



TRECAAdvisor

Texas Real Estate Commission ★ Volume 18, Number 4 ★ August 2007

Governor Perry Appoints Two New Commissioners



Adrian A. Arriaga

Adrian A. Arriaga is the Broker/Owner of AAA Real Estate & Investments in McAllen, TX. A Commercial Realtor since 1985, he represents investors from Mexico, Germany and Korea in Texas and northern Mexico. He currently serves as broker of record for several national U.S. companies in South Texas.

Active with the National Association of Realtors for many years, Mr. Arriaga has served in numerous leadership positions. Presently, he is serving as NAR Presidential Liaison to Mexico, responsible for overseeing all NAR activities in Mexico. As Presidential Liaison, Mr. Arriaga is overseeing a new joint venture between NAR and AMPI, the NAR of Mexico, where all AMPI members have become NAR International members.

Active in his community, Mr. Arriaga served six years on the Texas Board of Criminal Justice, appointed by Governor Rick Perry. He also Chaired the Texas Small Business Council for the State of Texas. Mr. Arriaga is Past Chair of both the McAllen Chamber of Commerce and the McAllen Planning & Zoning Commission. Presently he serves as Chair of Governmental Affairs of McAllen's Chamber of Commerce.

Mr. Arriaga is a graduate of Texas A&M University where he received both a Bachelor's and a Master's degree in Political Science. He was commissioned at Texas A&M in 1972 and received an Honorable Discharge as a Captain from the U.S. Army. He replaces Commissioner Louise Hull from Victoria.



Chris Day

Robert C. (Chris) Day is a partner with Norman, Thrall, Angle, Guy & Day, LLP in Jacksonville, Texas.

He began with the firm in 1994. Mr. Day was admitted to the bar in 1991. He is a graduate of Baylor Law School and was a member of the Baylor Law Review. Mr. Day was a research attorney for Hon. Judge Bill Bass, Texas 12th Court of Appeals, from 1991-1994.

Mr. Day specializes in appellate; civil litigation; criminal defense & prosecution (municipal); commercial disputes; guardianship; probate administration; probate litigation; personal injury; and real estate litigation.

Active in his community, Mr. Day is the president of the Jacksonville Lions Club, a member of the Jacksonville Economic Development Advisory Board and Captain of the United Fund of Cherokee County.

Mr. Day replaces Commissioner Paul Jordan of Georgetown.

New TREC Administrator



Tim Irvine

At a special meeting on July 16, 2007, TREC Commissioners selected Timothy K. Irvine as the new TREC administrator. He will join the TREC staff on September 1, 2007.

Tim Irvine has been a licensed attorney in Texas since 1976. He has served as a federal regulator (Federal Reserve Bank of Dallas) and as a state regulator (Texas Savings and Loan (now Savings and Mortgage Lending) Department and Texas Department of Housing and Community Affairs). Most recently he was the Executive Director of the Manufactured Housing Division of TDHCA. He has served as general counsel for major financial institutions in Texas (Texas Commerce Bank in Houston and Franklin Federal Bancorp in Austin) and has been a partner in the Austin office of Locke Liddell & Sapp. He has experience with commercial and consumer real estate transactions, including sales, disclosures, and financing, as well as extensive experience with rulemaking.

A "Navy junior," Tim grew up on the east and west coasts. He has degrees from Claremont McKenna College, Claremont Graduate University, and Willamette University. Tim and his wife have been in Texas since 1976 and in Austin since 1989.

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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.

July 16, 2007

The Texas Real Estate Commission held a special called meeting at the TREC headquarters in Austin, Texas on Monday, July 16, 2007. Chairman John Walton presided.

The Commission met in executive session to review applications and conduct interviews for the Administrator position.

After executive session, the Commission offered the position of administrator to Tim Irvine, currently the Executive Director of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs.

Mr. Irvine accepted the position and will start September 1, 2007.

August 6, 2007

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, August 6, 2007. Chairman John Walton presided.

The Commission recognized Wayne Thorburn for his contributions to TREC as Administrator from 1997-2007. The Chairman introduced Tim Irvine who will be taking over as Administrator on September 1, 2007.

The Commission voted to pay one recovery trust fund claim in the amount of \$50,000.

