



TREC Advisor

Texas Real Estate Commission ★ Volume 20, Number 3 ★ July 2009

Governor Appoints Three New Members to Commission

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Joanne Justice of Arlington is the Managing Broker for the Arlington office of Coldwell Banker Residential Brokerage. A 37 year real estate veteran she is a member of the Texas Association of REALTORS, past President of the Arlington Board of REALTORS and serves on the Board of Directors for the National Association of REALTORS. A member of the Council of Real Estate Brokerage Managers, she attended the University of Connecticut and is certified to teach Mandatory Continuing Education for Texas real estate licensees. She volunteers for Habitat for Humanity, was the 2002 recipient of the Edgar Bird Award presented by the Arlington Board of REALTORS and received the Distinguished Service Award from the Texas Association of REALTORS in 2000. She replaces Elizabeth Leal of El Paso.



Jaime Blevins Hensley of Lufkin is a broker and owner of American Real Estate-Lufkin Inc. She is a member of the Texas and National Associations of REALTORS, Leading Real Estate Companies of the World, and Council of Residential Specialists. She is director of the Lufkin Association of Realtors and Lufkin Multiple Listing Service, and a member of the Angelina Economic Development Partnership Board, Angelina Chamber of Commerce, Deep East Texas Association of Builders and Piney Woods Apartment Association. Hensley received a bachelor's degree from Centenary College of Louisiana, a Master of Business Administration from Stephen F. Austin University, and graduated from the Texas Real Estate Institute. She replaces Mary Frances Bursleson of Sachse.



Dona Scurry of El Paso is president of Stockton Scurry and Smith PC. She is a member of the American Institute of Certified Public Accountants, El Paso Estate Planning Council, Texas Society of Certified Public Accountants, and Greater El Paso Chamber of Commerce Executive Board. She is also a member of the El Paso ProMusica Board and University of Texas El Paso College of Business Advisory Committee, a past member of the Texas Appraiser Licensing and Certification Board, and treasurer of the University Medical Center Foundation and the El Paso Holocaust Museum. Scurry received a bachelor's degree from Texas Christian University. She replaces Bill Flores of Sugar Land.

Fee increase for Salesperson's renewals effective June 2, 2009, see page 3



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.

May 26, 2008

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Tuesday, May 26, 2009. Chairman John D. Eckstrum presided.

Two of the new commissioners were present, Joanne Justice of Arlington and Jaime Hensley of Lufkin. The Chair introduced the two new members. Dona Scurry, the new public member from El Paso was not present.

The Commission approved payment of two recovery trust fund claims in the amounts of \$2,390 and \$6,332.

The Commission proposed amendments to 22 TAC §535.64 concerning Accreditation of Schools and Approval of Courses and Instructors and §535.66 regarding Payment of Annual Fee, Audits, Investigations and Enforcement Actions. The Commission also proposed amendments to §535.101 concerning Fees. The Commission proposed amendments to §535.51 on an emergency basis and also on a permanent basis. The Commission proposed amendments to §535.212 concerning Education and Experience Requirements for an Inspector and §535.223 regarding standard inspection report forms.

The Commission authorized the Administrator to sign a contract with VERSA Systems to supply TREC with a new Licensing and Information System.

The Commission appointed Denise Robbins, Vice President—Fulshear, Commercial State Bank, El Campo, Texas as a public member on the Texas Real Estate Inspector Advisory Committee.

The Commission directed staff to prepare rule amendments to §535.71 to require instructors for the mandatory Legal and Ethics MCE courses be approved under requirements equal to the requirements for core instructors of Principals, Law of Agency and Law of Contracts in addition to requiring attendance at a Train the Trainer course offered by the Real Estate Center, as recommended by the Education Advisory Committee.

The Commission heard four proposals for decision from the State Office of Administrative Hearings, adopting three and revising another.

The next scheduled meetings of the Commission will be June 11, 2009, and August 17, 2009, at the TREC headquarters in Austin, TX.

Background Criminal History Report Fee for Renewals

All licensees who have been fingerprinted for TREC will eventually have to pay an additional fee for a subsequent background criminal history report when renewing their licenses.

Licensees who were fingerprinted for a 2008 renewal, application or late renewal, and whose current license expiration is March 31, 2009 or thereafter, must pay the renewal fee and an additional fee (currently **\$19.25**) for a subsequent background criminal history report to renew the license. Renewal fees will be returned to licensees who submit incorrect fee amounts and the license will expire if the correct amount is not timely received.

