



TREC Advisor

Texas Real Estate Commission * Volume 19, Number 2 * March/April 2008

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TREC to Hold Public Meeting on Strategic Planning

In the 80th Legislature, regular session, the recommendations of the Sunset Commission were adopted to integrate the operations of TALCB more fully with those of TREC while retaining TALCB as an independent subdivision. Accordingly, the public hearings phase of the strategic planning process has been conducted for both TREC and TALCB simultaneously.

There were public meetings in Longview, Lubbock, Laredo and Beaumont. The final public meeting will be held in Austin.

- **Austin** **4/28/2008** **2-4 p.m.**
Texas Real Estate Commission
1101 Camino La Costa, Room 235
Austin, TX 78752

You are encouraged to contact us with your questions, comments, and ideas. The more YOU share your perspective with YOUR government, the more responsive it can be to YOUR needs and the needs of ALL TEXANS. Here are some other ways to reach us:

- **By email to tim.irvine@trec.state.tx.us**
- **By call Tim Irvine at 512-475-3909**
- **By FAX to 512-465-3910**

A major emphasis of this strategic planning process is identifying ways that state government can carry out its mission in a manner consistent with enabling Texas businesses to conduct their lawful operations with the fewest possible obstacles to being competitive.

We want to hear ALL of your ideas, but we are especially interested in the views of various stakeholders regarding:

- Are consumers of real estate, inspection, residential service contracts, and right of way services adequately protected by state law and by the manner in which TREC administers that law? Are there ways this could be improved? Are there practices that are of concern that are not currently regulated?
- Are Texas consumers of timeshares properly protected by the way TREC administers and enforces the timeshare registration requirements?
- Are consumers of appraisal services adequately protected by state law and by the manner in which TALCB administers that law? Are there ways this could be improved?
- What (in addition to improvements to the computer system and the phone system) is needed to make TREC easier for real estate licensees, inspectors, residential service contract providers, timeshare registrants and right of way agents to access and to make their requirements more responsive to the emerging needs of their respective professions? More specifically, are there procedures or requirements that are more complex or restrictive than they need to be?
- Are TREC and TALCB operating with an acceptable level of transparency? If not, what needs to be addressed?
- What can TREC and TALCB do to improve communications, especially communications to involve all stakeholders in rulemaking?

If you think of other major issues on which we specifically ought to solicit input, please let us know so we can post notice on our website.



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.

February 25, 2008

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, February 25, 2008. Chairman John Walton presided.

Resolutions were adopted recognizing former commission members Louise Hull and Paul Jordan for their service to the State of Texas and specifically the real estate industry.

Troy C. Alley, Jr. was elected vice chair and Adrian A. Arriaga was elected secretary for 2008.

During staff reports the following new employees were introduced: Karen Minot, Education; Tonya McCullough and Rachel Garza, Enforcement and Gabriel McEver, Technology Services.

The Commission voted to authorize payment on three claims against the Real Estate Trust Account.

The Commission proposed seven amended rules for publication and comment in the *Texas Register*. These rules can be found on pages 4 and 5.

A rule was adopted concerning initiations of investigations.

The Commission authorized staff to begin the strategic planning process, by holding public meetings around the state.

A disciplinary committee consisting of Commissioners Eckstrum, Day and Leal was appointed pursuant to Texas Occupations Code §1101.662.

The Commission selected Psychological Services Inc. (PSI) to administer licensing examinations.

The next scheduled meetings of the Commission will be April 28, 2008, and June 30, 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. (Either 30 or 60 hour core course 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 annual 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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Rick Perry
Governor

Commission Members:

John D. Eckstrum
Chairman
CONROE

Troy C. Alley, Jr.
Vice-Chair
ARLINGTON

Adrian A. Arriaga
Secretary
MC ALLEN

Mary Frances Bureson
DALLAS

Chris Day
JACKSONVILLE

William H. Flores
COLLEGE STATION

Elizabeth Leal
EL PASO

Avis Wukasch
Round Rock

TREC Administrator
Timothy K. Irvine

Desktop Publishing
Patricia Holder

The TRECAdvisor (ISSN 1047-4579) is published by the Texas Real Estate Commission (TREC) as an educational service to licensees in the state of Texas. The purpose of the newsletter is to promote a better understanding of the Real Estate License Act and to inform all licensees of changes affecting laws and practices in the real estate industry. The TRECAdvisor is funded through legislative appropriations and subscriptions collected from TREC licensees. The official text of TREC rules is filed with the Office of the Secretary of State, Texas Register. TREC encourages reproduction of this newsletter with the appropriate acknowledgments. Subscriptions are available for \$4.00 for two years. Single issues are \$1.00. To order a subscription or a single issue write to TRECAdvisor, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. For information regarding TREC, contact:

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P.O. Box 12188
Austin, Texas 78711-2188
(512) 459-6544 or (800) 250-TREC
<http://www.trec.state.tx.us>

Governor appoints new Chairman and new Member to Texas Real Estate Commission



John D. Eckstrum

Governor Perry has appointed **John D. Eckstrum** of Conroe as the **Chairman for the Texas Real Estate Commission**.

Eckstrum, a native Texan, is a real estate broker and co-owner of First Group, a general real estate service company founded in 1974. He serves as a trustee of the National Association of Realtors for Texas and Louisiana, and served as chairman of the Texas Association of Realtors in 2001. Eckstrum is active with the economic development of the Greater Conroe and Montgomery County chambers of commerce. He is a life member and former vice president of the Montgomery County Fair Association and is active with the April Sound Men's Golf Association.

Mr. Eckstrum was appointed to the Commission in the fall of 2006.

Avis Geer Wukasch has been appointed to the Texas Real Estate Commission as a broker member.

A native Texan, Wukasch earned a B.S. in political science from the University of Texas - Austin in 1975. She became a Texas real estate licensee in 1978. She was a broker member of the Texas Real Estate Commission Broker Lawyer Committee (serving as broker chairman in 2004 and 2005). Ms. Wukasch is certified to teach mandatory continuing education for Texas real estate licensees and also pre-licensure classes on agency, marketing, law and contracts. Avis Wukasch is the 2008 immediate past chairman of the board for the Texas Association of Realtors.

Ms. Wukasch replaces John Walton of Lubbock.



Avis G. Wukasch

Texas Real Estate Commission Elects New Officers for 2008

At the regularly scheduled meeting of the Texas Real Estate Commission on February 25, 2008, the Commission elected officers for the upcoming year.



Troy C. Alley, Jr.

Troy C. Alley, Jr., of DeSoto was elected **vice-chair**. Mr. Alley is the Executive Vice President of Con-Real, Inc., where he is responsible for brokerage, leasing, and other real estate services.

Adrian A. Arriaga of McAllen was elected **secretary**. Mr. 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.

Mr. Alley was appointed to the Commission in 2006. Mr. Arriaga was appointed to the Commission in 2007.



Adrian A. Arriaga

Your role in mortgage fraud Like it or not, you are involved...and an important part of the solution.

by Tim Irvine and Lori Levy

You have to report mortgage fraud.

The previous statement is not meant as vague encouragement for you to uphold principled business practices. It's the law. As a licensed real estate professional in Texas, you operate under an unambiguous legal requirement to alert the authorities when you witness mortgage fraud. In fact, everyone is obligated to report mortgage fraud—you're just more likely to be exposed to it. You must even report activity you *suspect* to be fraudulent. What is less clear is the definition of mortgage fraud itself.

We suggest the following basic definition: *Mortgage fraud occurs when an individual involved in a real estate transaction falsifies documents submitted to a lender or intentionally omits material information for the purpose of obtaining a mortgage loan.*

Unfortunately, real estate transactions are complex. They involve lots of players. That complexity presents opportunities for unscrupulous behavior, and variations of mortgage fraud are constantly being created. To help you protect yourself and your clients from mortgage fraud, you must be aware of what you are protecting against. Here are some basic examples of mortgage fraud.

Notify the authorities

Report all mortgage fraud and suspected mortgage fraud to:

Office of the Attorney General
Public Information & Assistance
PO Box 12548
Austin, TX 78711-2548
800/252-8011
512/475-2994 (fax)

The flip

The perpetrator identifies a property. The property is acquired at one price and resold to a "straw buyer" at a vastly inflated price. The straw buyer's financial picture is likely falsified in order to qualify for a loan. The appraisal is "doctored" to support the inflated sales price. As soon as the transaction closes, everyone disappears, sharing the difference between the true price and the inflated price. The straw buyer defaults at the first payment (or soon thereafter) and has long since disappeared, leaving an empty home and a lender with a loan balance far in excess of the collateral value.