The Commission adopted a series of emergency rules and repeals to be effective September 1, 2007. These rules allow the agency to comply with changes in the law that become effective on that same date. (See page 2)

The Inspector Committee requested that the Commission ask for additional clarification from the Attorney General's Opinion committee concerning SB 914. The Commission agreed to do so.

The Commission voted to accept applications and nominations to the new Inspector Advisory Committee, which will consist of 6 industry members and 3 public members.

The Commission postponed discussion concerning appointments to the Broker-Lawyer Committee until the October meeting.

The next scheduled meetings of the Commission will be October 8 and December 10, 2007 at the TREC headquarters in Austin, TX.

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Governor

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LUBBOCK

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Vice-Chair
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Chairman John Walton presents former TREC Administrator, Wayne J. Thorburn, with a resolution at the August 6, 2007, Commission Meeting in Austin, Commissioners Louise Hull and John Eckstrum look on from the dais.

TREC WILL REQUIRE FINGERPRINTS FOR RENEWALS AND ORIGINAL APPLICATIONS



Beginning January 1, 2008 persons applying for and renewing a broker or salespersons license will be required to furnish fingerprints and will be subject to a more detailed background check to obtain a license.

CHANGE IN LATE RENEWAL FEES

During the Sunset Commission (Sunset) review of the Texas Real Estate Commission (TREC) in 2006, the Sunset Commission identified areas of concern and made several recommendations for change.

One area of concern was the fees charged for late renewals of real estate licenses. The Sunset report stated that this element of TREC's licensing function did not conform to commonly applied licensing practices.

Senate Bill 914, TREC's Sunset Bill, in part amended Texas Occupations Code Section 1101.451 regarding late renewals by adding the following subsection.

(e) A person whose license has been expired for 90 days or less may renew the license by paying to the commission a fee equal to 1-½ times the required renewal fee. If a license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the commission a fee equal to two times the required renewal fee.

The effective date of this part of the bill is September 1, 2007.

Real estate salespersons and brokers pay a \$60 renewal fee (\$30 per year) to TREC as well as other fees that are collected by TREC on behalf of other entities. The Commission collects occupational fees from real estate brokers in the amount of \$200 per year. TREC also collects fees from all real estate licensees and applicants for the Real Estate Center at Texas A & M University (\$20 per year for brokers, \$17.50 per year for salesperson). There is also a fee for Texas online and an optional fee for the TRECAdvisor. Total fees for a timely two year renewal are \$511 for brokers and \$102 for a salesperson.

If you let your license expire after September 1, 2007, you will have to pay an additional fee when you re-apply for a license calculated on the \$30 per year renewal fee as described above.

Licenses expired for 90 days or less are subject to the following late renewal fees.

- **Broker's** -late renewal fee of **\$539** with license term of **two years**.
- **Salesperson's, subject to mandatory continuing education**-late renewal fee of **\$129** with license term of **two years**.
- **Salesperson's, subject to salesperson's annual education (SAE or core real estate education)** - late renewal fee of **\$64.50** and license term of **one year**.
- **Corporation or LLC**-late renewal fee of **\$134** and license term of **two years**.

Licenses expired more than 90 days will be subject to the following late renewal fees.

- **Broker's** - late renewal fee of **\$569** with license term of two years.
- **Salesperson's subject to mandatory continuing education**-late renewal fee of **\$159** with license term of **two years**.
- **Salesperson's subject to salesperson's annual education (SAE or core real estate education)**-late renewal fee of **\$79.50** and license term of **one year**.
- **Corporation or LLC** -late renewal fee of **\$164**with a license term of **two years**.

Licenses that expire **prior to September 1, 2007 are subject to the current late renewal fees** and the licenses issued from those applications are for terms of only one year.

The new late renewal applications will be available online at www.trec.state.tx.us on September 1, 2007. The applications will include a breakdown of the new fees.

Legislative Change Creates Public Member and Inspector Vacancies on Inspector Advisory Committee

In Senate Bill 914, the Legislature abolished the current Inspector Committee and replaced it with a new inspector advisory committee effective September 1, 2007. Due to this change, the Commission is soliciting applications for appointment to the committee's nine seats at the October 8, 2007 TREC meeting.

