



TREC Advisor

Texas Real Estate Commission ★ Volume 17, Number 2 ★ March 2006

Commission Changes Renewal Process for Salespersons and Brokers

 <p>TEXAS REAL ESTATE COMMISSION P.O. BOX 13146 AUSTIN, TEXAS 78711-3146</p> <p>IMPORTANT LICENSE RENEWAL NOTICE</p> <p>License Type: SALESPERSON License # 2345678 22 EXPIRES: 01/01/07</p> <div style="border: 1px solid black; padding: 5px;"> <p>CURRENT TREC RECORDS SHOW YOU HAVE COMPLETED THE FOLLOWING MCE HOURS: 00 TOTAL, OF WHICH 00 ARE IN LEGAL TOPICS. THE FOLLOWING ADDITIONAL MCE HOURS MUST BE COMPLETED NO LATER THAN 12/31/2006: 15 TOTAL, OF WHICH 06 MUST BE IN LEGAL TOPICS.</p> </div> <p>NAME AND PERMANENT MAILING ADDRESS</p> <p>MARY SALESPERSON JOE BROKER JOE BROKER AND SONS 1234 ANY STREET ANYTOWN, TX 22222-2222</p> <p><i>Example Sales License MCE Incomplete</i></p>	<p>TREC License Renewal Notice</p> <p>This is your official notification of license renewal. Your Texas real estate license is expiring and you will not receive any further notices.</p> <p>Renewal must be completed online at: http://www.trec.state.tx.us</p> <p>You are now required to visit the web site listed above to renew your Texas real estate license.</p> <p>If your license is not renewed by the expiration date, you will have to stop working as a real estate licensee. To resume working, you must file a late renewal application and receive a new license.</p> <p><i>State law prohibits renewing a license more than once after a licensee has defaulted on a student loan guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC) unless the licensee has entered into a repayment agreement with TGSLC. YOU SHOULD CONTACT TGSLC BEFORE FILING THIS RENEWAL if you have defaulted on a student loan or repayment agreement.</i></p> <p>DO NOT USE THIS POSTCARD TO RENEW. ANY PAYMENT SENT WITH THIS POSTCARD WILL BE REJECTED.</p>
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FRONT OF CARD

BACK OF CARD

Starting **July 1st**, the Texas Real Estate Commission is simplifying the process for renewing real estate licenses. Salespersons and brokers will no longer receive a lengthy renewal notice and then be required to write a check, put it in an envelope and pay postage to renew a license.

The new renewal notices will still be sent to all licensees approximately three months prior to license expiration date. Thus, **beginning with licenses which expire on September 30, 2006**, salespersons and brokers will receive a postcard that includes basically all the important information currently printed on the longer renewal form. This includes name and permanent mailing address, license number, expiration date, and whether the person needs to submit more MCE hours to renew as an active licensee at the normal renewal rate. Once you receive your renewal card you can go to the TREC website, renew online, and immediately receive a receipt showing that you renewed prior to your expiration date.

Salespersons needing SAE (30 hr. core course) should submit their education certificates to TREC at least 15 days prior to the expiration date of the license to allow the education hours to be posted to the TREC system so they can renew online. A license subject to SAE requirements cannot be renewed unless TREC has proof that the education has been completed.

The Commission is using this new postcard notification process to save costs involved with printing, inserting, and mailing the current renewal forms and the opening of return mail and processing of checks when payment is made. TREC also must meet statewide performance measures regarding online renewals required by the Texas Legislature of all licensing agencies.

In a nutshell, starting July 1st TREC will mail postcards 90 days in advance of the license expiration date, listing the name, permanent mailing address, license number and expiration date along with any education hours that must be completed in order to renew. The present online renewal process will remain unchanged. Unlike the existing renewal forms that are mailed back with checks and money orders, the new postcard is not used to renew a license. All licensees will renew online using a credit card for payment.