How might you be pulled into such a scenario? You may be asked to act as the listing agent on one or both of the sales. Before you enter the listing into an MLS, take a look at the history. Just a week ago it was on the market for \$220,000. It started out six months earlier at \$250,000, was foreclosed and then vacated. Are you sure you want to list that home for \$365,000? Is that a true market-value price?

If the property does sell for \$365,000, wouldn't you have strong suspicions about the legitimacy of the sale and the possible involvement of straw buyers? Also, consider how the data from that listing and sale will be used as a comp in an appraisal to support some other possibly (almost certainly) fraudulent transaction.

Appraisal fraud

Although appraisal fraud may be an integral part of many flip schemes, it can surface in other contexts. The lure of big commissions creates huge pressure to get the deal done. Putting pressure on the appraiser to "make value" is fraught with peril. If the appraiser obliges and the borrower later defaults—leaving the lender holding the bag because the property was overvalued—you may have been complicit and you may incur liability.

The doc shop

More likely than not, this type of fraud is being pushed by someone on the financing end.



They know their customer has her heart set on a home beyond her means, so lender or broker gets creative on the financing. At some point, though, it becomes clear that the borrower needs more earnings, a longer employment history, more assets—something—to qualify for the loan. Computers make it easy to create just about any sort of supporting documentation: pay stubs, employer references, even 1099s.

False statements from the customer

Occupancy fraud; employment or income fraud; failure to disclose liabilities—these are common types of fraud that revolve around the customer not telling the truth. If you know your client is going to rent out that home, don't sit quietly while he applies for an owner-occupied loan. You may not be ultimately responsible for the fraud, but someone may try to establish that you were at fault.

Identity theft

Often the real estate licensee is the one person in the transaction who actually knows everyone involved: the surveyor, the appraiser, the closer, the loan officer, etc. Be careful in dealing with people you have never met. The Texas Appraiser Licensing and Certification Board is seeing more complaints where someone stole an appraiser's identity to commit fraud on the lender. Just knowing who you're dealing with is the essential first line of defense.

There are countless other ways to defraud mortgage lenders, and many not yet conceived. The only way to ever get the situation under control is by being vigilant, knowing the parties, being scrupulous, and speaking up when you see questionable conduct. Even if you escape personal liability for the fraud perpetrated in a transaction, you are tainted by association with it. That involvement poisons the market on which you rely for your day-to-day business. Stamping out mortgage fraud is everyone's concern, and as a REAL ESTATE LICENSEE you are in a position where you can be a major contributor to the solution.

Tim Irvine is the administrator of the Texas Real Estate Commission. Lori Levy is associate counsel for the Texas Association of REALTORS®.

One of TREC's Oldest Licensees to Retire

Ned Johnson, born in 1917, has been practicing real estate in Texas for many years. After serving his country in the Navy during WWII, in 1952 he became an appraiser for the Texas General Land Office. He estimates that he has done over 3,300 farm and ranch appraisals for the Texas Veterans Land Board. In the early 1960s he obtained his brokers license and has, since that time, been active in "farm and ranch," chiefly in the area around Waco. Not surprisingly he has a ranch of his own north of Waco.

When a man reaches 91, some might expect him to slow down. Don't take Ned Johnson's decision to retire from real estate as any such sign. Look for him to be on his ranch clearing brush, tending fences, working cows, and playing cards with his wife, Ruby.

Congratulations, Mr. Johnson!

RULE ACTIONS FROM FEBRUARY 25, 2008 MEETING OF THE TEXAS REAL ESTATE COMMISSION

| RULE NO. | EFFECTIVE DATE/ACTION | SUMMARY OF ADOPTED RULE |
|----------|-----------------------|--|
| §535.141 | 3/23/2008 ADOPTED | <p>Adopts amendments to 22 TAC §535.141(a) and (b) to clarify that the section applies to all persons licensed or registered by TREC, including persons licensed under Chapter 1102 and deletes references which are redundant or conflict with §1101.204.</p> <p>The new text in 22 TAC §535.141(b) is adopted to clarify that the commission may conduct a covert investigation and withhold information from the subject of the investigation relating to mortgage fraud pursuant Texas Government Code §402.031.</p> |

| RULE NO. | EARLIEST POSSIBLE DATE OF ADOPTION/ ACTION | SUMMARY OF PROPOSED RULES |
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|----------|--|---------------------------|