The new advisory committee will consist of six professional inspectors and three public members. Following the Commission's model, the public members cannot hold occupational licenses in the real estate field (appraiser, real estate broker/salesperson, mortgage broker, etc.). To create staggered terms, three members (two professional inspectors and one public member) will be appointed to each of three terms, expiring in February 2009, February 2011, and February 2013. Future terms will be for six years.

The committee will be permitted to meet by teleconference, although it is anticipated that some travel to Austin may be necessary. All committee meetings must comply with the Open Meetings Act.

Individuals wishing to be considered for appointment should send a letter and resume to

**Mr. John Eckstrum, Chairman of the Inspector Advisory Committee Task Force,
Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188.**

TREC will continue to accept applications and nominations for two broker positions on the Broker-Lawyer Committee until September 30, 2007. Send them to Chairman John Walton c/o TREC P.O. Box 12188 Austin, TX 78711-2188

SB 914 Provides for Administrative Penalty Increase and Default Revocations

The changes to The Real Estate License Act contained in SB 914 provide several noteworthy additions to TREC Enforcement's procedures and its ability to take disciplinary action against licensees who have violated the law. The changes to the law, effective September 1, 2007, include, among other items, prioritizing of complaints, steeper penalties, default revocations and temporary suspension of licenses.

Due to the volume of enforcement actions initiated, some streamlining of procedures and prioritizing was needed. The bill addressed those issues by requiring the Enforcement Division to prioritize consumer complaints by analyzing several factors including the nature of the complaint, potential for harm to the consumer and history of complaints against the licensee. The process should result in the most egregious violations being investigated and acted upon first. In addition, the Commission may temporarily suspend a persons' license without a hearing if it is believed that the licensee's continued practice would constitute a continuing threat to the public welfare.

The administrative penalty was increased from \$1,000 to \$5,000 per violation per day. When assessing the penalties, the Commission was required to set forth, by rule, a matrix which would provide a range of administrative penalties for various violations. That rule, now §535.191 for real estate licensees and §539.140 for residential service companies was adopted on an emergency basis at the Commission meeting on August 6, 2007.

Default orders will be assessed against a licensee without a hearing if the licensee does not respond to Enforcement's notice of violation. It is of the utmost importance that a licensee read carefully all communications sent from TREC.

These are a few of the changes which will impact the ability of Enforcement to take appropriate action against a licensee who has violated the law.

ONLINE MCE COURSES CANNOT BE COMPLETED IN LESS THAN 24 HOURS

Effective September 1, 2007, Section 1101.455 of the Texas Occupations Code makes it impossible for licensees to enroll in and complete an online MCE course on the same day. During the August 6 Commission meeting an emergency rule was passed to incorporate this requirement under Section 535.71(ff) and 535.72(d) of the Commission rules. The rule requires that an MCE online course cannot be completed in less than 24 hours. Most licensees complete their MCE well before the renewal date of their license; therefore, this change will only impact licensees who wait until the last day to complete their MCE.

Education providers who offer online MCE courses will be responsible for making sure that students are not awarded credit for completing an online course on the same day of enrollment. Student records maintained by the provider must reflect start dates and course completion dates that are at least 24 hours apart. The Alternative Instructional Methods Report Form (TREC Form MCE 9-7) will also be modified to include the start date of the course and will be renumbered as TREC Form MCE 9-8.



