

## **AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC) MEETING**

Conference Room 170  
Stephen F. Austin Bldg., 1700 N. Congress Avenue  
Austin, Texas 78701

**August 1, 2011 at 10:00 a.m.**

### **CALL TO ORDER**

1. Call to order and pledges of allegiance
2. Discussion and possible action to excuse Commissioner absence(s), if any
3. Election of vice-chair

### **MINUTES**

4. Approval of minutes of May 2, 2011 Commission meeting

### **STAFF AND COMMITTEE REPORTS**

5. Reports by administrator, general counsel, and division directors 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
6. Report by Texas Real Estate Inspector Committee

### **PUBLIC COMMENTS**

7. General comments from visitors on non-agenda items

### **RULES FOR POSSIBLE ADOPTION**

8. Discussion and possible action to adopt amendments to 22 TAC, Subchapter Q §535.191 regarding Schedule of Administrative Penalties
9. Discussion and possible action to adopt amendments to 22 TAC, Subchapter R, §535.219 regarding Schedule of Administrative Penalties
10. Discussion and possible action to adopt amendments to 22 TAC Chapter 537 as follows:
  - a. §537.20 concerning Standard Contract Form TREC No. 9-9
  - b. §537.28 concerning Standard Contract Form TREC No. 20-10
  - c. §537.30 concerning Standard Contract Form TREC No. 23-11

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 512-936-3092.

- d. §537.31 concerning Standard Contract Form TREC No. 24-11
- e. §537.32 concerning Standard Contract Form TREC No. 25-8
- f. §537.37 concerning Standard Contract Form TREC No. 30-9

#### EMERGENCY RULES FOR POSSIBLE ADOPTION

11. Discussion and possible action to take emergency action to adopt amendments to 22 TAC Chapter 535 as follows:

- a. Subchapter B, §535.17 concerning Appraisals
- b. Subchapter C, §535.31 concerning Attorneys at Law
- c. Subchapter E, Requirements for Licensure as follows:
  - i. §535.50 concerning Definitions
  - ii. §535.51 concerning General Requirements
  - iii. §535.53 concerning Corporations and Limited Liability Companies
- d. Subchapter I, §535.93 concerning Late Renewals
- e. Subchapter J, §535.101 concerning Fees
- f. Subchapter M, §535.132 concerning Eligibility for Licensure
- g. Subchapter N, §535.141 concerning Initiation of Investigation

#### RULES FOR POSSIBLE PROPOSAL

12. Discussion and possible action to propose amendments to 22 TAC Chapter 535 as follows:

- a. Subchapter B §535.17 concerning Appraisals
- b. Subchapter C, §535.31 concerning Attorneys at Law
- c. Subchapter E, Requirements for Licensure as follows:
  - i. §535.50 concerning Definitions
  - ii. §535.51 concerning General Requirements
  - iii. §535.53 concerning Corporations and Limited Liability Companies
  - iv. §535.55 concerning Education Requirements for a Salesperson License
  - v. §535.56 concerning Education and Experience Requirements for a Broker License
- d. Subchapter F, §535.63 concerning Accreditation of Core Education Schools
- e. Subchapter G, Mandatory Continuing Education as follows:
  - i. §535.71 concerning Approval of Providers, Courses and Instructors
  - ii. §535.72 concerning Presentation of Courses, Advertising and Records

- f. Subchapter I, Licenses as follows:
  - i. §535.91 concerning Renewal Notices
  - ii. §535.93 concerning Late Renewal Applications
  - iii. §535.96 concerning Mailing Address and Other Contact Information
- g. Subchapter J, §535.101 concerning Fees
- h. Subchapter L, Termination of Salesperson's Association with Sponsoring Broker as follows:
  - i. §535.121 concerning Inactive License
  - ii. §535.122 concerning Reactivation of License
- i. Subchapter M, §535.132 concerning Eligibility for Licensure
- j. Subchapter N, §535.141 concerning Initiation of Investigation
- k. Subchapter R, §535.210 concerning Inspector Fees

#### PENDING BUSINESS

- 13. Discussion regarding legislative housekeeping measures and other legislative items
- 14. Discussion and possible action to adopt a code of conduct for members of advisory committees and working groups

#### NEW BUSINESS

- 15. Discussion and possible action to approve changes to TREC application forms to incorporate amendments to Texas Occupations Code Chapter 1101 under Senate Bill 747, 82<sup>nd</sup> Texas Legislature, Regular Session (2011)
- 16. Discussion and possible action on Broker Responsibility working group recommendations on experience requirements for a broker license
- 17. Discussion and possible action to approve amendments to the Seller's Disclosure of Property Condition Form, TREC No. OP-H
- 18. Discussion and possible action to appoint two members to the Broker Lawyer Committee
- 19. Discussion and possible action to approve annual internal audit report
- 20. Executive session to discuss personnel matters regarding the TREC administrator position under Texas Government Code, §551.074
- 21. Discussion and possible action on items considered in executive session
- 22. Discussion and possible action to establish policies related to self-directed semi-independent status, including:
  - a. Operating reserves
  - b. Technology replacement reserves
  - c. A target reserve balance in excess of which the agency may reduce fees

23. Discussion and possible action to adopt a budget

CONTESTED CASES

24. Consideration and possible action regarding Proposal for Decision from State Office of Administrative Hearings in the matter of SOAH Docket No. 329-10-3045.REC

RECOVERY FUND

25. Recovery fund matters

- 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

26. Discussion and possible action to schedule future meetings

27. 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.**