This online renewal process has been available since August 2000 and many brokers and salespersons already are taking advantage of it. Beginning with the postcard notices to be mailed in July, all licensees will benefit from this quick, convenient, and efficient means of renewing licenses. TREC believes that this will save much time and money for all involved.



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TEXAS REAL ESTATE
COMMISSION

Meeting Highlights

February 13, 2006

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, February 13, 2006. Chairman John Walton presided.

After staff reports, the Commission voted to approve payment of one claim against the Inspector Recovery Fund Account for \$7,500. The Commission voted to approve payment of six claims against the Real Estate Recovery Trust Account. The claims are as follows: one for \$100,000, one for \$50,800, one for \$4,000, one for \$1,500, one for \$2,850 and one for \$50,000.

The Commission voted to adopt amendments to 22 TAC §§537.11, 537.20, 537.28, 537.30, 537.31, 537.32, 537.37, 537.43, 537.44, 537.46, and 537.47 concerning standard contract forms.

The Commission voted to propose amendments to 22 TAC §535.64 concerning Accreditation of Schools and Approval of Courses and Instructors, 22 TAC §535.91 concerning Renewal Applications and §535.92 concerning Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements, 22 TAC §535.144 concerning "When Acquiring or Disposing of Own Property or Property of Spouse or Relative, 22 TAC §535.210 concerning Fees, 22 TAC §535.220 regarding professional conduct and ethics for inspectors and 22 TAC 539.71 concerning Miscellaneous Forms. The Commission also voted to propose the appeal of 22 TAC §535.217.

John Cahill, Chairman of the Texas Real Estate Inspector Committee, presented a draft of revisions to Inspector Standards of Practice. After discussion, the Commission voted to place the draft on the web site for comments. The Commission approved the FY 2006-2008 Memorandum of Understanding between the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board.

The Commission denied a motion for rehearing in the Matter of Wilfred Sheppard, Hearing No. 06-65-060005.

The next meetings of the Commission are scheduled for May 1, 2006 and June 5, 2006 in Austin at TREC Headquarters.

New Commission Officers Elected at February 2006 Meeting



Commissioner Elizabeth Leal was elected Vice-Chair of the Texas Real Estate Commission on February 13, 2006.

She is a Broker-Associate with Coldwell Banker deWetter Hovious, licensed since 1977.

The only member of the Greater El Paso Association of REALTORS® to be twice named Salesman of the Year, she is also the only member of the El Paso del Norte Chapter of Women's Council of REALTORS® to be twice named Member of the Year, and is the Texas WCR Member of the Year for 2003. She has earned the following designations: ABR, CRS, GRI, LTG, PMN, SRES.

Commissioner William H. Flores was elected Secretary of the Texas Real Estate Commission on February 13, 2006.

He is President & CEO of Phoenix Exploration Company in Houston.

Prior to September 2005, he served as Senior Vice President and CFO of Gryphon Exploration Company (sold to Woodside Energy (USA), Inc. in August 2005). Bill serves as a member of the board of directors of Synexus Energy, Inc., as a member of the Mays Business School Advisory Board and is President-Elect of the Texas A&M Association of Former Students. In 2003, Bill was honored as an Outstanding Alumnus of the Mays Business School of Texas A&M University.



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.

Official publication of the
Texas Real Estate Commission
Volume 17, Number 2
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Governor

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LUBBOCK

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Vice-Chair
EL PASO

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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:

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>

Six Revised Contracts and Four Addenda become Mandatory May 1, 2006.