RULE ACTIONS FROM AUGUST 6, 2007 MEETING OF THE TEXAS REAL ESTATE COMMISSION

RULE NO.	EFFECTIVE DATE/ACTION	SUMMARY OF EMERGENCY RULES
Chapter 533	09/01/2007 REPEAL	Repeals current rules concerning Practice and Procedure regarding hearings and rehearings. (SB 914)
§535.209	09/01/2007 REPEAL	Repeals current rules concerning the licensing of corporations and limited liability companies as inspectors. (HB 1530)
Chapter 533	09/01/2007 ADOPTION	Establishes new rules concerning Practice and Procedure regarding hearings and rehearings. Allows agency to comply with new law transferring the hearing function to the State Office of Administrative Hearings.
§535.42	09/01/2007 ADOPTION	Removes language concerning TREC administrative law judge.
§535.51	09/01/2007 ADOPTION	Revises late renewal forms for sales and brokers licenses to comply with new law requiring late renewal penalties established in SB 914.
§§535.61, 535.63	09/01/2007 ADOPTION	Allows TREC by rule to waive examination and education requirements for licensees filing late renewals within a prescribed timeframe.
§§535.71, 535.72	09/01/2007 ADOPTION	Provides that a licensee cannot receive credit for an online MCE course that is completed in less than 24 hours and revises a form to comply with this change.
§§535.91, 535.92, 535.94	09/01/2007 ADOPTION	Exempts a licensee who is also a state legislator from the requirement to complete 3 hours of legal update MCE course. Removes language referring to TREC administrative law judge.
§535.191	09/01/2007 ADOPTION	Establishes a schedule of administrative penalties and prioritizes violations of the Act and Rules regarding real estate licensees.
§535.206	09/01/2007 ADOPTION	Establishes the composition and requirements for the Inspector Advisory Committee.
§535.208	09/01/2007 ADOPTION	Requires proof of professional liability insurance to apply for a home inspector license and adopts by reference a form to use when supplying this proof.
§535.210	09/01/2007 ADOPTION	Removes fee provisions for professional home inspector corporate and LLC original applications and renewals. Establishes by rule a fee of \$30 for a transcript evaluation.
§535.211	09/01/2007 ADOPTION	Establishes the requirements for professional liability insurance for home inspectors.
§535.212	09/01/2007 ADOPTION	Requires both experience and education to obtain a professional inspector license under the fast track method of licensing.
§535.215	09/01/2007 ADOPTION	Establishes that an inspector can be placed on inactive status if the licensee cannot provide proof of professional liability insurance or if the insurance policy is not kept current.
§535.216	09/01/2007 ADOPTION	Provides that proof of professional liability insurance with a minimum limit of \$100,000 per occurrence is required for application or renewal of an inspector's license.
§535.224	09/01/2007 ADOPTION	Removes provision that allowed commission to authorize the committee to conduct administrative hears or recommend the entry of final orders. Adds language concerning professional liability insurance and establishes notification period in cases of cancellation or non-renewal.
§539.140	09/01/2007 ADOPTION	Establishes a schedule of administrative penalties and prioritizes violations of the Act and Rules concerning Residential Service Companies.
RULE NO.	EARLIEST POSSIBLE DATE OF ADOPTION	SUMMARY OF PROPOSED RULE
§535.101	10/08/2007 PROPOSED	Amends the fee provisions regarding real estate licenses to increase the fee for application of a salesperson's license from \$50 to \$75 and increases the fee for a transcript evaluation from \$20 to \$30.

TREC Amends AG Opinion Request Concerning Liability Insurance Requirement for Home Inspectors

The Texas Real Estate Commission (TREC or the Commission) amended its request for an opinion to the Office of the Attorney General (OAG) regarding the enforceability of provisions in Senate Bill 914, 80th Legislative Session. Effective September 1, 2007, sections 38 and 39 of Senate Bill 914 require an applicant for a license or renewal of a home inspector license to provide proof that the applicant carries liability insurance with a minimum level of \$100,000 per occurrence of coverage to protect the public against a violation of Chapter 1102, Texas Occupations Code. Chapter 1102 is the licensing and regulatory law for home inspectors in Texas.

The three questions that the Commission has asked the OAG are as follows:

1. Whether sections 38 and 39 of Senate Bill 914 require a home inspector applicant for a license or renewal of a license to carry general liability insurance, or professional liability insurance, or both.
2. If Senate Bill 914 requires both general liability insurance and professional liability insurance, how should the commission interpret the \$100,000 per occurrence requirement; would the bill require a minimum of \$100,000 per occurrence for each type, or \$100,000 combined coverage for both?
3. Are sections 38 and 39 of Senate Bill 914 unenforceable because they are contrary to public policy regarding insurance coverage for fraud?

The Texas Real Estate Inspector Committee (the Committee), recommended that the Commission ask the third follow-up question regarding the type and extent of insurance coverage required by Senate Bill 914 in light of existing provisions in Chapter 1102, Texas Occupations Code. Among other things, Chapter 1102 prohibits a licensed home inspector from engaging in fraud or misrepresentation while acting as a home inspector for a buyer or seller of real property in Texas. Since neither professional or general liability insurance will protect against fraud or misrepresentation, the Committee believes that the insurance requirement for coverage “to protect the public against a violation of Subchapter G” of Chapter 1102 is entirely unenforceable.