Official publication of the
Texas Real Estate Commission

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Rick Perry
Governor

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ARLINGTON

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Jaime Blevins Hensley
LUFKIN

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Tom Mesa
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Dona Scurry
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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>

Fee Increase for Salesperson Licenses

The Commission has adopted amended rules on an emergency basis to comply with new legislation which increased salesperson license and renewal fees collected for the Real Estate Center at Texas A&M (see the article below).

- The amendments, effective June 2, 2009, increase the following salesperson license fees:
 - Inactive Real Estate Salesperson License from \$94.50 to \$97.00
 - Timely Renewal of a Salesperson License under SAE from \$51.00 to \$53.50
 - Timely Renewal of a Salesperson License under MCE from \$102.00 to \$107.00
 - Late Renewal of a Salesperson License
 - SAE expired 90 days or less: \$64.50 to \$67.00
 - SAE expired more than 90 days: \$79.50 to \$82.00
 - MCE expired 90 days or less: \$129.00 to \$134.00
 - MCE expired more than 90 days: \$159.00 to \$164.00
 - Salesperson License by Current or Previous Broker from \$92.50 to \$95.00

Applications or renewals will be rejected if the new fee is not paid.

CHANGES IN FEES PROPOSED

The Commission adopted an emergency rule amendment which increased the fee collected for the Real Estate Center at Texas A&M from \$17.50 to \$20 per year for each salesperson application and renewal. The effective date of the emergency rule was June 2, 2009. The emergency rule was adopted to comply with SB 862, enacted by the 81st Legislature, which in part, increased the fees TREC collects for the Real Estate Center.

The Commission has proposed amendments to increase the portion of the salesperson and broker renewal and late renewal fees collected for TREC operations. The amendments would increase the timely renewal fees by \$8 for a two-year license and \$4 for a one-year license; late renewal fees would be increased by \$12 for a two-year license (\$6 for a one-year license) for the late renewal of a license that has been expired 90 days or less; and \$16 for a two-year license (\$8 for a one-year license) for the late renewal of a license that has been expired more than 90 days. The increase in fees will pay for new projects and TREC appropriations authorized by the 81st Legislature in 2009.

A breakdown of the proposed fees for timely renewals are shown in the table below.

Fee Type	TREC	Professional	Texas Online	Texas A&M Research Center	Advisor	Total
Proposed Individual Broker Renewal	68	400	7	40	4	519
Proposed Salesperson Renewal (1 year license)	34		2	20	2	58
Proposed Salesperson Renewal (2 year license)	68		3	40	4	115

Fraud Alert! -

TREC has recently learned about a scam in which a person pretending to be an agency employee may call a licensee with a story about a problem with the licensee's license status. The caller then offers to resolve the problem by asking for the licensee's credit card number to make a payment by phone.

DO NOT RESPOND to requests from TREC asking you to provide personal information, including credit card numbers, social security numbers, or any other identifying information. TREC does not accept any payments by phone and will never make such a request. Please remember to always carefully guard your personal data. If you receive a suspicious call from someone purporting to be from TREC, we recommend that you ask the caller for his or her name, then hang up, call TREC at the number on the website, and ask to be transferred to that person.

If you have received a suspicious call involving TREC and gave out personal information or otherwise feel your security may have been compromised, please first file a report with your local police department and then notify TREC of the situation.

RULE ACTIONS FROM MAY 26, 2009 MEETING OF THE TEXAS REAL ESTATE COMMISSION

RULE NO.	EARLIEST DATE OF ADOPTION	SUMMARY OF PROPOSED RULE
<i>For text of the rules as they were filed with the Texas Register, go to the web site www.trec.state.tx.us</i>		
22 TAC §535.51 (proposed)	08/17/09	The amendments <ul style="list-style-type: none"> • correct and clarify the requirements for obtaining an education evaluation and submitting an application for licensure; • include stylistic changes to improve readability and restore to subsection (e) (relettered as subsection (f)) text that was inadvertently omitted at the time of the last amendments to this section; • change the fee schedule on the late renewal application forms adopted by reference to reflect an increase in late renewal fees from \$45 to \$51 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired 90 days or less; and late renewal fee from \$60 to \$68 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired more than 90 days but less than one year; and • change the fee schedule on the salesperson original application, late renewal application forms, and the broker step down application form adopted by reference to reflect an increase in the fee paid by such applicants to the Real Estate Center from \$17.50 to \$20.00.
22 TAC §535.212 (proposed)	08/17/09	The amendments <ul style="list-style-type: none"> • updates a reference to the recently revised standard inspection report form, which was not changed when the REI 7A-0 form was replaced by the REI 7A-1, effective February 1, 2009; and • adds a reference to form REI 7-2, concurrently being proposed as an amendment to 22 TAC §535.223.
22 TAC §535.223 (proposed)	08/17/09	The amendments <ul style="list-style-type: none"> • adopt by reference a revised standard inspection report form; • will require inspectors to use either the 7-2 form or the 7A-1 form for inspections of one-to-four family residential properties; and • corrects the rule reference on the first page of the form, modifies the header on pages 3-6 to indicate that "D=Deficient," and makes minor stylistic revisions to the form.

