

AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC) MEETING

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

May 17, 2010, at 10:00 a.m.

CALL TO ORDER

1. Call to order and pledges of allegiance
2. Discussion and possible action to recognize past commissioners service
3. Discussion and possible action to recognize licensees with 50 years of licensure

MINUTES

4. Approval of minutes of February 8, 2010 Commission meeting
5. Discussion and possible action to excuse commissioner absence(s), if any

STAFF AND COMMITTEE REPORTS

6. Reports by administrator, general counsel, and division directors which may include reports of monthly activities and statistical data for communications, licensing, education, enforcement, information technology, staff services, recovery trust account and fund activity, and updates on new and ongoing agency activity; questions by commissioners to division directors regarding issues raised by the monthly activities reports; discussion of current topics raised by monthly reports; requests by commissioners for additional information or reports from staff; and introduction of new employees
7. Reports of, and discussion and possible action regarding:
 - a. Broker Responsibility Working Group
 - b. Education Working Group including Recommendations from 2009 Education Task Force
 - c. Texas Real Estate Inspector Advisory Committee
 - d. Broker Lawyer 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 general counsel under Texas Government Code §551.071

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 ADOPTION

11. Discussion and possible action to adopt amendments to:
 - a. 22 TAC §534.1 Charges for copies of Public Information,
 - b. 22 TAC §534.4 Historically Underutilized Businesses Program,
 - c. 22 TAC §534.5 Bid Opening and Tabulation

Pursuant to the Americans with Disabilities Act, any requests for reasonable accommodation needed by persons wishing to attend this meeting should be submitted to Loretta DeHay at 512-465-3900.

12. Discussion and possible action to adopt amendments to:

- a. 22 TAC §539.41 Disclosures
- b. 22 TAC §539.51 "Employed by" Defined
- c. 22 TAC §539.61 Application and Licensing
- d. 22 TAC §539.71 Miscellaneous Forms
- e. 22 TAC §539.91 Annual Report Form RSC 6-3
- f. 22 TAC §539.137 Mid-year Report

RULES FOR POSSIBLE PROPOSAL

13. Discussion and possible action to propose amendments to:

- a. 22 TAC Chapter 531, Canons of Professional Ethics and Conduct for Real Estate Licensees
- b. 22 TAC Chapter 533, Practice and Procedure
- c. 22 TAC Chapter 537, Professional Agreements and Standard Contracts
- d. 22 TAC Chapter 541, Rules Relating to the Provisions of the Texas Occupations Code, Chapter 53
- e. 22 TAC §535.51, General Requirements
- f. 22 TAC §535.101, Fees
- g. 22 TAC §535.208, Application for a License
- h. 22 TAC §535.210, Fees

RULE REVIEW

14. Discussion regarding comments on the review of:

- a. 22 TAC Chapter 531, Canons of Professional Ethics and Conduct for Real Estate Licensees
- b. 22 TAC Chapter 533, Practice and Procedure
- c. 22 TAC Chapter 537, Professional Agreements and Standard Contracts
- d. 22 TAC Chapter 541, Rules Relating to the Provisions of the Texas Occupations Code, Chapter 53

15. Discussion and possible action to adopt the review of:

- a. 22 TAC Chapter 534, General Administration
- b. 22 TAC Chapter 539, Provisions of the Residential Service Company Act
- c. 22 TAC Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act

16. Discussion and possible action to propose the review of Chapter 535 regarding General Provisions

PENDING BUSINESS

17. Discussion and possible action regarding plan to identify savings in priority increments totaling 5% of the general revenue and general revenue-dedicated appropriations for the 2010-11 biennium, pursuant to the request dated January 15, 2010, from Texas Governor Rick Perry, Lieutenant Governor David Dewhurst, and Speaker of the House Joe Straus

18. Discussion and possible action regarding the Texas Real Estate Commission Strategic Plan for the fiscal years 2011-2015

NEW BUSINESS

19. Discussion and possible action to approve Memorandum of Understanding with the Texas Appraiser Licensing and Certification Board regarding administrative services provided by TREC staff
20. Discussion and possible action to request an Ethics Commission opinion regarding commissioners or staff teaching certain Mandatory Continuing Education courses
21. Discussion and possible action to approve annual audit plan
22. Discussion and possible action to appoint members to the Texas Real Estate Inspector Committee
23. Discussion and possible action to extend contract for examination services with PSI Services, LLC
24. Discussion and possible action to adopt changes to existing policy statements regarding:
 - a. Commissioner Travel Expenses and Per Diem Policy
 - b. MCE Exemption if Eligible Broker allows License to Expire for over 364 Days
25. Discussion of Chairman Eckstrum's appointment of new member(s) to disciplinary panel under Texas Occupations Code, §1101.662

CONTESTED CASES

26. Consideration and possible action regarding Proposals for Decision from State Office of Administrative Hearings
 - a. In the Matter of John B. Austin, SOAH Docket No. 329-10-1578.REC
 - b. In the Matter of Paul A. Garcia, SOAH Docket No. 329-10-2384.REC
 - c. In the Matter of Marcus M. Norton, SOAH Docket No. 329-10-4740.REC
 - d. In the Matter of Wyndee Lynn Rodriguez, SOAH Docket No. 329-10-1402.REC
 - e. In the Matter of Jim S. Hicks, SOAH Docket No. 329-10-6222.REC
27. Consideration and possible action regarding Motion for Rehearing in the Matter of
 - a. In the Matter of Stephen Melvin King, Jr., SOAH Hearing No. 10-108-09784
 - b. In the Matter of John Christopher Crawford, SOAH Hearing No. 10-114-093171

FUTURE MEETINGS

28. Discussion and possible action to schedule future meetings
29. Discussion and possible action regarding distribution of meeting materials to commissioners
30. Adjourn

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