

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

August 9 2010, at 10:00 a.m.

CALL TO ORDER

1. a. Call to order and pledges of allegiance
- b. Explanation of public comment process

MINUTES

2. Approval of minutes of May 17, 2010 Commission meeting
3. Discussion and possible action to excuse commissioner absence(s), if any

STAFF AND COMMITTEE REPORTS

4. 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
5. Reports by:
 - a. Broker Responsibility Working Group
 - b. Education Working Group
 - c. Texas Real Estate Inspector Committee

PUBLIC COMMENTS

6. General comments from visitors on non-agenda items

RULES FOR POSSIBLE ADOPTION

7. Discussion and possible action to adopt 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

RULES FOR POSSIBLE PROPOSAL

8. Discussion and possible action to propose changes to 22 TAC Chapter 535 as follows:
 - a. Subchapter A. General Provisions Relating to the Requirement of Licensure

- i. Repeal Subchapter heading
 - ii. Repeal §535.1 concerning License Required.
 - iii. New Subchapter heading A. Definitions
 - iv. New §535.1, concerning Definitions.
- b. Subchapter B. Definitions
- i. Repeal Subchapter heading
 - ii. New Subchapter heading B. General Provisions Relating to the Requirement of Licensure.
 - iii. Amend §535.2, concerning Broker Responsibility
 - iv. Amend §535.3, concerning Compensation to or paid by a Salesperson
 - v. New §535.4, concerning License Required
 - vi. New §535.5, concerning License Not Required
 - vii. Repeal §535.12, concerning General
 - viii. Repeal §535.13, concerning Dispositions of Real Estate
 - ix. Repeal §535.15, concerning Negotiations
 - x. Amend §535.16, concerning Listing.
 - xi. Amend §535.17, concerning Appraisals
 - xii. Repeal §535.19, concerning Locating Property
 - xiii. Amend §535.20, concerning Procuring Prospects.
 - xiv. Repeal §535.21, concerning Unimproved Lot Sales; Listing Publications
- c. Subchapter C. Exemptions to Requirements of Licensure
- i. Amend §535.31, concerning Attorneys at Law
 - ii. Amend §535.32, concerning Exemptions: Attorneys in Fact
 - iii. Amend §535.34, concerning Salespersons Employed by an Owner of Land and Structures Erected by the Owner
 - iv. Repeal §535.35, concerning Employees Renting and Leasing Employer's Real Estate
- d. Subchapter D. The Commission
- i. Amend §535.42, concerning Jurisdiction and Authority
- e. Subchapter E. Requirements for Licensure
- i. New §535.50, concerning Definitions
 - ii. Amend §535.53 concerning Corporations and Limited Liability Companies
 - iii. New §535.54, concerning General Provisions Regarding Education and Experience Requirements for a License
 - iv. New §535.55, concerning Education Requirements for a Salesperson License
 - v. New §535.56, concerning Education and Experience Requirements for a Broker License
 - vi. New §535.57, concerning Examination Requirements for a License
- f. Subchapter F. Education, Experience, Educational Programs, Time Periods and Type of License
- i. Amend §535.61, concerning Examinations
 - ii. Amend §535.62, concerning Acceptable Courses of Study
 - iii. Repeal §535.63, concerning Education and Experience Requirements for a License
 - iv. New §535.63, concerning Accreditation of Core Education Schools
 - v. Repeal §535.64, concerning Accreditation of Schools and Approval of Courses and Instructors
 - vi. New §535.64, concerning Obtaining approval to offer a course
 - vii. Repeal §535.65, concerning Changes in Ownership or Operation of School; Presentation of Courses; Advertising; and Records
 - viii. New §535.65, concerning Operation of Core Education Schools
 - ix. Repeal §535.66, concerning Payment of Annual Fee; Audits; Investigations and Enforcement Actions