RULE ACTIONS FROM JUNE 11, 2009 MEETING OF THE TEXAS REAL ESTATE COMMISSION

RULE NO.	EARLIEST DATE OF ADOPTION	SUMMARY OF PROPOSED RULE
<i>For text of the rules as they were filed with the Texas Register, go to the web site www.trec.state.tx.us</i>		
22 TAC §535.64 and 535.66 (proposed)	08/17/09	The amendments <ul style="list-style-type: none"> • reduce the period of accreditation of schools from five years to two years; • define how a school's passage rate will be calculated and published by the commission; • update the Education Provider Application, form ED 1-0, to form ED 1-1 to reflect a revised fee for a two-year accreditation; and • adopts a revised application for instructor approval (ED 4-2) pursuant to changes to requirements to teach the required legal update and ethics courses, proposed in §535.71.
22 TAC §535.71 (proposed)	08/17/09	The amendments <ul style="list-style-type: none"> • add the TREC web site address to paragraph (d) concerning availability of forms; • adopts by reference MCE Form 16-1 which has been revised for use as an instructor application for MCE elective courses only; and • change the requirements for approval of instructors of Mandatory Continuing Education required legal update and ethics courses.

RULE NO.	EARLIEST DATE OF ADOPTION	SUMMARY OF PROPOSED RULE
22 TAC §535.101 (proposed)	08/17/09	<p data-bbox="428 191 1208 247"><i>For text of the rules as they were filed with the Texas Register, go to the web site www.trec.state.tx.us</i></p> <p data-bbox="428 285 610 304">The amendments</p> <ul data-bbox="428 317 1208 606" style="list-style-type: none"> <li data-bbox="428 317 1208 499">• increase the salesperson and broker annual renewal fees from \$30 to \$34; late renewal fee from \$45 to \$51 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired 90 days or less; and late renewal fee from \$60 to \$68 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired more than 90 days but less than one year; and <li data-bbox="428 506 1208 606">• change the accreditation fee for education programs from \$400 to \$480 and limit the \$200 renewal fee for education programs to those who are subject to a 5-year accreditation under the rules in place before they were amended.

RULE NO.	EFFECTIVE DATE	SUMMARY OF RULE ADOPTED BY EMERGENCY ACTION
22 TAC §535.51 (adopted)	6/2/2009	<p data-bbox="428 716 1208 772"><i>For text of the rules as they were filed with the Texas Register, go to the web site www.trec.state.tx.us</i></p> <p data-bbox="415 831 1208 1117">The amendments adopted on an emergency basis revise §535.51 concerning General Requirements and adopts by reference three revised forms. The amendments are adopted on an emergency basis to comply with new legislation that included revisions to Texas Occupations Code Chapter 1101 during the 81st Legislative Session, Regular Session, by Senate Bill 562. The effective date of SB 862 is May 11, 2009. The adoption of the amendments permits TREC to comply with the effective date required by the bill. The amendments adopt by reference revised forms to reflect increased fees to be paid to the Real Estate Research Center at Texas A&M University for three application types for a salesperson license as SB 862 provides for such increase in fees.</p>

The recently concluded 81st regular session of the Texas Legislature brought about the following changes to the Real Estate License Act and related laws.



In addition to providing for certain fee changes, **Senate Bill 862** included several TREC housekeeping items. This bill added disability and familial status to the list of grounds on which licensees may not discriminate, consistent with federal law. S.B. 862 also made certain changes to the recovery fund provisions of the Real Estate License Act to better address the effect of bankruptcy on a claim while also protecting the fund in these cases. Last, the bill designated the State Office of Administrative Hearings (which has heard complaint matters against brokers, salespeople, and inspectors since 2007) as the forum for timeshare and residential service company complaints.