At its meeting on June 4, 2007, the Commission issued an interim policy statement to define “liability insurance” in the amendments to Chapter 1102 to mean professional liability insurance, also known as errors and omissions insurance, until the Office of the Attorney General issues an opinion about the new requirements. At its August 6, 2007 meeting, the Commission voted to amend the interim policy statement to clarify that Senate Bill 914 requires professional liability insurance only for insurable acts that also violate Chapter 1102. The Commission believes that the new amendments do not require insurance coverage for acts that are not insurable as against public policy.

Additional information about the new requirements for professional liability insurance for a home inspector applicant for a license or renewal of a license, including a list of Frequently Asked Questions, can be found on the TREC website at www.trec.state.tx.us.

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

Disciplinary Actions

May-June 2007



Consumer Complaints

Gauna, Veronica
(San Antonio); license #528285

Agreed reprimand of salesperson license, entered May 4, 2007; Agreed administrative penalty of \$500, entered May 4, 2007; acting negligently or incompetently by showing the wrong property and setting off the security alarm, in violation of §1101.652(b)(1) of the Texas Occupations Code

Pedersen, Bret Allen
(Dallas); license #Unlicensed

Agreed administrative penalty of \$1,000, entered May 10, 2007; after expiration of his real estate broker license, Mr. Pedersen continued to act or represent that he is a real estate broker without holding a license issued by the Texas Real Estate Commission by conducting property management and leasing services for others for a fee in violation of §1101.351(a)(1) of the Texas Occupations Code

Wisian, Vickie Hart
(Lubbock); license #572181

Agreed administrative penalty of \$1,000, entered May 11, 2007; engaging in brokerage activities without a license by performing duties in the course of property management, including procuring tenants and negotiating leases for prospective tenants, with the expectation of receiving a fee, in violation of the Texas Occupations Code

Curtis, Scott Richard
(Pflugerville); license #431926

Agreed administrative penalty of \$500, entered May 22, 2007; acting in the capacity of, engaging in the business of, and advertising and holding himself out as a real estate broker without first ensuring that his real estate license was renewed, in violation of §1101.351(a)(1) of the Texas Occupations Code, and which resulted in a consumer complaint being filed against him; and failure to voluntarily disclose in his broker late renewal application unlicensed real estate brokerage activity in which he was involved

Lamas, Demas, Jr.
(Frisco); license #517538

Agreed administrative penalty of \$1,000, entered May 24, 2007; after expiration of his broker license in April 2005 and again in August 2006, Demas Lamas, Jr. continued to engage in the business of a real estate broker, in violation of the Texas Occupations Code; calling into question Mr. Lamas' good judgment and integrity, (1) Mr. Lamas failed to answer "yes" to the question regarding unlicensed activity in two applications for late renewal of a real estate broker license each filed by Mr. Lamas in July 2005 and August 2006 and although he certified in each application he would not conduct real estate brokerage until duly licensed, he continued to perform such services and (2) while Mr. Lamas was licensed as a Texas real estate broker he established an association with an unlicensed person and a business entity, each expected to or required to engage in real estate brokerage services

Keeton-Griffin, Sonia
(Dallas); license #Unlicensed

Agreed administrative penalty of \$2,000, entered May 29, 2007; acted, engaged in, and represented that she was a real estate broker or salesperson without first holding a license issued by the Texas Real Estate Commission by conducting property management and leasing services for others for a fee and using advertisement that included services that included real estate brokerage in violation of §1101.351(a)(1) of the Texas Occupations Code

Jo Van Property Management LLC
(Dallas); license #Unlicensed

Agreed administrative penalty of \$250, entered May 29, 2007; Jo Van Property Management LLC, by and through Sonia Keeton-Griffin acted, engaged in, and represented that the business entity was a real estate broker without first holding a license issued by the Texas Real Estate Commission by conducting property management and leasing services for others for a fee and using advertisement that included services that included real estate brokerage in violation of §1101.351(a)(1) of the Texas Occupations Code

Martinez, Ezequiel
(San Antonio); license #528619

Agreed 1 month suspension of salesperson license fully probated for 1 year, effective May 31, 2007; Agreed administrative penalty of \$500, due June 18, 2007; acting negligently or incompetently by failing to correctly submit a HUD bid and to follow up with corrections and hard copies as required by HUD, causing the buyer to lose the transaction, in violation of §1101.652(b)(1) of the Texas Occupations Code