During the past three years the Broker-Lawyer Committee has been revising six contracts and four addenda,

- TREC No. 9-6, Unimproved Property Contract,
- TREC No. 20-7, One to Four Family Residential Contract (Resale),
- TREC No. 23-6, New Home Contract (Incomplete Construction),
- TREC No. 24-6, New Home Contract (Completed Construction),
- TREC No. 25-5, Farm and Ranch Contract,
- TREC No. 30-5, Residential Condominium Contract,
- TREC. 36-4, Addendum for Property Subject to Mandatory Membership in an Owners' Association,
- TREC No. 37-2, Subdivision Information, Including Resale Certificate for Property Subject to Mandatory Membership in an Owners' Association,
- TREC No. 39-6, Amendment, and
- TREC No. 40-2, Third Party Financing Condition Addendum

On February 13, 2006, the Commission adopted the contract forms. The following changes to 20-7, One to Four Family Residential Contract (Resale) also apply to most of the other contracts. For a complete summary of all changes go to <http://www.trec.state.tx.us/formslawspubs/forms/forms-contracts.asp>:

Paragraph 2. Property

- Adds "of" after "County"
- Bolds "permanently installed and built in items" in Paragraph 2B for further emphasis
- In Paragraph 2A(4), changes "excluded" to "removed prior to delivery of possession"

Paragraph 4. Financing

- Paragraph 4A - clarifies that the contract is made subject to the approval of the property and if Paragraph 4A(2)(a) applies, the contract is also subject to financing approval of buyer pursuant to the Third Party Financing Conditions Addendum
- Revises Paragraph 4C to remove clause regarding interest rate as the provision is in the Third Party Financing Addendum

Paragraph 6. Title Policy and Survey

- Paragraph 6B - removes "mail or hand" before "deliver"
- Paragraph 6C
 - ▶ Reformats by moving the provision related to the existing survey to Paragraph 6C(1)
 - ▶ New sentence in Paragraph 6C(1) clarifies that if the seller fails to deliver the existing survey and Residential Real Property Affidavit within the time required, the buyer may obtain a new survey no later than three days before the closing date at the seller's expense
 - ▶ Adds sentence to Paragraph 6C(2) that the buyer is deemed to have received the survey on the date specified in Paragraph 6C(2) or the actual date of receipt, whichever date is earlier

- Paragraph 6D
 - ▶ Changes the objection period to require buyer to object not later than the closing date or a negotiated number of days after buyer receives the commitment, exception documents, and the survey, whichever is earlier
 - ▶ Adds “Provided Seller is not obligated to incur any expense,” to provision that requires the Seller to cure the timely objections of Buyer or any third party lender
- Paragraph 6E
 - ▶ Under Paragraph 6E(2), adds a new sentence regarding use of the TREC Addendum for Property Subject to Mandatory Membership in an Owner’s Association
 - ▶ New notice under Paragraph 6E(6) is a statutorily required notice that a seller of property located in a certificated service area of a utility service provider must give to a buyer
 - ▶ New notice under Paragraph 6E(7) is a statutorily required notice that a seller of property in a public improvement district (PID) must provide to a buyer

Paragraph 7. Property Condition

- Paragraph 7A - reformats to be consistent with other TREC contract forms
- Paragraph 7B(3) - rewrites for clarity

Paragraph 9. Closing

- Paragraph 9A specifically references paragraph 6D in first sentence
- Adds “or waived” to first sentence after “cured”

Paragraph 10. Possession

- Bolds last two sentences for emphasis
- Changes “ownership or possession” to “ownership and possession”

Paragraph 12. Settlement and Other Expenses

- Replaces “under” with “and then to” in last sentence of Paragraph 12A(1)(b)13. Prorations and Rollback Taxes
- Adds a sentence to Paragraph 13A stating that tax proration may be calculated taking into consideration any change in exemptions that will affect the current year’s taxes

Paragraph 14. Casualty Loss

- Changes “under Paragraph 7” in the last sentence to “under this contract”

Paragraph 18. Escrow

- Reformats to clarify obligations of the parties related to the earnest money and to provide for additional incentives for prompt release of the earnest money.
- Adds Paragraph 18C to provide that upon termination of the contract, either party may send a release to the other party and the escrow agent and the parties will execute the appropriate documents and return them to the escrow agent. If one party makes demand on the escrow agent for the return of the earnest money, the escrow agent should send the demand to the other party. If the other party does not object within 15 days (shortened from 30 days), the escrow agent may disburse the earnest money to the demanding party.
- Adds Paragraph 18D to provide that if a party wrongfully refuses or wrongfully fails to sign a release, the party entitled to the earnest money is entitled to liquidated damages of three times the amount of the earnest money.