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|---------|-----------------------|--|
| §535.62 | 4/28/2008 PROPOSED | <p>The proposed amendment to §535.62 changes the requirements for acceptability of correspondence courses offered to meet core education requirements for a real estate salesperson or broker license under the Real Estate License Act, Texas Occupations Code, Chapter 1101. Currently correspondence courses must be offered by an accredited college or university. Under the proposed amendment, TREC would continue to accept correspondence courses offered by accredited colleges and universities, but correspondence courses approved by the commission and offered by schools accredited by the commission and acceptable correspondence courses approved by a real estate regulatory agency of another state could be used to meet education requirements for a real estate salesperson or broker license under the Real Estate License Act.</p> |
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|---------|-----------------------|---|
| §535.71 | 4/28/2008 PROPOSED | <p>The proposed amendments to §535.71 change the requirements for approval of correspondence courses offered to meet mandatory continuing education (MCE) requirements for a real estate salesperson or broker license under the Real Estate License Act, Texas Occupations Code, Chapter 1101. Currently correspondence courses must be offered by an accredited college or university. TREC would continue to accept correspondence courses offered by accredited colleges and universities, but correspondence courses approved by the commission and offered by a school accredited by the commission and acceptable correspondence courses approved by a real estate regulatory agency of another state could be used to meet mandatory continuing education requirements for a real estate salesperson or broker license under the Real Estate License Act.</p> |
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|---------------------|-----------------------|--|
| §§535.92 and 535.95 | 4/28/2008 PROPOSED | <p>The proposed amendments to §535.92(f) change the procedure for licensees who choose to pay an MCE deferral fee under §1101.457, Texas Occupations Code to defer MCE requirements for an additional 60 days after the date the license is renewed. If a licensee fails to timely pay the deferral fee or fails to complete the MCE requirements within the 60-day period, the license will be placed on inactive status. To reactivate the license, the licensee must pay an additional \$250 fee, pay the original \$200 deferral fee, complete the MCE requirements, certify that the licensee has not engaged in real estate brokerage activity, and pay the appropriate change fee.</p> <p>The proposed amendments to §535.92(h) change the requirements for approval of correspondence courses offered to meet MCE requirements for a real estate salesperson or broker license under the Real Estate License Act, Texas Occupations Code, Chapter 1101. Currently correspondence courses must be offered by an accredited college or university. TREC would continue to accept correspondence courses offered by accredited colleges and universities, but correspondence courses approved by the commission and offered by a school accredited by the commission and acceptable correspondence courses approved by a real estate regulatory agency of another state could be used to meet mandatory continuing education requirements for a real estate salesperson or broker license under the Real Estate License Act.</p> <p>The amendments to §535.95 are proposed to clarify recent amendments to the Real Estate License Act (the Act), Texas Occupations Code, Chapter 1101, enacted by House Bill 1530, 80th Legislative Session, Regular Session, regarding fingerprinting requirements. The amendments would clarify fingerprinting requirements in cases where a licensee renews a license, has been fingerprinted, and the fingerprints have been rejected by the DPS or the FBI.</p> |
|---------------------|-----------------------|--|

For text of the rules as they were filed with the Texas Register go to the web site at www.trec.state.tx.us

