



TREC Advisor

Texas Real Estate Commission * Volume 19, Number 4 * September 2008

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TREC and TALCB Adopt Emergency Rules Regarding Licensees Impacted by Hurricane Ike

John Eckstrum, Chairman of the Texas Real Estate Commission, and Clint Sayers, Chairman of the Texas Appraiser Licensing and Certification Board, announced jointly that the Commission and Board have adopted emergency rules for licensees who work or live in the 29 counties declared by Governor Perry to be disaster areas as a result of Hurricane Ike. Real estate brokers, salespersons, home inspectors, and appraisers who live in these counties and were impacted by Hurricane Ike will have an additional four months to renew licenses expiring between September 30, 2008, and February 28, 2009. They will have additional time to file renewal applications, pay renewal fees, complete required continuing education, and provide required fingerprints. Also, pending license applicants whose initial applications expire between September 7, 2008, and February 28, 2009, will be given an additional four months for the successful completion of their requirements. The emergency rules that apply to real estate brokers, salespersons, and inspectors and easement or right-of-way agents can be accessed on the Commission's website at www.trec.state.tx.us, and the emergency rules for appraisers can be accessed on the Board's website at www.talcb.state.tx.us

The amendments permit the deferral of renewal and application requirements for licensees and applicants in Texas who reside in Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Washington Counties and who were significantly affected by Hurricane Ike.

Many licensees in the affected counties may be unable to pay their renewal fees, submit their fingerprints to the DPS, complete continuing education requirements, and for inspectors, provide proof of insurance coverage prior to their license expiration date. The amendments outline the conditions under which the Commission or the Board would defer the renewal of licenses for salesperson, brokers, home inspectors and easement and right-of-way agents or appraisers who are unable to timely renew because of Hurricane Ike. In addition, the amendments extend application deadlines for those applicants under similar circumstances who are unable to satisfy the examination requirement before the expiration of an existing application.

The emergency rules would permit affected real estate salespersons and brokers to take up to four months to complete all of the renewal requirements under Chapter 1101 of the Texas Occupations Code. Home inspectors and appraisers would similarly have additional time to meet the renewal requirements of Chapter 1102 and 1103 of the Texas Occupations Code. Existing applications for any type of license would have an additional four months to satisfy any examination requirement under Chapters 1101, 1102 and 1103. The extension option will be available only for licensees and applicants who satisfy the criteria in each rules and whose licenses or applications expire on or before February 28, 2009. For licenses that expire after that date, the license or application is subject to the Act and Rules or Appraiser Act and Rules.

Emergency rules adopted under §2001.034 of the Texas Government Code are effective immediately upon adoption, are effective for 120 days, and may be extended for good cause for an additional 60 days.

The complete text of the rules regarding real estate brokers and salespersons, and home inspectors can be found at www.trec.state.tx.us

The complete text of the rules regarding appraisers can be found at www.talcb.state.tx.us



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.

August 18, 2008

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, August 18, 2008. Chairman John D. Eckstrum presided.

During staff reports a new employee was introduced: Nikkol Camarillo, Legal Assistant in the Enforcement Division.

The Commission approved the Legislative Appropriations Request for FY2010-2011. This document can be found on the TREC website.

The Commission voted to withdraw the proposed rule repeals and new rules proposed at the April 28, 2008 meeting of the Commission concerning real estate inspectors. The Commission repropoed the repeals and proposed revised versions of the new rules. (See rule actions page for details).

The Commission proposed amendments to §535.64 concerning Accreditation of Schools and Approval of Courses and Instructors. It also proposed amendments to §535.101 and §535.210 concerning Fees. Amendments to Chapter §537 concerning Professional Agreements and Standard Contracts were proposed which will correct a typographical error in the web address for TREC and proposes a new form which will deal with the reservation of oil, gas, and other minerals.

The Commission adopted an amendment to §535.208, concerning Application for a License (Certificate of Insurance for Home Inspectors).

The Chairman appointed members to two new advisory committees. One committee will develop information and recommendations regarding the proposal of rules defining the specific responsibilities of a broker. The other committee will review the Commission's rules regarding the approval and conduct of education providers and develop recommendations regarding the proposed revisions to those rules.

The Commission approved three proposals for decision from the State Office of Administrative Hearings.

The next scheduled meetings of the Commission will be October 27, 2008, and December 15, 2008, at the TREC headquarters in Austin, TX.

For real estate licensees who renew their licenses after January 1, 2008, there are three steps to renew.

- 1. Complete** the required **education** for the license type. **(Total of 210 core hrs. and 60 related or core hours for SAE or 15 hours of MCE)**
- 2. Submit** your **fingerprints** through IBT.
- 3. Pay** the renewal **fee**.