Rosas, Ruben, Jr.
(Killeen); license #

Revocation of proprietary school instructor approval, effective June 6, 2007; failed to provide within 15 days information requested by the Commission as a result of a complaint which would indicate a violation of Commission Rules, in violation of 22 TAC § 535.66(f)(3)

Davies, Schellye Suzanne
(Coppell); license #411618

Reprimand of salesperson license, entered June 8, 2007; failed to provide to a party to a real estate transaction at the time of the first substantive dialogue with the party the written disclosure statement about brokerage relationships prescribed by §1101.558(d) of the Texas Occupations

Code Havins, Karen Ann
(Alpine); license #435283

Agreed 3 month suspension of broker license fully probated for 1 year, effective June 15, 2007; acting negligently or incompetently while performing property management for another, in violation of §15(a)(6)(W) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(1) of the Texas Occupations Code]; failing within a reasonable time to properly account for and remit money that was received by the license holder that belongs to another person and commingling money that belongs to another person with the license holder's own money, in violation of §15(a)(6)(E) of the

Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(9) and (10) of the Texas Occupations Code]; failing within a reasonable time to provide information requested by the Commission as a result of a formal complaint to the Commission, in violation of §15(a)(8) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(a)(6) of the Texas Occupations Code]; and failing to be meticulous in record-keeping regarding a managed property and in performing functions for the owner, in violation of the 22 TAC §531.1(2) of the Rules of the Texas Real Estate Commission

**Kim, Eugene Hyongjung
(Killeen); license #438079**

Agreed surrender of broker license and step down to salesperson; Agreed 3 year suspension of salesperson license effective June 16, 2007, fully probated for the remaining 2 years, effective June 16, 2008; Agreed administrative penalty of \$5,000, entered June 16, 2007; failing or refusing on demand to produce a document, book, or record in his possession concerning a real estate transaction conducted by him for inspection by the Commission or its authorized representative, in violation of §15(a)(7) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(a)(5) of the Texas Occupations Code]; failing within a reasonable time to provide information requested by the Commission as a result of a formal complaint to the Commission, in violation of §15(a)(8) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(a)(6) of the Texas Occupations Code]; engaging in a misrepresentation or dishonest or fraudulent action when selling, buying, or renting real property in his own name, in violation of §15(a)(3) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(a)(3) of the Texas Occupations Code]; engaging in conduct which constitutes dishonest dealings, bad faith, or untrustworthiness, in violation of §15(a)(6)(V) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(2) of the Texas Occupations Code]; acting negligently or incompetently in a transaction involving the sale of a business and real property, in violation of §15(a)(6)(W) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(1) of the Texas Occupations Code]; making a false promise of a character likely to influence, persuade, or induce a person to enter into a contract or agreement when the licensee could not or did not intend to keep such promise, in violation of §15(a)(6)(B) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(5) of the Texas Occupations Code]; while a salesperson, accepting a commission or other fee without the consent of his sponsoring broker, in violation of 22 TAC §535.3; while a salesperson, using a business name in brokerage activities that had not been filed with the Commission by his sponsoring broker, in violation of 22 TAC §535.154(c); failing to be faithful and observant to trust placed in the agent, and to be scrupulous and meticulous in performing his functions as an agent, in violation of 22 TAC §531.1(2); failing to exercise integrity in performing the agent's functions, in violation of 22 TAC §531.2; failing to exercise judgment and skill in the performance of his work, in violation of 22 TAC §531.3; drafting legal documents for the use of others in a real estate transaction without holding a license to practice law in Texas, in violation of 22 TAC §537.11(d); procuring a real estate license for himself by misrepresentation or deceit or by making a material misstatement of fact in an application for late renewal of a salesperson license and, also, in an application for a broker license, in violation of §15(a)(2) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(a)(2) of the Texas Occupations Code]

**Daley, Dodd M.
(Dallas); license #530227**

Agreed reprimand of salesperson license, entered June 27, 2007; acted negligently or incompetently as a buyer's agent by failing to insure an amendment between the parties obligating the seller to pay the buyer a repair allowance at closing had been submitted to the title company to be included on the closing statement and Mr. Daley acted negligently or incompetently by assuring the buyers the matter could be resolved after closing, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Nguyen, Loc Tam
(Garland); license #507459**