House Bill 3502 modifies the seller's disclosure requirements and the buyer's acknowledgement on the seller's disclosure regarding smoke detectors.

Senate Bill 1918 provides for updates to resale certificates if requested in writing by a purchaser.



Disciplinary Actions February 2009-May 2009

RESA, Inc.

(San Antonio); License #434367

Agreed reprimand of broker license, entered May 28, 2009; Agreed administrative penalty of \$1,500, entered May 28, 2009; acting negligently in associating with a salesperson who continued to engage in real estate brokerage activities after expiration of the salesperson's license, in violation of §1101.652(b)(1) of the Texas Occupations Code

Bermudez, Paul Obed

(Dallas); License #377623

Agreed reprimand of broker license, entered May 26, 2009; Agreed administrative penalty of \$500, entered May 26, 2009; acting negligently or incompetently in supervising a sponsored salesperson, in violation of §1101.652(b)(1) of the Texas Occupations Code.

Houston, Kemmie Beal

(Huffman); License #481915

Revocation of salesperson license, effective May 22, 2009; failure to respond to notice of violations within 20 days under §1101.704(b) of the Texas Occupations Code which notice was for negligence in not keeping client informed, promptly collecting rents, not completing approved repairs, in violation of §1101.652(b)(1) of the Texas Occupations Code; being dishonest entering into management agreements without broker authority, in violation of §1101.652(b)(2) of the Texas Occupations Code; making false promises about tenant to owner, in violation of §1101.652(b)(5) of the Texas Occupations Code; doing continued and flagrant course of misrepresentation regarding tenancy, in violation of §1101.652(b)(6) of the Texas Occupations Code; commingling funds depositing management monies in personal account, in violation of §1101.652(b)(10) of the Texas Occupations Code; doing business as God's Properties without notification to the Commission within 30 days of beginning usage of name, in violation of §1101.652(b)(23) of the Texas Occupations Code; failing to provide copies of real estate documents upon request to principal, in violation of §1101.652(b)(28) of the Texas Occupations Code; providing legal advice regarding sufficiency of lease upon tenant failing to occupy, in violation of §1101.654(a)(2) of the Texas Occupations Code; accepted compensation directly without going through the sponsoring broker, in violation of §1101.651(b) of the Texas Occupations Code; and, colluding with another to circumvent provisions of the License Act, in violation of §1101.652(b)(27) of the Texas Occupations Code.

Comacho, Steven Michael

(Corpus Christi); License #570214

Agreed 30-day suspension of salesperson license fully probated for 6 months, effective May 15, 2009; acting negligently or incompetently in submitting earnest money to the wrong title company, attempting to secure a FHA loan when the terms of the sales contract required a conventional loan, and submitting earnest money after being instructed not to, in violation of §1101.652(b)(1) of the Texas Occupations Code.

Jernigan, Modena C.

(Tyler); License #497426

Agreed reprimand of salesperson license, entered May 4, 2009; Agreed administrative penalty of \$500, entered May 4, 2009; failing to disabuse a buyer of the justified belief that she was acting as an intermediary when she was in fact only representing the seller in a real estate transaction, constituting acting negligently, failing to employ prudence and caution so as to avoid misrepresentation, failing to make clear to all parties to a real estate transaction the party for whom the license holder is acting, and failing to obtain the parties consent to act as intermediary or provide the Information About Brokerage Services form, in violation of §§1101.558(c), 1101.559(a), 1101.652(b)(1) and (7) of the Texas Occupations Code, and 22 TAC §531.2.

Kavadas, Jennifer Ann

(North Richland Hills); License #541537

Assessment of an administrative penalty in the amount of \$2,500, and order to cease and desist unlicensed real estate brokerage activity, entered May 4, 2009. After expiration of her real estate salesperson license, Ms. Kavadas 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 acting as an agent for others for a fee in a real estate sales transaction wherein she represented she was an associate of her former sponsoring broker, in violation of §1101.351(a) of the Texas Occupations Code.

Guerrero, Sonny Duane

(Amarillo); License #552952

Agreed 2 month suspension of salesperson license fully probated for 3 years, effective May 1, 2009; Agreed administrative penalty of \$500, entered May 1, 2009; misrepresenting his criminal history on an application, in violation of §1101.652(a)(2) of the Texas Occupations Code and 22 TAC §535.541(a).