Education and fingerprinting are not required for a timely renewed inactive license if you are subject to MCE.

If you are subject to SAE you are required to complete the education requirement even if you are renewing on an inactive status. Renewals without education for this type of license will be rejected. **Both SAE and fingerprinting should be completed at least 10 days prior to the license expiration date.** Fingerprinting is not required for a timely renewed inactive license if you are subject to SAE.

Late renewal applications require the submission of fingerprints.

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Texas Real Estate Commission
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Governor

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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:

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Austin, Texas 78711-2188
(512) 459-6544 or (800) 250-TREC
<http://www.trec.state.tx.us>

Questions concerning Emergency Rules and Hurricane Ike

Q. Who is granted an extension as a result of Hurricane Ike?

- A. All TREC-licensed real estate brokers, salespersons, inspectors and easement and right-of-way agents who were impacted by Ike because they live or have their principal place of business in one of the twenty-nine listed counties that were declared by Governor Perry to be disaster areas and either: (1) have a license expiration date between September 30, 2008, and February 28, 2009, or (2) have an application due to expire between September 7, 2008, and February 28, 2009.

The impacted counties are: Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Washington.

Q. How long is the extension?

- A. Covered licensees will have an additional four months from their stated expiration date.

Q. What does the extension allow?

- A. Covered licensees may, at anytime within that four month period, file their renewal application, pay their renewal fee, completed any required education, and complete all other requirements specific to the license.

The renewal requirements differ depending upon the license. The extension applies to the submission of fingerprints for salespersons and brokers. Proof of professional liability insurance is required for inspectors and experience logs for appraisers.

For those that have submitted an application an additional four months will be granted to complete exams and all other application requirements.

Q. So what happens to my license during this period?

- A. If you are an active license holder you will remain active until the end of the four month period even though you have not supplied all of the specific renewal requirements for the license. A new license will not issue until all requirements have been met, but the TREC website will note that your license remains active.

Licensees who are under MCE – If you renew and satisfy all other renewal requirements (MCE, fingerprints) within the four month period after your initial expiration date, you will renew “active.” The date of expiration will revert to the expiration date on your previous license. If you supply the renewal form and fee but do not satisfy other renewal requirements you will renew “inactive” at the end of the four month period. If you do not submit the renewal fee and form within the four month period, your license will expire at the end of the four month period with your initial expiration date.

Licensees who are under SAE – If you are an active license holder and are under SAE requirements and supply the renewal form and fee but do not address the education and fingerprint requirements within the four month extension period, your license will expire at the end of the four month period.

Q. Is there any additional fee for renewing within the extension period?

- A. No. All you have to pay is the regular renewal fee.

Q. If I pay the extra \$200 fee required for late MCE, may I take up to 60 additional days after the four month extension to complete any required MCE?

- A. No. However, you do not need to pay the \$200 fee to take required MCE within that four month extension period.

Q. What if my license had already expired before September 30, 2008, but I had not yet renewed it?

- A. If your license expired before September 30, 2008, you are not eligible for the extension. You would be required to submit a late renewal application, subject to the increased statutory fee and the review process associated with a late renewal (which under current TREC rules is more extensive than a timely renewal).

Q. I filed an application for a real estate license in March and the exam sites are unable to schedule me for an exam before my application expires. Am I covered under the extension?

- A. Yes. Your application is extended, and you have four months from your application expiration date to take and pass the exam.

How much is my renewal fee?



When TREC redesigned the renewal notice and changed from the renewal form to the renewal notice card the renewal amount for an individual's license was removed.

The amounts charged for a renewal are directly related to the type and term of the license.

A salesperson who is subject to Salesperson Annual Education (SAE) consisting of a required 30 hour core real estate course receives a one year license. **The renewal amount for a one year license is \$51.** Once a salesperson completes 270 hours of core real estate education, the licensee is subject to Mandatory Continuing Education (MCE) which consists of fifteen hours of continuing education. Of the fifteen hours, six hours are the required TREC legal update course (3 hrs.) and the TREC ethics course (3 hrs.) the remaining nine hours can be any approved MCE course or combination of courses. A salesperson subject to MCE receives a two-year license and **the renewal amount for a two year license is \$102.**

A broker renewal is \$511. A broker's license term is for two years.

If the you have a salesperson's license and the education information on the front of the renewal notice card states that you need SAE, your renewal amount is \$51. Your license is for a term of one year.

If the have a salesperson's license and the education information on the front of the renewal notice card states that you need MCE, your renewal amount is for \$102. Your license is for a term of two years.