Paragraph 21. Notices

- Adds a line for e-mail addresses

Paragraph 23. Termination Option

- Modifies to provide that the option fee may be paid within two days after the effective date of the contract. If the buyer fails to timely pay the option fee, the buyer will not have an option under the contract. Consideration supporting the option would be in two parts: the option fee and nominal consideration, receipt of which is acknowledged.

Paragraph 24. Consult an Attorney

- Adds a line for e-mail addresses

Paragraph 25. Other changes to One to Four Family Residential Contract (Resale)

- An obsolete control number is removed
- The page number format is revised
- A box is placed around the effective date to call more attention to the brokers to complete the effective date upon final acceptance of the contract
- The blanks for the parties' initials are deleted from the signature page
- More lines are added to the last page for e-mail and other addresses
- The seller's receipt of the option fee on the last page is modified so that the listing broker may acknowledge receipt of the option fee for a proper tendering of the fee
- The last page is reformatted to improve readability

TREC. 36-4, Addendum for Property Subject to Mandatory Membership in an Owners' Association

- Deletes the requirement in Paragraph A that the Subdivision Information not be more than three months as such is not required by the statute.
- Modifies Paragraph B to change the title to "Fees" rather than "Transfer Fees" and to provide that the buyer will pay a certain amount of any fees resulting from the transfer and the seller will pay the remainder. The revisions will clarify that the fees at issue in the paragraph include any Owners' Association fees resulting from the transfer, which may also include initiation or other fees.

TREC No. 37-2, Subdivision Information, Including Resale Certificate for Property Subject to Mandatory Membership in an Owners' Association

- Adds a line for an e-mail address for the managing agent of the subdivision
- Revises Paragraph K to conform the text to similar provisions in other TREC forms

TREC No. 39-6, Amendment

- In Paragraph 6, strikes the word "nonrefundable" before the word "Option"
- Adds a bold box around the execution date of the amendment to call the licensee's attention to the need to complete the date

TREC No. 40-2, Third Party Financing Condition Addendum

- Adds a provision concerning availability of the described loan terms to the definition of financing approval. Specifically, financing approval is obtained when the terms of the described loan are available and the lender determines that the buyer has met the lender's financial requirements.
- Adds a note was added to the first paragraph to clarify that financing approval under the addendum does not include approval of the property

Rules Adopted at the February 13, 2006 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
§§537.11, 537.20, 537.28, 537.30, 537.31, 537.32, 537.37, 537.43, 537.44, 537.46, and 537.47	Professional Agreements and Standard Contracts	The amendments adopt by reference 6 revised contract forms and 4 addenda. Texas real estate licensees are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas six brokers appointed by TREC and a public member appointed by the governor.