Madrid, Jessie Todd

(McKinney); License #465816

Agreed 6 month suspension of salesperson license fully probated for 2 years, effective May 1, 2009; Agreed administrative penalty of \$1,000, entered May 1, 2009; conducting unlicensed residential rental locator activity, in violation of §1101.351(a)(2) of the Texas Occupations Code; and for paying apartment leasing staff

Calendar of Events

Commission Meetings:

August 17, 2009
At 11:00 a.m.
(Austin)

Broker-Lawyer Committee Meetings:

July 16-17, 2009
(Austin)

Inspector Committee Meetings: None at this time

Web site:

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

Phone

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

to place his name on tenant leases as the referral source despite the fact that he neither met nor referred the tenants to the apartment complex, which constitutes paying a commission or a fee to a person other than a license holder, engaging in conduct that is dishonest or that demonstrates untrustworthiness, pursuing a continued and flagrant course of misrepresentative promotion and misleading advertisement, in violation of §1101.652(b)(2), (6), (11), (23) of the Texas Occupations Code and 22 TAC §535.154(e).

Bowles, Mark Steven
(Waco); License #451925

Reprimand of broker license, entered May 1, 2009; believing repairs had been completed and making an honest mistake when representing the status of those repairs to the parties to the transaction, in violation of §15(a)(6)(W) of The Texas Real Estate License Act, [§1101.652(b)(1) of the Texas Occupations Code, effective June 1, 2003].

Smith, Kevin Allan
(Spring Branch); License #446231

Revocation of broker license, effective May 28, 2009; payment of \$50,000 made by the Texas Real Estate Recovery Trust Account toward satisfaction of a judgment against Kevin Allan Smith, as provided by §1101.655 of the Texas Occupations Code

Thoman, Mell Raymond
(Plano); License #488507

Revocation of salesperson license entered: April 30, 2009; while acting as a buyer's agent for Arcata Basin Corporation (ABC) or Troy St. Pierre (Pierre) or unknown investors, Mr. Thoman assisted in the negotiations and sales of about 10 real properties under a scheme that included an executed 1st sales contract between the seller and ABC or Pierre and/or assigns for a sales price that appeared to be a value within the range of a comparative market analysis. Prior to the closing, a 2nd contract was executed between the seller and an investor/buyer for a sales price that was substantially greater than the 1st sales contract. Contemporaneous to the 2nd sales contract, the seller was required to sign a promissory note payable to ABC for the difference in price between the 1st and 2nd sales contracts and this was listed on the HUD closing statement as a debit to the seller for payoff of an unrecorded lien. Thereafter, most of the 10 properties were foreclosed by a third party lender within approximately 1 year. Mr. Thoman attempted to assist ABC and Pierre in another purchase using the same scheme, however the seller refused to execute the 2nd sales contract and the property did not close. In this attempt, Mr. Thoman falsely represented that he had used this scheme to close 30 other real estate transactions and it was reviewed and approved by TREC. In this matter, Mr. Thoman's conduct was at minimum negligent and incompetent in violation of §1101.652(b)(1) of the Texas Occupations Code and his conduct was dishonest or in bad faith or demonstrated untrustworthy in violation of §1101.652(b)(2) of the Texas Occupations Code and 22 TAC §535.156(b)&(d). Further, Mr. Thoman pursued a continued and flagrant course of misrepresentation or made false promises and used advertisements that tended to create misleading impressions in violation of §§1101.652(b)(6)&(23) of the Texas Occupations Code. Last, Mr. Thoman established an association and aided and abetted or conspired with ABC and Pierre, a corporation and person who was not licensed as a real estate broker but conducted real estate brokerage assisting in the sale of properties and receiving substantial fees for the services, in violation of §§1101.652(26) & (27) of the Texas Occupations Code.

Jefferson, Bernice E.
(Garland); License #359891

Agreed 3 months suspension of broker licensed fully probated for 1 year effective: April 27, 2009; Ms. Jefferson while acting as an intermediary in a sales transaction, failed to obtain the written consent from the buyer to comply with §1101.559 of the Texas Occupations Code and failed to comply with §1101.560 of the Texas Occupations Code when she used a notice of broker appointing a different associate to work with each party and thereafter she was the sole associate broker to work with each party, in violation of §1101.652(b)(33) of the Texas Occupations Code; in the same transaction, Ms. Jefferson incorrectly filled out and/or improperly used TREC promulgated forms, in violation of 22 TAC §537.11(b); and in the same transaction, Ms. Jefferson acted negligently or incompetently when she advised each party incorrectly that the buyer had the right to terminate the contract under the option clause and receive the earnest money, in violation of §1101.652(b)(1) of the Texas Occupations Code.