If you have a broker's license your renewal amount is \$511. Your license term is for two years.

SALESPERSON

Salesperson Renewal, SAE \$51

Salesperson Late Renewal, SAE, expired prior to 9/1/2007 \$92.50

Salesperson Late Renewal, SAE, expired after 9/1/2007 expired 90 days or less \$64.50

Salesperson Late Renewal, SAE, expired after 9/1/2007 expired more than 90 days \$79.50

Salesperson Renewal, MCE \$102

Salesperson Late Renewal, MCE, expired prior to 9/1/2007 \$92.50

Salesperson Late Renewal, MCE, expired after 9/1/2007 expired 90 days or less \$129

Salesperson Late Renewal, MCE, expired after 9/1/2007 expired more than 90 days \$159

BROKER, INDIVIDUAL

Individual Broker Renewal \$511

Individual Broker Late Renewal, expired prior to 9/1/2007 \$300

Individual Broker Late Renewal, expired after 9/1/2007 expired 90 days or less \$539

Individual Broker Late Renewal, expired after 9/1/2007 expired more than 90 days \$569

BROKER, COMPANY

Corporation Broker Renewal \$109

Limited Liability Company Broker Renewal \$107

For a complete list of renewal fees go to the TREC web site at www.trec.state.tx.us and select the "See My Renewal Fees" under the "I want to..." heading. Salesperson late renewals are not available online, but the form can be downloaded from the TREC web site.

Chairman Appoints Members to Two Committees

At the August 18, 2008 meeting of the Texas Real Estate Commission, Chairman John D. Eckstrum of Conroe appointed members to the newly formed Broker's Responsibility Committee and Education Committee.



Commissioner Avis G. Wukasch of Round Rock was appointed as liaison to the Broker's Responsibility Committee. The committee's purpose is to develop information and recommendations regarding the proposal of rules defining the specific responsibilities of a broker. Members appointed to this committee are as follows: Robert Doggett of Texas Rio Grande Legal Aid, Austin; Cameron Hill of REALM Real Estate Professionals, Houston; Susan Jackson Corbin of Sandcastles Realty, Galveston; Randy Jeffers of Coldwell Banker First Equity, Amarillo; Ana Ochoa of Coldwell Banker Ana Ochoa, Laredo; Dan Odom of Award Co., Realtors and Property Mgmt., Ft. Worth; Barbara Tarin of Tarin Real Estate, San Antonio; George Stephens of ERA Stephens Properties, Houston; Beth Thomas of the Real Estate Center, TX A&M University, College Station;

Harry Wolff of Cox & Smith, San Antonio; Tom Branch of Realty Revolution, Plano; and Michael Levitin of HTown Property Management, Houston. The first meeting of the Broker's Responsibility Committee is scheduled for October 10, 2008, at TREC Headquarters in Austin, Texas.



Commissioner Adrian A. Arriaga of McAllen was appointed as liaison to the Education Committee. The purpose of this committee is to review the Commission's rules regarding the approval and conduct of education providers and to develop recommendations regarding the proposed revisions to those rules. The members of this committee are: former Commissioner Lousie Hull of Cornerstone Properties, Victoria; former Commissioner Rick Albers of Kuperman, Orr & Albers, PC, Austin; Dave Dalzell of Dalzell Realtors, Abilene; Debbie Watson of Ebby Hallday Realtors, Dallas; Susan Jones of Century 21 Accent, Temple; Rebecca Ray of Kaplan Professional Schools, Carrollton; Rita Santamaria of Champions School of Real Estate, Houston; Rick Knowles of Capital Real Estate Training, Austin; Deb Waldman of the Texas Association of Realtors, Austin; Virginia Parras of the Houston Association of Realtors, Houston; David Rosow of Coldwell Banker D'Ann Harper, San Antonio; and Denise Whisenant of the Real Estate Center, TX A&M University, College Station.

The first meeting of the Education Committee is scheduled for October 3, 2008, at TREC Headquarters in Austin, Texas.

Fingerprint Facts

Remember:

- even if your fingerprints are on file with another agency, you will need to get fingerprinted specifically for TREC (your fingerprints cannot be transferred to TREC);
- you must have a TREC issued *FastPrintPass* to be fingerprinted, which is available on the TREC web site; and
- once your fingerprints are on file at TREC, you will not have to be reprinted.