Agreed 6 month suspension of salesperson license fully probated for 1 year, effective June 28, 2007; acted negligently or incompetently as a buyer's agent when he personally signed a second buyer's name to an amendment without the legal authority to do so and failed to disclose to others he had signed for the second buyer and Mr. Nguyen made representations to the seller regarding the buyer's ability to close when in fact the buyer could not obtain the financing terms in the sale contract, in violation of §1101.652(b)(1) of the Texas Occupations Code and 22 TAC §535.156

**Janna Wald Faith, Inc.
(Sherman); license #527169**

Agreed reprimand of broker license, entered June 29, 2007; Agreed administrative penalty of \$250, entered June 29, 2007; failed to notify the Commission its use of a business name in violation of 22 TAC §535.154(c) of the Rules of the Texas Real Estate Commission; Janna Wald Faith, Inc. acted negligently or incompetently and commingled money that belonged to others with broker's own money while conducting property management services by using funds from its escrow account that belonged to certain owners without their consent and knowledge for its own operation and for the expenses of another owner, in violation of §§1101.652(b)(1) & (10) of the Texas Occupations Code

Administrative Complaints

**Constancio, Ruben Molina, Sr.
(San Antonio); license #142862**

Revocation of salesperson license, effective May 1, 2007; 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 §535.91(c) of the Rules of the Texas Real Estate Commission

**Dominguez, Mary A.
(Cedar Park); license #454871**

Revocation of salesperson license, effective May 1, 2007; 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 §535.91(c) of the Rules of the Texas Real Estate Commission

**Hernandez, Adeline Josephine
(San Antonio); license #536024**

Revocation of salesperson license, effective May 2, 2007; 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 §535.91(c) of the Rules of the Texas Real Estate Commission

**Gilbert, Claudia Guadalupe
(Houston); license #506838**

Agreed reprimand of salesperson license, entered May 2, 2007; Agreed administrative penalty of \$250, entered May 2, 2007; 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

Calendar of Events

**Commission
Meetings:**

**October 8, 2007
(Austin)**

**December 10, 2007
(Austin)**

**Broker-Lawyer
Committee Meetings:**

**November 29-30, 2007
(Austin)**

**Inspector Committee
Meetings:**

**February 1, 2008
(Austin)**

Web site:

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

Phone

(800) 250-TREC (8732)

or

(512) 459-6544

**Davis, Morgan Jefferson
(Austin); license #313475**

Agreed reprimand of broker license, entered May 15, 2007; Agreed administrative penalty of \$500, entered May 15, 2007; 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

**Taylor, Wellington
(Fulshear); license #495320**

Agreed reprimand of salesperson license, entered May 17, 2007; Agreed administrative penalty of \$500, entered May 17, 2007; 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

**Poorman, Samuel Forrest
(Kerrville); license #280603**

Agreed reprimand of salesperson license, entered May 29, 2007; Agreed administrative penalty of \$250, entered May 29, 2007; 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

**Hanson, David Allen
(Coppell); license #506354**

Agreed reprimand of salesperson license, entered June 4, 2007; Agreed administrative penalty of \$250, entered June 4, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Ali, Denise Michelle
(San Antonio); license #479927**

Agreed reprimand of salesperson license, entered June 6, 2007; Agreed administrative penalty of \$250, entered June 6, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Alexander, Diana Marie
(Houston); license #455746**

Revocation of salesperson license, effective June 6, 2007; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Moore, Ryan Alan
(Houston); license #518966**

Revocation of salesperson license, effective June 7, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Reynolds, Brandy Marie
(Willow Park); license #543743**

Agreed reprimand of salesperson license, entered June 8, 2007; Agreed administrative penalty of \$250, entered June 8, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**England, Blain Hudson
(Austin); license #420685**

Revocation of broker license, effective June 13, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Collins, Robert Wagon
(Spring); license #444504**

Agreed reprimand of salesperson license, entered June 13, 2007; Agreed administrative penalty of \$250, entered June 13, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Heusdain, Luc Louis
(Tomball); license #382618**

Revocation of broker license, effective June 14, 2007; payment of \$50,000 made by the Texas Real Estate Recovery Trust Account toward satisfaction of a judgment against Luc Louis Heusdain, as provided by §1101.655(a) of the Texas Occupations Code