Rules Proposed at the February 13, 2006 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
§535.64	F. Education, Experience, Education Programs, Time Periods and Type of License	Proposes amendments to §535.64 concerning Accreditation of Schools and Approval of Courses and Instructors. Adopts by reference Form Ed 7-1 Instructor Manual Guidelines For Core Real Estate And Real Estate Related Courses. Adds to the rule a cite to the TREC website to download the form and change the cites in the form to the relevant statutory provisions of Chapter 1101 Texas Occupations Code. Also updates the Instructor Manual for style and clarity and remove obsolete sections.
§§535.91 and .92	I. Licenses	Proposes amendments to §535.91 concerning Renewal Notices and §535.92 concerning Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements. In §535.91 the amendments change the name of the “renewal application form” to “renewal notice” to make it clear that the commission will be notifying real estate licensees of renewal requirements with a notice rather than a form. Deletes the subsection that adopts by reference the renewal application form as the form will no longer be used.
§535.144	N. Suspension and Revocation of Licensure	Proposes amendments to §535.144 concerning When Acquiring or Disposing of Own Property. The amendments are proposed to implement revisions to Texas Occupations Code Chapter 1101 enacted during the 79 th Legislative Session Regular Session by Senate Bill 810 (2005). Senate Bill 810 revised §1101.652(a)(3) Texas Occupations Code to authorize the commission to take disciplinary action against a licensee if the licensee engages in misrepresentation or fraud when selling buying trading or leasing real property in the name of the license holder’s spouse or a person related to the license holder within the first degree by consanguinity. Section 535.144 which is based on §1101.652(a)(3) requires a licensee to disclose in writing that he or she is a real estate salesperson or broker acting on his or her own behalf. The amendment to §535.144 would define “first degree of consanguinity” to mean a child or parent of the licensee and would require a similar written disclosure when a licensee buys sells trades or leases real property in the name of the licensee’s spouse child or parent.

Rules Proposed at the February 13, 2006 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
§535.210	R. Real Estate Inspectors	Proposes an amendment to §535.210 concerning Fees. The amendment is proposed to implement revisions to Texas Occupations Code Chapter 1102 enacted during the 79 th Legislative Session Regular Session (2005) by Senate Bill 810. The amendment adds a \$5 fee to be charged to corporations and limited liability companies licensed as Texas professional inspectors for the annual renewal of the license. The home inspector license renewal period will change to a 2-year cycle in April 2006 the total amount due for each renewal would be \$10 to parallel an existing \$10 application fee for those business entity licenses.
§539.71	Provisions of the Residential Service Company Act H. Miscellaneous Forms	Proposes amendments to §539.71 concerning Miscellaneous Forms. Changes the cites in Form RSC 2-3 Residential Service Company Bond to the relevant statutory provisions in Chapter 1303
<p>Complete text of the rule amendments and links to the proposed or adopted forms can be found at www.trec.state.tx.us</p> <p>The new contracts and addenda become mandatory for use after May 1, 2006. They are available on the TREC web site and may be downloaded and used now.</p> <p>You may also access the summary of changes to the contracts on the same web page.</p>		

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 notices are sent out to all licensees. 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

December 2005—January 2006

Consumer Complaints

Busby, Catherine L.
(Carthage); license #404922

Agreed 4 months suspension of broker license, fully probated for 18 months, effective December 5, 2005; Agreed administrative penalty of \$1,000, entered December 2, 2005; acted negligently and incompetently and made false promises of a character that influenced, persuaded and induced a seller to enter into a listing agreement and subsequently to reduce the sales price of the property. Ms. Busby used a TAR Listing Agreement form at a time Catherine Busby was not a member of the local board of Realtors or the Texas Association of Realtors. Ms. Busby appeared to be a Realtor to the seller by using the TAR listing agreement, she had agreed to file the listing with a MLS and was given the authority to place a keybox on the property. Ms. Busby could not file the listing agreement in any MLS and failed to place a keybox on the property. Catherine Busby's conduct violated §§1101.652(b)(1)&(5) of the Texas Occupations Code

Huett, Ryan Lee
(Comanche); license #448014

Revocation of salesperson license, effective December 9, 2005; engaged in misrepresentation, dishonest, and fraudulent conduct when he sold and/or leased real property in his own name by preparing and executing a document he entitled "Contract for Deed" by which he purported to sell to a purchaser real property on which a mobile home was situated. Mr. Huett misrepresented to the purchaser that she would be the owner of the real property, receive title to the mobile home, and that the mobile home and lot were ready to live in with no problems. The purchaser made a down payment to Mr. Huett and found the utilities were not in service or illegally or improperly connected. Mr. Huett's Contract for Deed was not a proper instrument to transfer ownership of property, and it included a street address on it for property not actually owned by Mr. Huett. Mr. Huett failed to provide the purchaser any written disclosure notice of the property's condition and failed to disclose in the contract for deed or in any other writing that he was a licensed real estate salesperson. Ryan Lee Huett's conduct violated §1101.652(a)(3) of the Texas Occupations Code.