For more information and updates on the fingerprinting process, go to the TREC web site: www.trec.state.tx.us



RULE ACTIONS FROM AUGUST 18, 2008 MEETING OF THE TEXAS REAL ESTATE COMMISSION

RULE NO.	EFFECTIVE DATE	SUMMARY OF ADOPTED RULE <i>For text of the rules as they were filed with the Texas Register go to the web site www.trec.state.tx.us</i>
§535.208	9/8/2008 ADOPTED	The amended rule adopts by reference a revised Certificate of Insurance, Form REI 8-1, which includes revisions to the Certificate of Insurance form for inspectors to use in showing proof of liability insurance coverage to the Commission. The Certificate of Insurance form was modified to clarify the types of conduct for which coverage is required, to clarify that the aggregate limit is as specified in the policy, and to extend the time period within which insurers must notify TREC of canceled or non-renewed policies from
RULE NO.	EARLIEST POSSIBLE DATE OF ADOPTION	SUMMARY OF PROPOSED RULES <i>For text of the rules as they were filed with the Texas Register go to the web site www.trec.state.tx.us</i>
§535.64 (amend)	10/27/2008 PROPOSED	The proposed amendments to §535.64 address the requirements of Texas Occupations Code §1101.301 and .304 regarding the collection of exam passage rate data on graduates of TREC-accredited real estate schools. The amendments clarify that the last course taken for purposes of the data to be collected is the last core course taken from a TREC-accredited provider within 2 years of the date the person filed an education evaluation with the commission. Courses taken at schools that are not accredited by TREC, such as colleges and universities, will be not be collected or counted. The amendments also clarify that each type of licensing exam that a graduate takes for the first time will have a school affiliation unless the last core course taken by the applicant was taken at a school that was not TREC-accredited, or the course was taken more than 2 years before the date the graduate submitted an education evaluation to the commission.
§535.101 (amend)	10/27/2008 PROPOSED	The proposed amendments increase the examination fee for salesperson and broker applicants from \$59 to \$61. The proposed amendment modifies the examination fee to reflect the cost under the new contract for examination administration services effective September 1, 2008.
§535.210 (amend)	10/27/2008 PROPOSED	The proposed amendments increase the examination fee for home inspector applicants from \$59 to \$61. The proposed amendment modifies the examination fee to reflect the cost under the new contract for examination administration services effective September 1, 2008.
§535.222 (new)	10/27/2008 PROPOSED	The proposed new rule clarifies the inspection reporting requirements as recommended by the Texas Real Estate Inspector Committee. The rule clarifies that all inspections performed pursuant to an inspector license issued by TREC must be reported in writing and establishes general requirements regarding information contained in the report and delivery to the client.
§535.223 (repeal)	10/27/2008 PROPOSED	The repeal is proposed because the subjects addressed in this section will be covered in new §535.222 and §535.223. TREC is simultaneously proposing as part of the Real Estate Inspector Committee comprehensive review and recommendations regarding inspector standards of practice and reporting requirements.
§535.223 (new)	10/27/2008 PROPOSED	The new rule will adopt by reference a revised standard inspection report form. TREC has a statutory duty to adopt standard inspection report forms and to adopt rules requiring licensed inspectors to use the report forms under Senate Bill Number 1100, 75th Legislature (1997). The new rule also clarifies when the form is required and how it may be modified by licensees and corresponds to proposed revisions to the inspector standards of practice.
§§535.227-535.231 (repeal)	10/27/2008 PROPOSED	The repeal of these sections is proposed because the subjects addressed in these sections will be covered in new §§535.227-535.233 and the repeal of the existing rules is necessary to avoid confusion and repetition.
§§535.227-535.233 (new)	10/27/2008 PROPOSED	The proposed new rules divide the standards of practice for inspectors into seven sections by providing two additional sections and contain a number of substantive changes recommended by the Texas Real Estate Inspector Committee, an advisory committee of six professional inspectors and three public members appointed by TREC. Generally, the proposed new sections rearrange the current standards of practice, listing the systems, components, and items in a home which the inspector must include in an inspection unless the inspector's client agrees to limit the scope of the inspection. New §535.227 addresses general provisions which include definitions, the scope, and the departure provisions of an inspection. New §535.228 addresses minimum inspection requirements for structural systems. New §535.229 addresses minimum inspection requirements for electrical systems. New §535.230 address minimum inspection requirements for heating, ventilation, and air conditioning systems. New §535.231 addresses minimum inspection requirements for plumbing systems. New §535.232 addresses minimum inspection requirements for appliances. New §535.233 addresses minimum inspection requirements for optional systems.
§§537.21-.23, .26-.27, .33, .35, .40, .46, .48 and new §537.51	10/27/2008 PROPOSED	The proposed amendments to 22 TAC §§537.21-.23, .26-.27, .33, .35, .40, .46, .48 correct the agency web address from www.state.tx.us to www.trec.state.tx.us . New 22 TAC §537.51 concerning Standard Contract Form TREC No. 44-0 proposes to adopt by reference a new TREC addendum for reservation of oil, gas, and other minerals. The proposed addendum would be used in situations where a seller in a real estate transaction wishes to reserve all or an identified percentage interest in the mineral estate owned by the seller, as defined in the addendum.