RULE ACTIONS FROM DECEMBER 10, 2007 MEETING OF THE TEXAS REAL ESTATE COMMISSION

| RULE NO. | EARLIEST POSSIBLE DATE OF ADOPTION/ ACTION | SUMMARY OF PROPOSED RULES |
|----------------------------------|--|--|
| §§535.92 and 535.95 CONTINUED | 4/28/2008 PROPOSED | <p>The proposed amendments to §535.95 amend the text of the title of the section and authorize the commission to renew a salesperson or broker license on active status if the licensee has provided at least one set of fingerprints to the Department of Public Safety (DPS), the fingerprints were rejected by the DPS or the Federal Bureau of Investigation (FBI), and the licensee has met all other requirements for renewal of the license including paying a renewal fee and completing or properly deferring MCE (MCE) requirements.</p> <p>In some cases the DPS or the FBI requires that the licensee, at no additional cost, submit additional data or more fingerprints if the first set of fingerprints were rejected for technical reasons. The proposed rule authorizes the commission to issue the license in such cases if the licensee has otherwise complied with all other renewal requirements, and requires the commission to notify the licensee that the licensee needs to contact the DPS to submit additional fingerprints. The proposed rule authorizes the commission to take disciplinary action against a licensee for failing to provide the requested data in a timely manner.</p> |
| §535.101 | 4/28/2008 PROPOSED | <p>The proposed amendments add a fee charged by the Federal Bureau of Investigation for a national criminal history check in connection with a license renewal. The fee is variable, but is currently set at \$19.25. The amendments also propose a late reporting fee of \$250 for licensees who fail to timely comply with the requirements of 22 TAC '535.92(f). Under §1101.457, Texas Occupations Code, a licensee may pay a \$200 MCE deferral fee to defer MCE requirements for an additional 60 days after the date the license is renewed. If a licensee fails to timely pay the deferral fee or fails to complete the MCE requirements within the 60-day period, the license will be placed on inactive status under proposed amendments to 22 TAC '535.92(f). To reactivate the license, the licensee must pay the \$250 late reporting fee, pay the original \$200 deferral fee, complete the MCE requirements, certify that the licensee has not engaged in real estate brokerage activity, and pay the appropriate change fee.</p> |
| §535.212 | 4/28/2008 PROPOSED | <p>The proposed amendments to §535.212 change the requirements for acceptability of correspondence courses offered to meet core and continuing education requirements for a real estate and professional home inspector license under Texas Occupations Code, Chapter 1102. Currently correspondence courses must be offered by an accredited college or university. Under the proposed amendment, TREC would continue to accept correspondence courses offered by accredited colleges and universities, but correspondence courses approved by the commission and offered by schools accredited by the commission and acceptable correspondence courses approved by a real estate regulatory agency of another state could be used to meet core and continuing education requirements for a home inspector license in Texas.</p> |
| §§543.2, 543.4, 543.10 | 4/28/2008 PROPOSED | <p>The proposed amendments change the notice requirements for developers to notify TREC of a change in the amount of a surety bond under §221.063(a) of the Texas Timeshare Act. Currently, a developer is required to file an amendment to a registration if there is a change of more than 20% in the amount of an original surety bond. The amendment would delete that requirement to amend the registration, but a developer would be required to notify the commission of any increase or decrease in the original surety bond as provided for in §221.063(a) of the Texas Timeshare Act.</p> <p>The amendment to §543.4 would adopt by reference an amended Application for Abbreviated Registration of a Timeshare Plan, Form TSR 3- 2 to make the form consistent with the text in the Application to Register a Timeshare Plan, Form TSR 1-4.</p> |



Disciplinary Actions January-February 2008

Calendar of Events

Commission Meetings:

April 28, 2008
(Austin)

June 30, 2008
(Austin)

Broker-Lawyer Committee Meetings:

June 19-20, 2008
(Austin)

Inspector Committee Meetings: To be scheduled

Web site:

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

Phone

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

Morris, Felicia Michelle (Katy); License #483902

Agreed reprimand of salesperson license, entered January 16, 2008; Agreed administrative penalty of \$500, entered January 16, 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)

Homes Plus, Inc. (El Paso); License #535860

Agreed reprimand of broker license, entered January 29, 2008; Agreed administrative penalty of \$250, entered January 29, 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 a check processing fee within 15 days after the Commission has mailed the request for payment, in violation of 22 TAC §534.2(b)

Rothchild, Michael L. (Houston); License #301515

Agreed reprimand of broker license, entered January 2, 2008; Agreed administrative penalty of \$1,000, entered January 2, 2008; permitting an associate to engage in unlicensed real estate activities, negligent supervision and establishing an association by employment with a person other than a license holder if the person is expected or required to act as a license holder, in violations of §1101.652(b)(1) and §1101.652(b)(26) of the Texas Occupations Code

Veloz, Flor Esthela (Houston); License #549145

Agreed 3 month suspension of salesperson license fully probated for 6 months, effective January 7, 2008; acted negligently or incompetently as a buyer's agent when she did not inform the seller or seller's agent the buyer failed to deposit the earnest money in accordance with the sales contract and incorrectly instructed the buyer how to terminate the contract and used the wrong form, in violation of §1101.652(b)(1) of the Texas Occupations Code

Lewis, Grady Scott (Haltom); License #Unlicensed

Agreed administrative penalty in the amount of \$1,000, entered January 18, 2008 after expiration of his real estate salesperson license and before he renewed his license late, over a period of six months, Mr. Lewis engaged in the business of a real estate broker without holding a license issued by the Texas Real Estate Commission, in violation of §1101.351(a) of the Texas Occupations Code