**Mitchell, William Lee II
(Denton); license #436725**

Revocation of salesperson license, effective June 15, 2007; 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

**Flores, Billy Moises
(Dallas); license #540325**

Revocation of salesperson license, effective June 15, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Jones, Teresa Rene
(Cleveland); license #499677**

Revocation of salesperson license, effective June 20, 2007; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92(f)

**Garrett, Sandra June
(Houston); license #431029**

Revocation of broker license, effective June 20, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Allen, Rebekah Anne
(Baytown); license #500249**

Agreed reprimand of salesperson license, entered June 20, 2007; Agreed administrative penalty of \$500, entered June 20, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Cappers, Debra Gay
(Irving); license #479607**

Revocation of salesperson license, effective June 22, 2007; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92(f)

**Stewart, Cody Michael
(New Braunfels); license #510297**

Agreed reprimand of broker license, entered June 27, 2007; Agreed administrative penalty of \$100, entered June 27, 2007; 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 a check processing fee within the 15 days after the Commission has mailed a request for payment, in violation of §534.2(a)

**Martinez, Mercurio III
(Laredo); license #488757**

Agreed reprimand of salesperson license, entered June 28, 2007; Agreed administrative penalty of \$250, entered June 28, 2007; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Lee, Jacqueline Elaine
(Houston); license #468484**

Revocation of salesperson license, effective June 7, 2007; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

TREC is proud to announce that



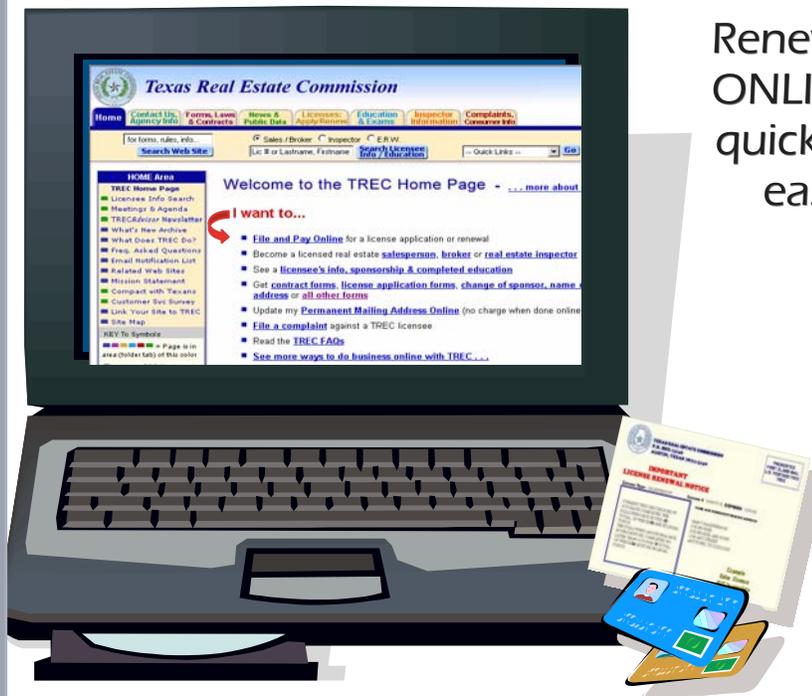
Sylvia Busk

has received the Outstanding Employee Award for the first half of calendar year 2007.

Sylvia has served in the Education Section of TREC for 14 years, and her knowledge in that area is invaluable. Sylvia's coworkers nominated her for this award, citing reasons such as, "she always has a smile, and can be counted on to get the job done even when handed a difficult problem", and, "Sylvia knows her work is seen as reflection on the entire TREC team, so you can be assured any task she tackles will be completed". Education providers and members of the public have said of Sylvia, "I hope TREC realizes what an asset they have in Sylvia", and, "I have had the pleasure of interacting with her on a few occasions and each time she has been extremely prompt and professional. Not to mention the fact that she is a very nice person who obviously knows a thing or two about customer service".

YOU MUST PAY A RENEWAL FEE TO RENEW YOUR LICENSE

Renewing ONLINE is quick and easy.



All you need is a computer with internet access, your renewal postcard and a credit or check card to pay the renewal fee.