RULE ACTIONS FROM SEPTEMBER 24, 2008 MEETING OF THE TEXAS REAL ESTATE

RULE NO.	EFFECTIVE DATE	SUMMARY OF EMERGENCY RULES
§535.51 (amend)	9/24/2008 ER ADOPT	<p data-bbox="516 247 1349 275"><i>For text of the rules as they were filed with the Texas Register go to the web site www.trec.state.tx.us</i></p> <p data-bbox="479 331 1395 478">As a result of the proclamations by the Governor of the State of Texas dated September 7, and 12, 2008, declaring a state of emergency due to Hurricane Ike, the Texas Real Estate Commission adopted emergency amendments to §535.51 concerning General Requirements for applicants for a salesperson or broker license residing or whose principal place of business is in the Texas counties detailed below and who were significantly affected by Hurricane Ike.</p> <p data-bbox="479 489 1395 636">The amendments concern the time period for satisfaction of application requirements for persons significantly affected by Hurricane Ike who reside or whose principal place of business is in any of the following counties: Angelina, Austin, Brazoria, Chambers, Cherokee, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, or Washington.</p> <p data-bbox="479 646 1395 741">The amendments outline the conditions under which the commission will extend the expiration date of the application for a period of four months in order to complete any examination or fingerprinting requirement. The provisions do not apply to any application that expired prior to September 7, 2008.</p>
§535.95 (amend)	9/24/2008 ER ADOPT	<p data-bbox="479 804 1395 909">The Texas Real Estate Commission adopted emergency amendments to §535.95 concerning licensing renewal requirements for licensees residing in or whose principal place of business is in the Texas counties detailed above who were significantly affected by Hurricane Ike.</p> <p data-bbox="479 919 1395 982">The amendments concern satisfaction of Salesperson Annual Education (SAE), Mandatory Continuing Education, (MCE), fingerprinting requirements, payment of fees, and other renewal requirements for such licensees.</p> <p data-bbox="479 993 1395 1350">The amendments outline the conditions under which the Commission will defer renewal of licenses for salespersons, brokers, and easement and right-of-way agents who are unable to timely renew and otherwise meet all renewal requirements for an active license because of Hurricane Ike. The amendments permit affected real estate salespersons and brokers to take up to four months to complete all of the renewal requirements under Chapter 1101 of the Occupations Code. The extension option will be available only for licensees who satisfy the criteria in the rule and whose licenses expire between September 30, 2008 and February 28, 2009. For licenses that expire after that period, the license renewal is subject to the Act and existing Rules. If a licensee fails to pay the renewal fees within the four month period, the license will expire at the end of the four month period. If a licensee fails to get fingerprinted or complete continuing education, the license will go inactive at the end of the four month period until such time that the licensee meets all renewal requirements. If the licensee is under SAE and fails to complete the requirements within the four month period, the license will expire with the initial expiration date.</p>
§535.208, §535.216 (amend)	9/24/2008 ER ADOPT	<p data-bbox="479 1371 1395 1476">The Texas Real Estate Commission has adopted emergency amendments to §535.208 concerning Application for a License and §535.216 concerning Renewal of License for licensees and applicants living or working in the Texas counties detailed above who were significantly affected by Hurricane Ike.</p> <p data-bbox="479 1486 1395 1528">The amendments concern satisfaction of renewal and application requirements for home inspector licensees and applicants who live or work in those counties.</p> <p data-bbox="479 1539 1395 1833">The amendments outline the conditions under which the commission will defer renewal of home inspector licenses for licensees who are unable to timely renew and otherwise meet all renewal requirements for an active license because of Hurricane Ike. The amendments permit affected home inspectors to take up to four months to complete all of the renewal requirements under Chapter 1102 of the Occupations Code. The extension option will be available only for licensees who satisfy the criteria in the rule and whose licenses expire between September 30, 2008 and February 28, 2009. For licenses that expire after that date, the license renewal is subject to the Act and existing Rules. If a licensee fails to pay the renewal fees within the four month period, the license will expire at the end of the four month period. If a licensee fails to complete continuing education or provide proof of liability insurance coverage, the license will go inactive at the end of the four month period until such time that the licensee meets all renewal requirements.</p> <p data-bbox="479 1843 1395 1953">For persons with pending applications for a home inspector license who are impacted by Hurricane Ike and live or work in the counties described above, the emergency amendments extend the expiration date of the application for a period of four months in order to complete any examination requirement. The provisions do not apply to any application that expired prior to September 7, 2008.</p>



