ☛ New Salesperson Application Requirements

To file a salesperson application **on or after January 1, 2006**, applicants must have completed 150 classroom hours of core real estate courses and 60 related (or core hours) for a total of 210 classroom hours. This is an increase of 30 core hours compared to the education requirement prior to **January 1, 2006**.

### ☛ New SAE Requirements

A salesperson who files an application **on or after January 1, 2006** will be required to have a total of \*270 classroom hours by the end of their first year of licensure. Once 270 hours are completed they will have satisfied **SAE requirements** and will fall under Mandatory Continuing Education (MCE) requirements.

\*The 270 classroom hours are composed of the following: 210 hours for pre-licensure requirements (includes 60 hours in Principles of Real Estate; 30 hours in Law of Agency; 30 hours in Law of Contracts; 30 additional core hours; and 60 related or core hours). By the end of the 1st year a salesperson must complete an additional 60 hours in core real estate courses for sales annual education.

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