

AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC) MEETING
Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

December 10 2007, 9:00 a.m.

CALL TO ORDER

1. Call to order and pledge of allegiance

MINUTES

2. Minutes of October 8, 2007 Commission meeting

STAFF AND COMMITTEE REPORTS

3. Staff reports; committee reports

PUBLIC COMMENTS

4. General comments from public

NEW POLICIES

5. Discussion and possible action to adopt a TREC Ethics Policy as required by Texas Government Code §572.051(c)
6. Discussion and possible action to adopt, pursuant to Texas Occupations Code §1101.102, a TREC policy that separates the policymaking responsibilities of the commission and the management responsibilities of the administrator and staff of the commission

EXECUTIVE SESSION

7. Executive session to discuss pending litigation pursuant to Texas Government Code §551.071 and if necessary, to receive legal advice from counsel on posted agenda items

POSSIBLE ACTION ON MATTERS FROM EXECUTIVE SESSION

8. Discussion and possible action to authorize payments from recovery funds or take other action on items considered in executive session

RULES TO PROPOSE

9. Discussion and possible action to propose amendments to 22 TAC §535.141 concerning Initiation of Investigation, exception for covert investigations pursuant to Texas Government Code §§402.031 and 402.032 and 555.051

In compliance with the Americans with Disabilities Act, any requests for reasonable accommodation needed by persons desiring to attend this open meeting should be submitted by that person to the Board

RULES TO ADOPT

10. Discussion and possible action to adopt amendments to existing rules or adopt new rules as follows:

- a. 22 TAC Chapter 533 concerning Practice and Procedure
- b. 22 TAC §535.42 concerning Jurisdiction and Authority
- c. 22 TAC §535.51 concerning General Requirements
- d. 22 TAC Chapter 535, Subchapter F concerning Education, Experience, Educational Programs, Time Periods and Types of License (§§535.61-535.65)
- e. 22 TAC Chapter 535 Subchapter G concerning Mandatory Continuing Education (§§535.71 and 535.72)
- f. 22 TAC Chapter 535 Subchapter I concerning Licenses (§§535.91, 535.92, and 535.94)
- g. 22 TAC Chapter 535, Subchapter Q concerning Administrative Penalties
- h. 22 TAC Chapter 535, Subchapter R concerning Home Inspectors
- i. 22 TAC Chapter 537, Professional Agreement and Standard Contracts
- j. 22 TAC Chapter 539, Subchapter O concerning Administrative Penalties

11. Discussion and possible action to adopt the repeal of:

- a. 22 TAC Chapter 533 Practice and Procedure (§§533.31 - 533.39)
- b. 22 TAC §535.209 concerning Professional Inspector Corporations and Limited Liability Companies.

EMERGENCY RULES

12. Discussion and possible action to extend for an additional 60 days the effective date of emergency rules regarding:

- a. 22 TAC Chapter 533 concerning Practice and Procedure
- b. 22 TAC §535.42 concerning Jurisdiction and Authority
- c. 22 TAC §535.51 concerning General Requirements
- d. 22 TAC §535.61 concerning Examinations
- e. 22 TAC §535.63 concerning Education and Experience Requirements for a License
- f. 22 TAC §535.71 concerning Mandatory Continuing Education: Approval
- g. 22 TAC §535.72 concerning Mandatory Continuing Education: Presentation of Courses, Advertising and Records
- h. 22 TAC §535.91 concerning Renewal Notices
- i. 22 TAC §535.92 concerning Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements

- j. 22 TAC §535.94 concerning Hearing on Application Disapproval: Probationary License
 - k. 22 TAC Chapter 535, Subchapter Q concerning Administrative Penalties
 - l. 22 TAC Chapter 535, Subchapter R concerning Home Inspectors
 - m. 22 TAC Chapter 539, Subchapter O concerning Administrative Penalties
13. Discussion and possible action to extend for an additional 60 days the effective date of the emergency repeal of:
- a. 22 TAC Chapter 533 Practice and Procedure (§§533.31 - 533.39)
 - b. 22 TAC §535.209 concerning Professional Inspector Corporations and Limited Liability Companies

PENDING MATTERS

14. Discussion regarding Texas Attorney General Opinion No. GA-0581 (2007) regarding whether an applicant for a real estate inspector license is required to carry general liability insurance, professional liability insurance, or both

NEW BUSINESS

15. Discussion and possible action to authorize the TREC administrator to enter into a Memorandum of Understanding with the Texas Department of Public Safety (DPS) for DPS to provide fingerprinting services for TREC as authorized by Texas Occupations Code §1101.352
16. Discussion and possible action to appoint a member to the Mortgage Broker Advisory Committee
17. Discussion and possible action to accept the Texas Comptroller of Public Accounts' post payment audit report of certain TREC payroll, purchase, refund, and travel transactions

COMPLAINT MATTERS

18. Consideration of complaint information concerning: Latressa Delniqua Brown, Cathy Marie Majors, Dana Johnson Smith, Kathryn Marie Budde, Patricia Jean Smith

CONTESTED CASES

19. Motion for Modification in the Matter of Gerald Lee Morley
20. Entry of orders in contested cases
21. Schedule future meetings and adjourn