Disciplinary Actions July-August 2008

Torres, Gilbert
(El Paso); License #275209

Agreed revocation of broker license fully probated for 15 months, effective July 15, 2008; Agreed administrative penalty of \$750, entered July 15, 2008; 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; failing to pay the check processing fee within 15 days after the Commission has mailed the request for payment, in violation of 22 TAC §534.2(a); Mr. Torres failed to comply with §1101.552(b) of the Texas Occupation Code that required a broker to submit to the Commission within 10 days of a move an application, accompanied by the appropriate fee, for a license that designated the new location of the broker's office, in violation of §1101.652(b)(33) of the Texas Occupations Code; and Mr. Torres failed to comply with 22 TEX. ADMIN. CODE §535.91(c) that required a broker to furnish a permanent mailing address to the commission and report all subsequent address changes within 10 days after a change of address, in violation of §1101.656 of the Texas Occupations Code

Degrate, Renetta H.
(Waco); License #509434

Agreed 30-day suspension of salesperson license fully probated for 6 months, effective July 31, 2008; acting negligently or incompetently in preparation of listing agreement and contract forms and in keeping seller properly advised during transaction, in violation of §1101.652(b)(1), Texas Occupations Code; failing within a reasonable time to properly account for or remit option fee monies received by licensee and belonging to seller, in violation of §1101.652(b)(9), Texas Occupations Code; as an unlicensed attorney for indirect pecuniary benefit improperly advised seller regarding legal sufficiency of instrument in connection with release from an earnest money contract, in violation of §1101.654(a)(2), Texas Occupations Code; failing to surrender to the owner, without just cause, original ownership documents previously provided by seller after request for their return, in violation of §1101.652(a)(7), Texas Occupations Code; failing to produce on request by the Commission documentation in licensee's possession relating to the transaction, in violation of §1101.652(a)(5), Texas Occupations Code; and, failing to provide within a reasonable time, information requested by the commission relating to the complaint, in violation of §1101.652(a)(6), Texas Occupations Code

Wedell, Bruce Edward
(San Antonio); License #419746

30-day suspension of salesperson license fully probated for 1 year, entered July 31, 2008; Assessment of administrative penalty of \$1,000, entered July 31, 2008; acting negligently while doing property management by failing to complete provisions in the written agreement which later led to a dispute with the owner, failing to address security device requirements, failing to maintain and retain accurate records and failing to provide monthly accountings, in violation of §1101.652(b)(1) of The Texas Occupations Code

Willoughby, James Robert
(Austin); License #348568

Agreed 6 month suspension of salesperson license fully probated for 2 years, effective July 28, 2008; agreed administrative penalty of \$7,000, entered July 28, 2008; acting negligently or incompetently in a transaction by using a combination lockbox on a property which allowed a buyer and perhaps others unlimited access to the property without any licensee's knowledge of the access, in violation of §1101.652(b)(1) of the Texas Occupations Code; engaging in conduct which constitutes dishonest dealings, bad faith, or untrustworthiness in a transaction when, while acting as a listing agent, salesperson mislead sellers that a buyer representative was involved in the transaction when, in fact, salesperson was the only salesperson involved, was dealing directly with buyers, received both sides of the commission, and also received a \$2,000.00 bonus intended for the selling agent, in violation of §1101.652(b)(2) of the Texas Occupations Code; failing to obtain from buyers their written consent to an intermediary relationship, in violation of §1101.559 of the Texas Occupations Code; failing to be faithful and observant to trust placed in the agent and to be scrupulous and meticulous in performing the agent's functions in a real estate transaction by submitting inaccurate and misleading contract documents for review and signature by the principals, in violation of 22 TAC §531.1(2); advertising brokerage activity by using a name other than the name in which the salesperson was licensed, in violation of 22 TAC §535.154(c); placing brokerage advertisements which imply that the salesperson is the person responsible for the operation of a real estate brokerage, in violation of 22 TAC §535.154(e); placing brokerage advertisements on the Internet that do not include on each page information required by the Rules of the Commission, in violation of 22 TAC §535.154(i)

Langen, Maragret Joan
(San Antonio); License #198110

Agreed reprimand of broker license, entered July 28, 2008; Agreed administrative penalty of \$250, entered July 28, 2008; paying a commission or a fee to or dividing a commission or a fee an unlicensed corporation for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code; establishing an association by employment or otherwise with an unlicensed corporation expected or required to act as a license holder, in violation of §1101.652(b)(26) of the Texas Occupations Code