Cline, Randy Thomas
(Arlington); License #5314

Agreed reprimand of professional inspector license entered: April 17, 2009; Agreed administrative penalty of \$500 entered: April 17, 2009; Inspector acted negligently or incompetently, in violation §1102.301 of the Texas Occupations Code by failing to report evidence of prior repairs to the skylight, a violation of 22 TAC §535.228(h)(2); by failing to report deficiencies in the roof covering and sheathing, a violation of 22 TAC §535.228(h)(4); and, by failing to report as in need of repair interior signs of rust in the dishwasher, a violation of 22 TAC §535.229(a)(2).

Denson, Joe Dell
(Cuero); License #235886

Agreed reprimand of broker license entered: April 17, 2009; acting negligently or incompetently in failing to use proper diligence in the management of the property, in violation of §1101.652(b)(1) of the Texas Occupations Code; paying or dividing a commission or fee with a person other than a license holder by paying and dividing fees for managing property, in violation of §1101.652(b)(11) of the Texas Occupations Code, and establishing an association by employment or otherwise with a person other than a license holder if the person is expected or required to act as a license holder, in violation of §1101.652(b)(26) of the Texas Occupations Code.

To renew your license you must pay a renewal fee.

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

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

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

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

Late renewal applications require the submission of fingerprints if not previously obtained for TREC.

Home Buyers Resale Warranty Corporation (Denver, Colorado); License #122

Assessment of administrative penalty of \$6,750 entered: April 16, 2009; failing to timely submit its audited financial statements as part of filing its 2007 annual report, in violation of §1303.202(a) of the Texas Occupations Code

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

Agreed reprimand of broker license entered: April 7, 2009; Agreed administrative penalty of \$1,000 entered: April 7, 2009; failing to supervise a sponsored salesperson who submitted earnest money to the wrong title company, attempted to secure a FHA loan when the terms of the sales contract required a conventional loan, and submitted earnest money after being instructed not to, in violation of §1101.652(b)(1) of the Texas Occupations Code.

Simmons, Eddie (San Antonio); License #163229

Agreed reprimand of broker license entered: April 3, 2009; Eddie Simmons acted negligently and incompetently when he conducted his real estate brokerage through Resort Properties, Inc. d.b.a. Red Carpet Eddie Simmons Realtors, a business entity not duly licensed as a real estate broker, and split fees with the unlicensed entity, in violation of §1101.652(b)(1) of the Texas Occupations Code.

See, Robert Joseph (Fort Worth); License #434200

Agreed reprimand of broker license entered: April 9, 2009; Robert See paid a commission of fees to, or divided a commission or fees with, an unlicensed person (formerly a salesperson until their license expired) for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code; Robert See established an association, by employment or otherwise, with the same unlicensed person who was expected or required to act as a real estate licensee, in violation of §1101.652(b)(26) of the Texas Occupations Code.

Couch, Juanita Lannette (Dallas); License #392516

Agreed reprimand of broker license, entered March 20, 2009; Ms. Couch acted negligently and incompetently when she conducted her real estate brokerage through Couch Realty, Inc., a business entity not duly licensed as a real estate broker, and split fees with the unlicensed entity, in violation of §1101.652(b)(1) of Texas Occupations Code.

Alexander, Titus (Hutto); License #569961

Agreed reprimand of salesperson license, entered March 18, 2009; procuring or attempting to procure a license under this chapter for the license holder or a salesperson by fraud, misrepresentation, or deceit or by making a material misstatement of fact in an application for a license, in violation of §1101.652(a)(2) of the Texas Occupations Code

Brownlee, James Mark (Sherman); License #5765

Agreed reprimand of professional inspector license, entered March 17, 2009; Agreed administrative penalty of \$500, entered March 17, 2009; Inspector acted negligently or incompetently, in violation of §1102.301 by failing to report signs of rust in a dishwasher, in violation of 22 TAC §535.229(a)(2), and by failing to report screens in need of repair, in violation of 22 TAC §535.228.(e)(6).