- x. New §535.66, concerning Core Education Providers; Audits; Investigations; and Enforcement Actions
- xi. New §535.67, concerning Approval of Instructors
- xii. New §535.68, concerning Additional Information related to an application
- g. Subchapter G. Mandatory Continuing Education
 - i. Amend §535.71, concerning Mandatory Continuing Education; Approval of Providers, Courses, and Instructors
 - ii. Amend §535.72, concerning Mandatory Continuing Education: Presentation of Courses, Advertising and Records
 - iii. Amend §535.73, concerning Compliance and Enforcement.
 - iv. New §535.74, concerning Additional Information related to an application
- h. Subchapter I. Licenses
 - i. Amend §535.91, concerning Renewal Notices
 - ii. Amend §535.92, concerning Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements
 - iii. Amend §535.94, concerning Hearing on Application Disapproval: Probationary Licenses
 - iv. New §535.96, concerning Permanent Mailing Address and other Contact Information
- i. Subchapter L. Termination of Salesperson's Association with Sponsoring Broker
 - i. Amend §535.121, concerning Inactive License
 - ii. Amend §535.122, concerning Reactivation of License
 - iii. Amend §535.123, concerning Inactive Broker Status
- j. Subchapter M. Non-residents
 - i. Amend §535.131, concerning Unlawful Conduct; Splitting Fees
 - ii. Amend §535.132, concerning Eligibility of Licensure
- k. Subchapter N. Suspension and Revocation of Licensure
 - i. Amend §535.141, concerning Initiation of Investigation
 - ii. Amend §535.143, concerning Fraudulent Procurement of License
 - iii. Amend §535.144, concerning When Acquiring or Disposing of Own Property.
 - iv. Amend §535.145, concerning False Promise
 - v. Amend §535.146, concerning Failure to Properly Account for Money; Commingling
 - vi. Amend §535.147, concerning Splitting Fee with Unlicensed Person
 - vii. Amend §535.148, concerning Receiving an Undisclosed Commission or Rebate
 - viii. Amend §535.149, concerning Lottery or Deceptive Trade Practice
 - ix. Amend §535.153, concerning Violating an Exclusive Agency
 - x. Repeal §535.154, concerning Misleading Advertising
 - xi. New §535.154, concerning Advertising
 - xii. Amend §535.159, concerning Failing To Properly Deposit Escrow Monies
 - xiii. Amend §535.160, concerning Failing to Properly Disburse Escrow Money
 - xiv. Amend §535.161, concerning Failing to Provide Information
- l. Subchapter O. Hearing on Suspension or Revocation of Licensure
 - i. Amend §535.171, concerning Hearing: Subpoenas and Fees
- m. Subchapter P. Penalty for Unlicensed Activities
 - i. Amend §535.181, concerning Penalty
- n. Subchapter Q. Administrative Penalties
 - i. Amend §535.191, concerning Schedule of Administrative Penalties
- o. Subchapter R. Real Estate Inspectors
 - i. New §535.201, concerning Definitions
 - ii. Amend §535.206, concerning The Texas Real Estate Inspector Committee
 - iii. New §535.209, concerning Examinations

- iv. Repeal §535.212., concerning Education and Experience Requirements for an Inspector License
- v. New Amend §535.212, concerning Education and Experience for an Inspector License
- vi. Repeal §535.213, concerning Schools and Courses of Study in Real Estate Inspection
- vii. New §535.213, concerning Approval of Courses in Real Estate Inspection
- viii. Repeal §535.214, concerning Examinations
- ix. New §535.214, concerning Providers of Real Estate Inspection Courses
- x. Amend §535.215, concerning Inactive Inspector Status
- xi. Amend §535.216, concerning Renewal of License or Registration.
- xii. New §535.217, concerning Contact Information.
- xiii. Amend §535.218, concerning Continuing Education
- xiv. Amend §535.221, concerning Advertisements
- xv. Amend §535.222, concerning Inspection Reports
- xvi. Amend §535.226, concerning Sponsorship of Apprentice Inspectors and Real Estate Inspectors
- p. Subchapter S. Residential Rental Locators
 - i. Amend §535.300, concerning Advertising by Residential Rental Locators.
- q. Discussion and possible action to propose amendments to 22 TAC Chapter 537 as follows:
 - i. Amend §537.20 concerning Standard Contract Form TREC No. 9-8
 - ii. Amend §537.28 concerning Standard Contract Form TREC No. 20-9
 - iii. Amend §537.30 concerning Standard Contract Form TREC No. 23-10
 - iv. Amend §537.31 concerning Standard Contract Form TREC No. 24-10
 - v. Amend §537.32 concerning Standard Contract Form TREC No. 25-7
 - vi. Amend §537.37 concerning Standard Contract Form TREC No. 30-8
 - vii. Amend §537.43 concerning Standard Contract Form TREC No. 36-6
 - viii. Amend §537.47 concerning Standard Contract Form TREC No. 40-4
 - ix. New 22 TAC §537.53 concerning Standard Contract Form TREC No. 46-0

RULE REVIEW

- 9. Discussion regarding comments on the review of 22 TAC Chapter 535
- 10. Discussion and possible action to adopt 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

PENDING BUSINESS

- 11. Discussion and possible action regarding Ethics Commission opinion regarding commissioners or staff teaching certain Mandatory Continuing Education courses

NEW BUSINESS

- 12. Discussion and possible action to approve license application and renewal forms
- 13. Discussion and possible action to approve Legislative Appropriations Request for Fiscal Years 2012-2013

14. Discussion and possible action on legislative housekeeping measures
15. Discussion and possible action to approve annual internal audit report
16. Discussion and possible action to appoint an internal auditor

CONTESTED CASES

17. Consideration and possible action regarding Proposal for Decision from State Office of Administrative Hearings
 - a. In the Matter of Emily Ann Mattox, SOAH Docket No. 329-10-1577.REC
 - b. In the Matter of James Edward McCune, Jr., SOAH Docket No. 329-10-2606.REC
 - c. In the Matter of Jason A Hunt, SOAH Docket No. 329-10-3250, REC
 - d. In the Matter of Sonia Keeton-Griffin, SOAH Docket No. 329-10-3572.REC
 - e. In the Matter of Jovan Property Management LLC. SOAH Docket No. 329-10-3573.REC
 - f. In the Matter of Jim S. Hicks, SOAH Docket No. 329-10-6222.REC

RECOVERY FUND

18. a. Executive session to discuss pending litigation pursuant to Texas Government Code §551.071
 - b. Discussion and possible action to authorize settlement of recovery fund claims

FUTURE MEETINGS

19. Discussion and possible action to schedule future meetings
20. Adjourn

The Texas Real Estate Commission may meet with its attorney in executive session on any item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't Code, §551.071.