San Antonio Smith Realty, LLC
(San Antonio); License #512394

Agreed reprimand of broker license, entered July 7, 2008; Agreed administrative penalty of \$1,000, entered July 7, 2008; acting negligently in associating with a salesperson who continued to engage in real estate brokerage activities after expiration of the salesperson's license as well as while on inactive status, in violation of §1101.652(b)(1) and Section 1101.652(b)(26) of The Texas Occupations Code

Lieu, Viet L.
(Houston); License #479548

Reprimand of broker license, entered July 29, 2008; Assessment of administrative penalty of \$500, entered July 29, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Grimes, Stephen Ray
(Rockwall); License #511324

Reprimand of salesperson license, entered July 29, 2008; Assessment of administrative penalty of \$500, entered July 29, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Perez, Sonia Jean
(San Antonio); License #512880

Reprimand of salesperson license, entered July 29, 2008; Assessment of administrative penalty of \$500, entered July 29, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Hagar, Kesha Lashawn
(Corinth); License #509230

Agreed revocation of salesperson license fully probated for one year, effective July 16, 2008; Agreed administrative penalty of \$500, entered July 16, 2008; failing to complete the mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Dengerink, Michael John
(Austin); License #512511**

Agreed reprimand of salesperson license, entered July 1, 2008; Agreed administrative penalty of \$500, entered July 1, 2008; failing to complete the mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Smith, Adam Charlton
(San Antonio); License #496292**

Agreed 1 year suspension of broker license fully probated beginning September 29, 2008 for the remaining 11 months, effective August 29, 2008; Agreed administrative penalty of \$3,000, entered August 29, 2008; acting negligently or incompetently in failing to market the seller's properties as he had represented, in violation of §1101.652(b)(1) of the Texas Occupations Code; engaging in conduct that is dishonest or in bad faith or that demonstrates untrustworthiness and pursuing a continued and flagrant course of misrepresentation, by representing to the seller that he would market properties in a certain manner and then failed to do so, in violation of §§1101.652(b)(2) and 1101.652(b)(6) of the Texas Occupations Code; acting as a real estate salesperson after his license had expired, in violation of §1101.351(a)(1) of the Texas Occupation Code; acting as a licensed real estate salesperson although not actively sponsored by a licensed broker and acting for that broker, in violation of §1101.351(c) of Texas Occupations Code

**Reekwald, Russell Roy
(Katy); License #unlicensed**

Assessment of an administrative penalty of \$1,000, entered August 11, 2008; acting in the capacity of, engaging in the business of, or advertising or holding himself out as engaging in or conducting the business of a real estate salesperson or broker without first obtaining a real estate license, in violation of §1101.351(a) of the Texas Occupations Code

**Silk, Laurel Olsen
(Plano); License #434897**

Agreed 1 month suspension fully probated for 2 years, entered August 1, 2008; Agreed administrative penalty of \$1,000, entered August 1, 2008; acting negligently or incompetently and demonstrating untrustworthiness in failing to obtain her principal's permission to change a term in a contract and refusing to remove certain advertisements from circulation, in violation of §§1101.652(b)(1) and (2) of the Texas Occupations Code; drafting portions of an instrument, other than a promulgated form, that transfers or otherwise affects an interest in real property, in violation of §§1101.654(a)(1) and (2) of the Texas Occupations Code; writing a letter to her principal that contained an unjustified threat of a legal proceeding if her client did not close on the property at issue, in violation of §1101.652(b)(25) of the Texas Occupations Code

**Mueller, Robin Glazener
(Richardson); License #461094**

Agreed 24 month suspension of salesperson license, entered August 1, 2008, beginning February 1, 2009 the remaining 18 months of suspension fully probated; Agreed administrative penalty of \$2,000, entered August 1, 2008; acting negligently or incompetently and demonstrating untrustworthiness in failing to act fairly and impartially as an intermediary, and encouraging and drafting a promissory note that fails in its purpose, in violation of §§1101.652(b)(1) and (2) of the Texas Occupations Code; assisting in the sale of real property by means of a deceptive practice by preparing a side agreement between the parties relating to sales proceeds which was not provided to the Escrow Officer to reflect on the Settlement Statement, in violation of §1101.652(b)(15) of the Texas Occupations Code; drafting a promissory note, an instrument other than a promulgated form, that transfers or otherwise affects an interest in real property, in violation of §§1101.654(a)(1) and (2) of the Texas Occupations Code

**Stellges, Sharon Katherine
(San Antonio); License #190354**

Revocation of broker license, effective August 29, 2008; payment of \$7,705.91 made by the Texas Real Estate Recovery Trust Account toward satisfaction of a judgment against Sharon Katherine Stellges as provided by §1101.655(a) of the Texas Occupations Code