Bailey, Tunita Rena (Duncanville); License #379054

Agreed revocation of broker license fully probated for 7 months, effective March 16, 2009; Ms. Bailey conducted her real estate brokerage services using business names without timely notifying the Commission of the names as required under §535.154(c) of the Rules, in violation of §1101.656 of Texas Occupations Code; Ms Bailey attempted to act as an intermediary in a real estate sales transaction and failed to use a contract form required by the Commission under §1101.155 of the Texas Occupations Code when she used a Contract for Deed form, in violation of §1101.652(a)(8) of Texas Occupations Code; Ms Bailey attempted to act as an intermediary in a real estate sales transaction and failed to comply with agency and intermediary requirements as required by the Commission under §§1101.558 and 1101.559 of the Texas Occupations Code, in violation of §1101.652(a)(10) of the Texas Occupations Code; and Ms. Bailey acted negligently and incompetently when she conducted her real estate brokerage through Women Investing in Real Estate, LLC, a business entity not duly licensed as a real estate broker, in violation of §1101.652(b)(1) of Texas Occupations Code.

Langham, Johanna M. (Richmond); License #418487

Revocation of broker license, effective March 6, 2009; inserting into an invoice a statement that the license holder knows makes the invoice inaccurate in a material way, in violation of §1101.652(b)(24) of the Texas Occupations Code

Brown, Ronald Wayne (Humble); License #433634

Revocation of broker license, effective March 6, 2009; Mr. Brown acted as a buyer's agent and promised if the buyers remitted the down payment funds to him, he would purchase the property and lease it to the buyers. The property was not purchased and the down payment was not returned, in violation of §1101.652(b)(2) of the Texas Occupations Code; Mr. Brown failed to timely provide information and to produce documents requested by

the Commission concerning a complaint against him, in violation of §§1101.652(a)(5)&(6) of the Texas Occupations Code.

**Brown Independent Contractors, LLC
(Humble); License #580601**

Revocation of broker license, effective March 6, 2009; Corporate broker acted as a buyer's agent through its designated officer and promised if the buyers remitted the down payment funds to the broker's designated officer, the designated officer would purchase the property and lease it to the buyers. The property was not purchased and the down payment was not returned, in violation of §1101.652(b)(2) of the Texas Occupations Code; Corporate broker failed to timely provide information and to produce documents requested by the Commission concerning a complaint against it, in violation of §§1101.652(a)(5)&(6) of the Texas Occupations Code.

**Perez, Luz Elena
(Dallas); License #480060**

Agreed reprimand of salesperson license, entered March 5, 2009; Agreed administrative penalty of \$250, entered March 5, 2009; acting negligently or incompetently in real estate brokerage activities by failing to provide an Information About Brokerage Services form, offering false promises as to the benefits of the Section 8 Housing Choice Voucher Program to her principal, and failure to follow up on her duty to complete and file eviction paperwork in her role as property manager, in violation of §1101.652(b)(1) and §1101.652(b)(5) of the Texas Occupations Code

**Lennox Alfred Realtors, Inc.
(Waco); License #487542**

Agreed 60-day suspension of broker license, effective February 27, 2009; Agreed administrative penalty of \$2,000, entered February 27, 2009; acting negligently or incompetently in supervising his agents in completing and retaining contract forms and following up with principals with issues concerning the agents, in violation of §1101.652(b)(1) of the Texas Occupations Code, failing to insure the agent deposited, within a reasonable time, money the license holder receives as escrow agent in a real estate transaction in trust with a title company authorized to do business in this state after execution of the contract, in violation of §1101.652(b)(30) of the Texas Occupations Code

**Alfred, Lennox Jeffrey
(Waco); License #444634**

Agreed 60-day suspension of broker license fully probated for 2 years, effective February 27, 2009; Agreed administrative penalty of \$3,000, entered February 27, 2009; acting negligently or incompetently in supervising his agents in completing and retaining contract forms and following up with principals with issues concerning the agents in violation of §1101.652(b)(1) of the Texas Occupations Code; failing to insure the agent deposited, within a reasonable time, money the license holder receives as escrow agent in a real estate transaction in trust with a title company authorized to do business in this state after execution of the contract in violation of §1101.652(b)(30) the Texas Occupations Code

**Bradford, Geraldine
(Lufkin); License #436163**

Agreed reprimand of broker license, entered February 19, 2009; Agreed administrative penalty of \$250, entered February 19, 2009; failing to obtain the written consent from each party to act as an intermediary in the transaction and failing to state the source of any expected compensation to the broker in the consent(s); and failing to make clear to all parties to a real estate transaction the party for whom the license holder is acting, in violation of §1101.559(a) of the Texas Occupations Code