Tiffany Tia Thompson
(Houston); license #495200

Revocation of salesperson license, effective December 12, 2005; obtaining a real estate license by making a material misstatement in a license application by failing to disclose that she had been placed on probation in a criminal proceeding in violation of §1101.652(a)(2) of Texas Occupations Code

Godbey, Cynthia Kay
(Colleyville); license #516587

Agreed reprimand of salesperson license, entered December 27, 2005; Agreed administrative penalty of \$250, entered December 27, 2005; acted negligently or incompetently when she was a listing agent and she placed the seller's initials and signature on a TREC form, Third Party Financing Condition Addendum, presented it to the buyer and thereafter the complete contract to the title company without the authority or knowledge of the seller, nor did she disclose to anyone that she had done so under the mistaken belief her conduct was proper. Cynthia Kay Godbey's conduct violated §1101.652(b)(1) of the Texas Occupations Code

Wyche, George Nathaniel
(Houston); license #116435

Agreed 3 month suspension of broker license, fully probated for 3 years, effective December 30, 2005; acted negligently or incompetently in failing to adequately train and supervise a sponsored salesperson, 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 to make clear to the buyers that he and his sponsored salesperson intended only to represent the sellers, in violation of §15(a)(6)(D) of The Real Estate License Act [§1101.652(b)(7) of the Texas Occupations Code, effective June 1, 2003]; commingled funds belonging to buyer by holding them in broker's business operating 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] and 22 TAC §535.146; permitted sponsored salesperson to draft purchase contract on outdated version of TREC form, in violation of 22 TAC §537.11

Moncada, Inocencio
(Houston); license #446879

Agreed 3 month suspension of salesperson license, fully probated for 1 year, effective December 31, 2005; Agreed administrative penalty of \$500, entered January 1, 2006; acted negligently or incompetently in failing to properly complete an amendment to extend his buyer client's option period, thereby failing to secure the extension of the option period, in violation of §1101.652(b)(1) of the Texas Occupations Code; acted for a broker who was not his sponsoring broker when he entered into an agreement with a former sponsoring broker to continue working with a client he represented while sponsored by the former broker, without executing a new representation agreement on behalf of the new broker, in violation of §1101.351(c) of the Texas Occupations Code; failed to furnish to his client the written Information About Brokerage Services disclosure at the time of the first substantive dialogue with the client, in violation of §1101.558 of the Texas Occupations Code

Huettel, Roland M.
(Austin); license #4849

Agreed 6 months suspension of professional inspector license fully probated for 2 years, effective January 13, 2006; Agreed administrative penalty of \$750, entered January 13, 2006; 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 the presence of an electrical panel in a bathroom in dangerous proximity to the sink, in violation of 22 TAC §535.230(a)(6); failed to report as in need of repair burglar bars that were not functional keyless burglar bars, in violation of 22 TAC §535.228(e)(7)

Mickum, Julia S.
(Missouri City); license #467587

Agreed reprimand of salesperson license, entered January 13, 2006; Agreed administrative penalty of \$250, entered January 13, 2006; acted negligently and/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 by granting access to potential buyers to a property without the authorization of the seller or seller's agent

Woodruff, Beverly Jean
(Midlothian); license #476600

Agreed 3 months suspension of salesperson license fully probated for 2 years, effective January 23, 2006; Agreed administrative penalty of \$500, entered January 19, 2006; failed to disclose to a buyer information about prior flooding on a property she listed for sale, after learning of the flooding while representing the sellers in their previous purchase of the property, in violation of §1101.652(b)(4) of the Texas Occupations Code; acted negligently or incompetently in failing to review her records from the previous transaction after the sellers (her clients in the previous transaction) asked for guidance regarding how to complete the seller's disclosure in light of the prior flooding, in violation of §1101.652(b)(1) of the Texas Occupations Code

