

AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC) MEETING

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

October 10, 2011 at 9:00 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

MINUTES

3. Approval of minutes of August 1, 2011 Commission meeting

STAFF AND COMMITTEE REPORTS

4. 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
5. Report by 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 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

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.

- 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

EMERGENCY RULES

- 8. Discussion and possible action to renew for an additional 60-day period emergency rules concerning 22 TAC:
 - 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

- 9. Discussion and possible action to propose amendments to 22 TAC Chapter 535 as follows:
 - a. §535.4 regarding License Required

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- b. §535.211 regarding Professional Liability Insurance, or Any Other Insurance That Provides Coverage for Violations of Subchapter G of Texas Occupations Code, Chapter 1102

10. Discussion and possible action to propose amendments to 22 TAC Chapter 537 as follows:

- a. §537.20 concerning Standard Contract Form TREC No. 9-9
- b. §537.21 concerning Standard Contract Form TREC No. 10-5
- c. §537.22 concerning Standard Contract Form TREC No. 11-6
- d. §537.23 concerning Standard Contract Form TREC No. 12-2
- e. §537.26 concerning Standard Contract Form TREC No. 15-4
- f. §537.27 concerning Standard Contract Form TREC No. 16-4
- g. §537.28 concerning Standard Contract Form TREC No. 20-10
- h. §537.30 concerning Standard Contract Form TREC No. 23-11
- i. §537.31 concerning Standard Contract Form TREC No. 24-11
- j. §537.32 concerning Standard Contract Form TREC No. 25-8
- k. §537.33 concerning Standard Contract Form TREC No. 26-4
- l. §537.35 concerning Standard Contract Form TREC No. 28-1
- m. §537.37 concerning Standard Contract Form TREC No. 30-9
- n. §537.39 concerning Standard Contract Form TREC No. 32-2
- o. §537.40 concerning Standard Contract Form TREC No. 33-1
- p. §537.41 concerning Standard Contract Form TREC No. 34-3
- q. §537.43 concerning Standard Contract Form TREC No. 36-5
- r. §537.44 concerning Standard Contract Form TREC No. 37-3
- s. §537.45 concerning Standard Contract Form TREC No. 38-3
- t. §537.46 concerning Standard Contract Form TREC No. 39-6
- u. §537.47 concerning Standard Contract Form TREC No. 40-3
- v. §537.48 concerning Standard Contract Form TREC No. 41-1
- w. §537.51 concerning Standard Contract Form TREC No. 44-0
- x. §537.52 concerning Standard Contract Form TREC No. 45-0

PENDING BUSINESS

- 11. Discussion and possible action to adopt a code of conduct for members of advisory committees and working groups
- 12. Discussion and possible action to approve changes to TREC application forms to incorporate amendments to Texas Occupations Code Chapter 1101 under Senate Bill 747, 82nd Texas

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Legislature, Regular Session (2011)

13. Executive session to discuss personnel matters regarding the TREC administrator position under Texas Government Code, §551.074
14. Discussion and possible action on items considered in executive session
15. Discussion and possible action on Broker Responsibility Working Group recommendations on experience requirements for a broker license

NEW BUSINESS

16. Discussion and possible action to approve non-substantive revisions to TREC notices and forms approved for use by TREC licensees including OP-C, OP-H, OP-I, OP-K, OP-L and OP-M
17. Discussion and possible action on Education Working Group recommendations on education related matters
18. Discussion and possible action to amend the Memorandum of Understanding with the Real Estate Center
19. Discussion and possible action to amend the Memorandum of Understanding with the Texas Appraiser Licensing and Certification Board
20. Discussion and possible action to approve the Required Legal Update and Ethics MCE course materials
21. Discussion and possible action to authorize the administrator to request an opinion from the Office of the Attorney General regarding insurance requirements for real estate inspectors in Texas
22. 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
23. Discussion and possible action to establish policies related to self-directed semi-independent status, including:
 - a. Cash flow management reserves
 - b. Technology replacement reserves
 - c. A target reserve balance in excess of which the agency may reduce fees

CONTESTED CASES

24. Consideration and possible action regarding:
 - a. Proposal for Decision from State Office of Administrative Hearings in the matter of Luis Acosta, SOAH Docket No. 329-11-4255.REC
 - b. Proposal for Decision from State Office of Administrative Hearings in the matter of Ericka Kristin Rawles, SOAH Docket No. 329-11-5991.REC

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- c. Proposal for Decision from State Office of Administrative Hearings in the matter of Martina S. Perez, SOAH Docket No. 329-11-4372.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 approve payment of claims from the Real Estate Recovery Trust Account:
 - i. RF 11-031, Fasoro v. Cade
 - ii. RF 11-032, Kennedy v. Joraf Group, LLC and Jordan
 - iii. RF 11-041, Gioia v. Pruett
 - iv. RF 11-042, Owens v. Cade
 - v. RF 12-002, Becca Properties, LLC v. Emmons
 - vi. RF 12-003, Feely v. Hoover

FUTURE MEETINGS

- 26. Discussion and possible action to schedule future meetings
- 26. 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.