**Camacho, Cynthia Vivar
(El Paso); License #487469**

Agreed reprimand of broker license, entered February 11, 2009; Agreed administrative penalty of \$250, entered February 11, 2009; procuring or attempting to procure a license under this chapter for the license holder or a salesperson by fraud, misrepresentation, or deceit or by making a material misstatement of fact in an application for a license by incorrectly responding to a question regarding a criminal conviction, in violation of §1101.652(a)(2) of the Texas Occupations Code

Failing within a reasonable time to make good a check issued to the Commission, 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 a request for payment, in violation of 22 TAC '534.2(a)

**Geier, Aleshia S.
(Arlington); License #552873**
Revocation of salesperson license, effective March 25, 2009

**Tong, Nguyen Xuan
(Houston); License #510430**
Revocation of salesperson license, effective March 25, 2009

**Peter B. Merritt, LLC
(Houston); License #517954**
Agreed reprimand of broker license, entered March 20, 2009; Agreed administrative penalty of \$750, entered March 20, 2009

**Peter Bryant Merritt
(Houston) License #185826**
Agreed reprimand of broker license, entered March 20, 2009

**Binder, Jessica Anne
(Kerrville); License #462726**
Agreed reprimand of salesperson license, entered March 5, 2009; Agreed administrative penalty of \$500, entered March 5, 2009

**Hester, Jason Douglas
(Lewisville); License #538045**
Revocation of salesperson license, effective February 23, 2009

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

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

Nowrouzi, Mohammad (Sugar Land); License #554760 Agreed reprimand of salesperson license, entered March 24, 2009; Agreed administrative penalty of \$500, entered March 24, 2009	Barrionuevo, Martha V. (San Antonio); License #476095 Agreed reprimand of salesperson license, entered March 18, 2009; Agreed administrative penalty of \$500, entered March 18, 2009	Salazar, Manuel (Houston); License #475691 Agreed revocation of salesperson license fully probated for 18 months, effective March 16, 2009; Agreed administrative penalty of \$500, entered March 16, 2009
Shea, Ann Rochelle (Fort Worth); License #467595 Revocation of salesperson license effective, March 2, 2009;	Romo, Robert Earl (Carrollton); License #513761 Revocation of salesperson license, effective February 20, 2009	Foreman, John Thomas (El Paso); License #553803 Revocation of salesperson license, effective February 20, 2009;
Holder, Sheryl Lee (Fort Worth); License #390537 Revocation of salesperson license, effective February 20, 2009	Saenz, Joe Rudy (Austin); License #451795 Agreed revocation of salesperson license fully probated for 18 months, effective February 15, 2009; Agreed administrative penalty of \$500, entered February 15, 2009	Singh, Indranie (Pasadena); License #518978 Agreed reprimand of salesperson license, entered February 3, 2009; Agreed administrative penalty of \$500, entered February 3, 2009
Icmat, Tiffany Ryan (Killeen); License #512003 Revocation of salesperson license, effective February 2, 2009	Vallejo, Robert Juan (Dallas); License #553152 Revocation of salesperson license, effective February 2, 2009	

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

Nicholson, Leonard Earl (Allen); License #493323 Agreed reprimand of broker license, entered February 20, 2009; Agreed administrative penalty of \$500, entered February 20, 2009		
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 broker license		
Morales, Jaime Garcia (San Antonio); License #84669 Revocation of broker license, effective February 25, 2009	Evans, John Dennis (Port Aransas); License #427576 Revocation of salesperson license, effective March 6, 2009	Harvey, Tanya (Spring); License #535717 Revocation of salesperson license, entered May 8, 2009

TREC Outstanding Employees



Donna Roberts has been a TREC employee for over 26 years and is one of the agency's in-house experts on licensing procedures and processes. She has been a team leader in the Licensing Services Division for several years and has recently

assumed additional responsibilities concerning the new fingerprint requirements. Donna is not only fluent with the application and renewal process but also liaisons effectively with licensees, the DPS and fingerprint administrator, the FBI, and TREC staff. Donna is always willing to lend a helping hand.



Patricia Holder is the Executive Assistant for the Administration Department. She has served in the position for almost seventeen years. She is responsible for the *TRECAdvisor*, and provides desk top publishing for the

promulgated contracts, applications and most of the documents published by TREC. She also works closely with the Administrator's, Assistant Administrator's and General Counsel's office providing office support. Pat also serves as one of the liaisons with the Texas Register.