Wood, Carol Diane (Dallas); License #354731

Agreed reprimand of broker license, entered January 23, 2008; Agreed administrative penalty of \$250, entered January 23, 2008; acted negligently or incompetently in supervising a sponsored salesperson who (1) failed to provide the Information About Brokerage Services disclosure at the first substantive discussion and (2) attempted to make appointments using an Intermediary Relationship Notice despite not having obtained the written consent of the buyers to act as an intermediary, in violation of §1101.652(b)(1) of the Texas Occupations Code

Martha Turner Properties LP (Houston); License #307280

Agreed reprimand of broker license, entered February 13, 2008; Agreed administrative penalty of \$500, entered February 13, 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 a check processing fee within 15 days after the Commission has mailed the request for payment, in violation of 22 TAC §534.2(b)

Sheffield, Lem Bernay III (Austin); License #521431

Agreed 1 year suspension of salesperson license to be probated for 9 months beginning May 8, 2008, effective February 8, 2008; Agreed administrative penalty of \$2,000, entered February 8, 2008; procuring a license for himself by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in an application for a license by failing to disclose in a January 2004 Application for Moral Character Determination, an April 2004 Application for Inactive Real Estate Salesperson License, a July 2005 Application for Late Renewal of Salesperson License, and an August 2006 Application for Late Renewal of Salesperson License a recent criminal offense for which he was still completing community supervision, in violation of §1101.652(a)(2) of the Texas Occupations Code

Barrientes, Edward Bartolo (Houston); License #499827

Agreed reprimand of salesperson license, entered February 14, 2008; Agreed administrative penalty of \$1,000, entered February 14, 2008; acting as a broker or salesperson by negotiating listing agreements, when his license had expired, in violation of §1101.351(a)(1) of the Texas Occupations Code; procuring or attempting to procure a license by fraud, misrepresentation, or deceit or by making a material misstatement of fact in an application for license by stating that he had not acted as a broker or salesperson while his license was expired, in violation of §1101.652(a)(2) of the Texas Occupations Code

Schena, Sherry Elaine
(Bastrop); License #391483

Agreed reprimand of salesperson license, entered February 20, 2008; Agreed administrative penalty of \$300, entered February 20, 2008; acting negligently or incompetently in performing an act for which a person is required to hold a real estate license, by failing to take proper steps to ensure that a lease was executed by tenants and delivered to landlord, in violation of §1101.652(b)(1) of the Texas Occupations Code

Wilson, Lance Skyler
(Austin); License #347249

Agreed administrative penalty in the amount of \$750, entered February 27, 2008; negligent supervision of the corporate brokerage firm for which he was the designated officer by failing to provide proper training and supervision to a salesperson office manager who permitted an unlicensed person to become affiliated with the brokerage firm and perform locator services, in violation of §1101.652(b)(1) of the Texas Occupations Code; allowing an unlicensed person to perform brokerage activity while associated with the brokerage firm for which he was the designated officer, in violation of §1101.652(b)(26) of the Texas Occupations Code; and while acting as the designated officer of the brokerage firm, paying a commission or fees to an unlicensed person for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code

Wilson, Tindall & Associates, Inc.
(Austin); License #487927

Agreed administrative penalty of \$750, entered February 29, 2008; negligent supervision and training of a sponsored salesperson by failing to provide proper training and supervision to a salesperson office manager who permitted an unlicensed person to become affiliated with the brokerage firm and perform locator services, in violation of §1101.652(b)(1) of the Texas Occupations Code; allowing an unlicensed person to perform brokerage activity while associated with the brokerage firm, in violation of §1101.652(b)(26) of the Texas Occupations Code; and paying a commission or fees to an unlicensed person for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code

Nguyen, Phu Do
(Houston); License #415399

Agreed reprimand of salesperson license, entered February 27, 2008; Agreed administrative penalty of \$750, entered February 27, 2008; failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92 (f); 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 15 days after the Commission has mailed the request for payment, in violation of 22 TAC §534.2(b)

Failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

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|--|---|--|--|
| Plasencia, Daniel Glavez (Dallas); License #504045 Agreed reprimand of salesperson license, entered January 2, 2008; Agreed administrative penalty of \$750, entered January 2, 2008 | Blackwell, Harry Pryor (Dallas); License #399351 Agreed reprimand of salesperson license, entered January 3, 2008; Agreed administrative penalty of \$500, entered January 3, 2008 | Anderson, Richard E. (Austin); License #418858 Agreed reprimand of salesperson license, entered January 3, 2008; Agreed administrative penalty of \$500, entered January 3, 2008 | Henry, John Anthony (Houston); License #438091 Agreed reprimand of salesperson license, entered January 3, 2008; Agreed administrative penalty of \$500, entered January 3, 2008 |
| Barzilla, Nicole Noble Corroe License #500694 Revocation of salesperson license, effective January 5, 2008 | Kovacs, Bela E. (Addison); License #520370 Agreed revocation of salesperson license fully probated for 9 months, effective January 7, 2008; Agreed administrative penalty of \$500, entered January 7, 2008 | Glidden, Dana Lynn (McKinney); License #491213 Revocation of salesperson license, effective January 7, 2008 | Marks, Jared Reagan (San Angelo); License #534041 Agreed reprimand of salesperson license, entered January 16, 2008; Agreed administrative penalty of \$500, entered January 16, 2008 |
| Calub, Melissa (Coppell); License #495918 Agreed reprimand of salesperson license, entered January 16, 2008; Agreed administrative penalty of \$500, entered January 16, 2008 | Liebelt, Kimary Carol (Grapevine); License #521792 Agreed reprimand of salesperson license, entered January 15, 2008; Agreed administrative penalty of \$500, entered January 15, 2008 | Torres, Jesse M. (Plano); License #503537 Agreed reprimand of salesperson license, entered January 15, 2008; Agreed administrative penalty of \$500, entered January 15, 2008 | Czovek, Andrew Geza (Houston); License #377094 Agreed reprimand of salesperson license, entered January 15, 2008; Agreed administrative penalty of \$750, entered January 15, 2008 |
| Taylor, Sam Douglas (Honey Grove); License #386578 Agreed reprimand of broker license, entered January 16, 2008; Agreed administrative penalty of \$500, entered January 16, 2008 | Bruce, Joyce Anne (Weatherford); License #445735 Revocation of salesperson license, effective January 17, 2008 | Mitchell, Deanna L. (Terrell); License #507796 Agreed reprimand of salesperson license, entered January 18, 2008; Agreed administrative penalty of \$500, entered January 18, 2008 | Johnson, Parks Case (Houston); License #478356 Agreed reprimand of salesperson license, entered January 23, 2008; Agreed administrative penalty of \$500, entered January 23, 2008 |
| Ronding, Elijah Osaan (Houston); License #495186 Agreed reprimand of salesperson license, entered January 25, 2008; Agreed administrative penalty of \$500, entered January 25, 2008 | Wilkerson, Kim Newby (Southlake); License #255961 Agreed reprimand of broker license, entered January 25, 2008; Agreed administrative penalty of \$750, entered January 25, 2008 | Peterson, Gary Lynn (Bergheim); License #466406 Agreed reprimand of broker license, entered January 25, 2008; Agreed administrative penalty of \$500, entered January 25, 2008 | Sangosanya, Debo (Houston); License #486504 Agreed revocation of salesperson license fully probated for 9 months, effective January 29, 2008; Agreed administrative penalty of \$500, entered January 29, 2008 |
| Bogdon, Thomas Michael (Dallas); License #347114 Agreed Revocation of broker license fully probated for 9 months, effective January 29, 2008; Agreed administrative penalty of \$750, entered January 29, 2008 | Koeijmans, Nick G. (Dallas); License #386459 Revocation of salesperson license, effective January 30, 2008 | Hooks, Marla Kim (Rockwall); License #351671 Revocation of salesperson license, effective January 30, 2008 | Long, Tammy Lee Hines (Fort Worth); License #469826 Agreed revocation of salesperson license fully probated for 9 months, effective January 31, 2008; Agreed administrative penalty of \$500, entered January 31, 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)

