

AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC) MEETING

Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

October 27, 2008 at 9:00 a.m.

CALL TO ORDER

1. Call to order and pledge of allegiance

MINUTES

2. Approval of Minutes of:
 - a. August 18, 2008, Commission meeting;
 - b. September 23, 2008, Commission meeting
3. Discussion and possible action to excuse commissioner absence(s)

STAFF AND COMMITTEE REPORTS

4. Staff reports by Division Directors which may include reports of monthly activities and statistical data for licensing, education, enforcement, technology usage, and recovery trust account and fund activity; questions by Commissioners to Division Directors regarding issues raised by the monthly activities reports; discussion of current topics raised by monthly reports; request by the Commission for additional information or reports from staff; and introduction of new employees
5. Report on Inspector Advisory Committee including a summary of the last committee meeting; recommendations, if any, of the committee, and special issues raised by the committee
6. Report on Broker Responsibility Advisory Committee including a summary of the last committee meeting; recommendations, if any, of the committee, and special issues raised by the committee
7. Report on Education Advisory Committee including a summary of the last committee meeting; recommendations, if any, of the committee, and special issues raised by the committee

PUBLIC COMMENTS

8. General comments from visitors

EXECUTIVE SESSION

9. 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

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 Tim Irvine at 512-465-3900.

ACTION ON MATTERS FROM EXECUTIVE SESSION

10. Discussion and possible action to authorize settlement of recovery fund claims or take other action on items considered in executive session

RULES FOR POSSIBLE WITHDRAWAL

11. Discussion and possible action to withdraw proposed new 22 TAC §537.51 concerning Addendum for Reservation of Oil, Gas, and Other Minerals

RULES FOR POSSIBLE PROPOSAL

12. Discussion and possible action to propose new:
 - a. 22 TAC §537.51 concerning Addendum for Reservation of Oil, Gas, and Other Minerals
 - b. 22 TAC §537.52 concerning Short Sale Addendum
13. Discussion and possible action to propose amendments to:
 - a. 22 TAC §534.2 concerning Processing Fees for Dishonored Payments
 - b. 22 TAC §535.51 concerning General Requirements
 - c. 22 TAC §535.52 concerning Individuals
 - d. 22 TAC §535.400 concerning Registration of Easement or Right-of-Way Agents
 - e. 22 TAC §541.1 concerning Criminal Offense Guidelines

RULES FOR POSSIBLE ADOPTION

14. Discussion and possible action to adopt the repeal of:
 - a. 22 TAC §535.223 concerning Standard Inspection Reports
 - b. 22 TAC §§535.227-535.231 concerning Standards of Practice for Inspectors
15. Discussion and possible action to adopt new:
 - a. 22 TAC §§535.227-535.233 concerning Standards of Practice for Inspectors
 - b. 22 TAC §535.222 concerning Inspection Reports
 - c. 22 TAC §535.223 concerning Standard Inspection Report Form
16. Discussion and possible action to adopt amendments to:
 - a. 22 TAC §535.64 concerning Accreditation of Schools and Approval of Courses and Instructors
 - b. 22 TAC §535.101 concerning Real Estate Salesperson and Broker Fees
 - c. 22 TAC §535.210 concerning Home Inspector Fees
17. Discussion and possible action to adopt amendments to:
 - a. 22 TAC §537.21 concerning Addendum for Sale of Other Property by Buyer
 - b. 22 TAC §537.22 concerning Addendum for “Back-Up” Contract

- c. 22 TAC §537.23 concerning Addendum for Release of Liability on Assumed Loan and/or Restoration of Seller's VA Entitlement
 - d. 22 TAC §537.26 concerning Seller's Temporary Residential Lease
 - e. 22 TAC §537.27 concerning Buyer's Temporary Residential Lease
 - f. 22 TAC §537.33 concerning Seller Financing Addendum
 - g. 22 TAC §537.35 concerning Environmental Assessment, Threatened or Endangered Species, and Wetlands Addendum
 - i. 22 TAC §537.40 concerning Addendum for Coastal Area Property
 - j. 22 TAC §537.46 concerning Amendment to Contract
 - k. 22 TAC §537.48 concerning Loan Assumption Addendum
18. Discussion and possible action to adopt or amend the following emergency rules for licensees and applicants in the counties impacted by the recent hurricanes in Texas:
- a. 22 TAC §535.51 concerning application requirements for salespersons, brokers, and easement and right-of-way registrants in such counties
 - b. 22 TAC §535.95 concerning license or registration renewal requirements for salespersons, brokers, and easement and right-of-way registrants in such counties
 - c. 22 TAC §535.208 concerning application requirements for apprentice, real estate, and professional home inspectors in such counties
 - d. 22 TAC §535.216 concerning license renewals requirements for apprentice, real estate, and professional home inspectors in such counties

RULE REVIEW

19. Discussion and possible action to adopt the review of 22 TAC Chapter 535 General Provisions (§§535.91-.403)

PENDING BUSINESS

- 20. Discussion and possible action to approve revised form OP-I, Texas Real Estate Consumer Notice Concerning Hazards or Deficiencies
- 21. Discussion and possible action to authorize staff to enter into discussions with DIR preferred vendors for future recommendations on TREC licensing and information system
- 22. Update on Request for Offers for TREC's licensing and information system

NEW BUSINESS

- 23. Discussion and possible action to approve annual internal audit report
- 24. Annual review of fees and estimated revenues
- 25. Discussion and possible action to approve fiscal year 2009 operating budget
- 26. Discussion and possible action on proposed legislative housekeeping bill and other

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anticipated legislation that may impact the real estate industry

27. Discussion and possible action to:

- a. delegate administrative hearings under Texas Property Code Chapter 221 and Texas Occupations Code Chapter 1303 to the State of Office Administrative Hearings (SOAH)
- b. authorize administrator or assist administrator to enter into a contract with SOAH to provide the delegated services

28. Discussion and possible action on issues regarding TREC staff communications with consumers and licensees

29. Report, discussion and possible action regarding October 14, 2008, letter from Governor Perry concerning agency expenses.

CONTESTED CASES.

30. Consideration and possible action regarding Proposals for Decision from State Office of Administrative Hearings:

- a. In the Matter of Muriel R. Byrd, SOAH Docket No. 329-08-2380;
- b. In the Matter of Roy Anthony Marin, SOAH Docket No. 329-08-3480; and
- c. In the Matter of Robert M. Vance, Jr., SOAH Docket No. 329-08-2721.

FUTURE MEETINGS

31. Schedule future meetings and adjourn