**Fickling, Lori Moseley
(Flower Mound); License #412938**

Agreed revocation of salesperson license fully probated for 1 year, effective August 25, 2008; Agreed administrative penalty of \$750, entered August 25, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Augustus, Danny Pete
(Plano); License #479397**

Reprimand of broker license, entered August 20, 2008; Assessment of administrative penalty of \$500, entered August 20, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Aubrey, Ladonna Gail
(Fort Worth); License #429118**

Reprimand of broker license, entered August 20, 2008; Assessment of administrative penalty of \$500, entered August 20, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Patel, Manisha D.
(Houston); License #547065**

Reprimand of salesperson license, entered August 20, 2008; assessment of administrative penalty of \$500, entered August 20, 2008; failing within a reasonable time 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)

**Wise, Gary Don
(Frisco); License #510900**

Revocation of salesperson license, effective August 18, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Williams, Dora Elicia
(Spring); License #513247**

Revocation of salesperson license, effective August 18, 2009; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Grissom, Nicole Bordeman
(Magnolia); License #512887**

Revocation of salesperson license, effective August 18, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Walsh, Ashley Brooke
(Austin); License #512403**

Revocation of salesperson license, effective August 18, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Calendar of Events**Commission Meetings:**

**October 27, 2008
(Austin)
December 15, 2008
(Austin)**

Broker-Lawyer Committee Meetings:

**October 2, 2008
(Austin)**

Education Committee Meetings:

**October 3, 2008
(Austin)**

Broker Responsibility Committee Meetings:

**October 10, 2008
(Austin)**

Inspector Committee Meetings:

**October 10-11, 2008
(Austin)**

Web site:

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

Phone

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

Gaitan, Gilbert**(Richmond); License #489846**

Revocation of salesperson license, effective August 18, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Crusoe, Robert Earl**(Houston); License #466055**

Revocation of salesperson license, effective August 18, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Taylor, Kimberly Ann**(Pleasanton); License #479550**

Revocation of salesperson license, effective August 11, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Escobar, Leoncio Hernan**(Duncanville); License #514102**

Revocation of salesperson license, effective August 11, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Gideo, Joseph John**(Corinth); License #470170**

Revocation of salesperson license, effective August 11, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Grice, Elizabeth Anne**(Houston); License #468506**

Revocation of salesperson license, effective August 1, 2008; 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; failing to pay the check processing fee within 15 days after the Commission has mailed the request for payment, in violation of 22 TAC §534.2(a)

Grice, John Franklin, Jr.**(Houston); License #457804**

Revocation of broker license, effective August 11, 2008; 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; failing to pay the check processing fee within 15 days after the Commission has mailed the request for payment, in violation of 22 TAC §534.2(a)

Kirby, Larry Jay**(Prosper); License #464942**

Reprimand of salesperson license, entered August 8, 2008; Assessment of administrative penalty of \$500, entered August 8, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Torres, Maria D.**(Edinburg); License #565800**

Reprimand of salesperson license, entered August 8, 2008; Assessment of administrative penalty of \$500, entered August 8, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Lowe, Adam Barrington**(Flower Mound); License #545784**

Agreed reprimand of salesperson license entered, August 7, 2008; Agreed administrative penalty of \$250, entered August 7, 2008; failing within a reasonable time 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)

Young, Susan Margaret**(Lewisville); License #500725**

Agreed reprimand of salesperson license, entered August 6, 2008; Agreed administrative penalty of \$500, entered August 6, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Acosta, Luis**(San Antonio); License #510811**

Reprimand of salesperson license, entered August 5, 2008; Assessment of administrative penalty of \$500, entered August 5, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Rasales, Mary C.**(Rowlett); License #523632**

Reprimand of salesperson license, entered August 5, 2008; Assessment of administrative penalty of \$500, entered August 5, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Delgado, Rosa Maria**(San Antonio); License #445202**

Agreed reprimand of salesperson license entered, August 1, 2008; Agreed administrative penalty of \$500, entered August 1, 2008; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

Beginning June 30, 2008, licensees who choose to renew active but do not complete the education or pay the deferral fee within 60 days will no longer be referred to the Enforcement Division for disciplinary action. The license will go inactive. Any salespeople sponsored by an inactive broker will also go inactive. To reactivate the license, the licensee will be required to complete the required MCE, pay the \$200 deferral fee, an additional \$250 late reporting fee and \$20 to reactivate the license by filing a return to active status for a broker or a salesperson sponsorship form for a salesperson.