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| <p>Morales, Delfina (Garland); License #476473 Agreed reprimand of salesperson license, entered February 6, 2008; Agreed administrative penalty of \$500, entered February 6, 2008</p> | <p>Mann, Eric Tyson (Dallas); License #493445 Agreed reprimand of salesperson license, entered February 12, 2008; Agreed administrative penalty of \$500, entered February 12, 2008</p> | <p>Willis, Larry Gene (Webster); License #386448 Agreed reprimand of salesperson license, entered February 14, 2008; Agreed administrative penalty of \$500, entered February 14, 2008</p> | <p>Rudman, Tammie Marie (MaBank); License #510156 Agreed revocation of salesperson license fully probated for 9 months, effective February 15, 2008; Agreed administrative penalty of \$500, entered February 15, 2008</p> |
| <p>Elizondo, Sonia Annette (Austin); License #495681 Revocation of salesperson license, effective February 25, 2008</p> | <p>Morris, Sylvia Jane (Corpus Christi); License #495662 Revocation of salesperson license, effective February 25, 2008</p> | <p>Jordan, Helen R. (DeSoto); License #469389 Revocation of salesperson license, effective February 25, 2008</p> | <p>Buongiorno, Robert Anthony (Arlington); License #508020 Revocation of salesperson license, effective February 25, 2008</p> |
| <p>Moon, Robbie Ben (Lancaster); License #296994 Revocation of salesperson license, effective February 25, 2008</p> | <p>Peyton, Stacy A. (Maypearl); License #400200 Revocation of salesperson license, effective February 25, 2008</p> | <p>Godwin, Bonnie L. (Maumelle); License #509343 Agreed reprimand of salesperson license, entered February 27, 2008; Agreed administrative penalty of \$500, entered February 27, 2008</p> | |

Failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

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| <p>Ferguson, Joe William (Laredo); License #492776 Agreed reprimand of salesperson license, entered January 3, 2008; Agreed administrative penalty of \$300, entered January 3, 2008</p> | <p>Torre, Arturo (Houston); License #476681 Agreed reprimand of salesperson license, entered January 15, 2008; Agreed administrative penalty of \$300, entered January 15, 2008</p> | <p>Martinez, Silvia Ann (Rockwall); License #506630 Agreed reprimand of salesperson license, entered January 16, 2008; Agreed administrative penalty of \$500, entered January 16, 2008</p> | <p>Humphrey, Stephan Rob (Spicewood); License #483943 Agreed revocation of broker license fully probated for 9 months, effective February 13, 2008; Agreed administrative penalty of \$500, entered February 13, 2008</p> |
| <p>Polk, James Edward Jr. (Frisco); License #502861 Agreed reprimand of salesperson license, entered February 15, 2008; Agreed administrative penalty of \$750, entered February 15, 2008</p> | <p>Brown, Latressa Delniqua (Grand Prairie); License #505035 Agreed revocation of salesperson license fully probated for 14 months, effective February 28, 2008; Agreed administrative penalty of \$500, entered February 28, 2008</p> | | |

Failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92(f)

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| <p>Fletcher, Leo Mark (Austin); License #442403 Revocation of salesperson license, effective January 5, 2008</p> | <p>Hickey, Aaron William Jr. (Lancaster); License #450988 Agreed reprimand of broker license, entered January 25, 2008; Agreed administrative penalty of \$500, entered January 25, 2008</p> |
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NOTICE

When you RENEW YOUR LICENSE WITHOUT MCE AND CHOOSE TO PAY THE \$200 FEE AND COMPLETE YOUR MCE WITHIN THE 60 DAY PERIOD PROVIDED BY 22 TAC §535.92(f) be aware that the TREC Enforcement Division monitors this process.

YOU WILL RECEIVE A LETTER FROM TREC STATING THAT YOU NOW OWE THE FEE AND MUST COMPLETE THE EDUCATION BY A DEFINITE DATE. If THE FEE AND EDUCATION are not completed within the allotted time, TREC ENFORCEMENT will begin DISCIPLINARY PROCEEDINGS against your license.

In the last four months 23 licenses have been REVOKED FOR NON PAYMENT OF THE FEE AND NON COMPLETION OF THE EDUCATION. Six licenses have received PROBATED REVOCATION AND PAID AN ADMINISTRATIVE FINE IN ADDITION TO THE \$200 FEE. Twenty-eight licenses have received a REPRIMAND AND PAID AN ADMINISTRATIVE FINE IN ADDITION TO THE \$200 FEE.

A rule has been proposed that could change the procedure concerning people who renew without MCE AND DO NOT PAY THE FEE AND/OR COMPLETE THEIR EDUCATION. (SEE PAGE 4 TAC 22 §§535.92, 535.94) The rule can not be considered for adoption before APRIL 28, 2008 AND WOULD NOT BE EFFECTIVE FOR ANY LICENSE EXPIRING BEFORE MAY 31, 2008.

REMEMBER THAT BOTH THE FEE AND THE EDUCATION MUST BE COMPLETED WITHIN THE 60 DAY PERIOD TO AVOID DISCIPLINARY ACTION.