Reed, Robin
(Dallas); license #474484

Agreed 3 months suspension of salesperson license fully probated for 1 year, effective January 30, 2006; Agreed administrative penalty of \$2,500, entered January 19, 2006; acted negligently or incompetently in advertising and promoting the sale of a property belonging to a friend who had defaulted on the mortgage, in violation of §1101.652(b)(1) of the Texas Occupations Code; advertised a "foreclosure auction" in the newspaper and by e-mail and stated that the property would sell to the highest bidder at a given time, when the property was not yet in foreclosure, and the winning bidder was not guaranteed to have his or her bid accepted, in violation of §1101.652(b)(23) of the Texas Occupations Code; told a prospective buyer that he owned the property and had already received a bid at a certain price but would consider a bid at a higher price, when he did not own the property and had not received a written offer at the price he claimed, in violation of 22 TAC § 535.156(d)

Administrative Complaints

Fore, Kristi Care
(Houston); license #442505

Agreed reprimand of salesperson license, entered December 19, 2005; Agreed administrative penalty of \$250, entered December 19, 2005; failing to 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

Feril, Jon Wynn
(Plano); license #455104

Agreed reprimand of salesperson license, entered December 27, 2005; Agreed administrative penalty of \$250, entered December 27, 2005; failing to 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

Wheeler, Lorisa May
(Grand Prairie); license #442545

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

Waddell, Sheryl Lynn
(Mansfield); license #476129

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

Graham, John Kevin
(Dallas); license #468912

Agreed reprimand of salesperson license, entered December 30, 2005; Agreed administrative penalty of \$250, entered December 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

Long, Tammy Lee Hines
(Fort Worth); license #469826

Agreed reprimand of salesperson license, entered December 29, 2005; Agreed administrative penalty of \$250, entered December 29, 2005; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92(f) of the Rules of the Texas Real Estate Commission

Calendar of Events

Commission Meetings:

May 1, 2006
June 5, 2006
(Austin)

Broker-Lawyer Committee Meetings:

May 11-12, 2006
(Austin)

Inspector Committee Meetings:

March 20, 2006
(Austin)

Web site:

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

Phone

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

McKenzie, Deryl Wayne
(Houston); license #241149

Agreed reprimand of salesperson license, entered December 29, 2005; Agreed administrative penalty of \$250, entered December 29, 2005; failing to 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

Harris, Cynthia
(Dallas); license #398818

Agreed reprimand of salesperson license, entered December 30, 2005; Agreed administrative penalty of \$250, entered December 30, 2005; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92(f) of the Rules of the Texas Real Estate Commission

Ibarra, Gricelda E.
(Flower Mound); license #470726

Revocation of salesperson license, effective December 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

Bolar, Sherri Nicole
(Houston); license #519443

Revocation of salesperson license, effective January 11, 2006; 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

Ngo, Kim Loan
(Houston); license #481248

Agreed reprimand of salesperson license, entered January 12, 2006; Agreed administrative penalty of \$250, entered January 12, 2006; 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

Gallego, Olga M.
(San Antonio); license #357840

Agreed reprimand of salesperson license, entered January 13, 2006; Agreed administrative penalty of \$250, entered January 13, 2006; 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

Davis, Dana Ann
(Houston); license #486894

Agreed reprimand of salesperson license, entered January 18, 2006; Agreed administrative penalty of \$250, entered January 18, 2006; 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

Chapa, Francisco Leal
(Richardson); license #434555

Revocation of salesperson license, effective January 19, 2006; 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

Coates, David Allan
(Dallas); license #303720

Revocation of salesperson license, effective January 20, 2006; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92(f) of the Rules of the Texas Real Estate Commission

Gulotta, Cory Paul
(Austin); license #479161

Agreed reprimand of salesperson license, entered January 27, 2006; Agreed administrative penalty of \$250, entered January 27, 2006; 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

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