

MINUTES
Texas Real Estate Commission
April 12, 1999
Conference Room 235, Texas Real Estate Commission
Austin, Texas

Chairman Brummett called the regularly scheduled meeting of the Texas Real Estate Commission to order at 1:00 p.m., Monday, April 12, 1999. Besides Chairman Brummett, members present were Ms. Sutton, Mr. Cantu, Ms. Gonzalez-Gil, Ms. Lewis, Ms. Folmer, Ms. Mayfield, Mr. Brodie and Mr. Katine.

Staff present were: Wayne Thorburn, Administrator; Brian Francis, Assistant Administrator; Don Dudley, Director of Licensing and Education; Alan Waters, Director of Staff Services; Loretta DeHay, Director of Enforcement; Glen Bridge, Director of Information Services; and Patricia Holder, Executive Assistant.

After calling the meeting to order, the Chairman led the attendees in the pledge of allegiance and the Texas pledge of allegiance.

The Chairman moved to agenda item two, minutes of the February 22, 1999, Commission meeting. Mr. Brodie, seconded by Mr. Katine, moved to approve the minutes as mailed. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item three, staff reports; committee reports. Ms. DeHay introduced the Division's new investigator from El Paso, Robert Eli Chavez. Ms. DeHay also reported that in February the total number of cases open was under 500, the lowest total of open cases in two years.

Mr. Bridge reported that there had been a continuing increase in the number of subscriptions to the TREC list server. Mr. Bridge also reported that TREC was requesting e-mail addresses from licensees as a more efficient way of communicating.

Mr. Dudley reported on the Texas Real Estate Teacher's Association's (TRETA) conference. Mr. Dudley also reported that there would be an examination item review session April 19-20 beginning at 8:30 a.m., to be held at the Real Estate Commission headquarters.

Mr. Waters introduced two new employees, Geanett Jones and Bonnie Mikes. Mr. Waters reported that the 2nd Quarter Report on Measures for fiscal year 1999 and that USAS/ABEST reconciliation had been completed.

Chairman Brummett moved to agenda item four, general comments from visitors. Comments were offered by Gary Crum regarding travel expenses for Inspector committee members and the lack of communication between inspector committee members and inspector licensees.

Chairman Brummett moved to agenda item five, discussion of and possible action to adopt amendments to: (a) 22 TAC Chapter 537, concerning standard contract forms, (b) 22 TAC §541.1, concerning criminal offense guidelines. Ms. DeHay presented the items for discussion. Mr. Katine, seconded by Ms. Lewis, moved to adopt

amendments to 22 TAC Chapter 537. After discussion, Mr. Katine withdrew his motion. The motion was withdrawn. Further action on this item would be postponed until June 7. Mr. Katine, seconded by Ms. Lewis, moved to adopt amendments to 22 TAC §541.1. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item six, discussion and possible action to readopt Chapter 537, concerning standard contract forms and Chapter 541, concerning criminal offense guidelines. After discussion, Ms. DeHay suggested postponing the readoption of Chapter 537. The Commission agreed by unanimous consent. Mr. Katine, seconded by Mr. Cantu, moved to readopt Chapter 541, concerning criminal offense guidelines. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item seven, discussion of comments and possible action to propose repeal or amendment of 22 TAC §§535.1-535.4, §§535.11-535.21, §§535.31-535.35, §§535.41-535.42, and §§535.51-535.53, concerning provisions of The Real Estate License Act. Ms. DeHay commented that staff had reviewed the existing rules and was proposing the repeal of § 535.4, § 535.11, § 535.14 and § 535.18 and proposing amendments to §§ 535.1-3, §§ 535.12-.13, §§ 535.16-17, §§ 535.20-21, §§ 535.31-35, §§ 535.41-42 and §§ 535.51-52. This would reduce the number of rules in this section from 25 to 21 and significantly reduce the number of pages. Ms. Lewis, seconded by Mr. Cantu, moved to propose the repeal and proposal of the amendments as presented by staff. After discussion, the motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item eight, discussion of and possible action to authorize filing notice of intention to review 22 TAC §§535.61-535.70, concerning provisions of The Real Estate License Act. Ms. DeHay presented the item for discussion. Mr. Katine, seconded by Ms. Lewis, moved to authorize filing the notice of intention to review 22 TAC §§535.61-535.70, concerning provisions of The Real Estate License Act. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item nine, executive session to discuss pending litigation pursuant to Texas Government Code, §551.071. Executive session began at 1:47 p.m.

Chairman Brummett called the meeting back in session at 1:55 p.m. The Chairman moved to agenda item ten, discussion and possible action to authorize payments from recovery funds.

RF 99-006 Danielle Morris v. Leonor M. Reece, in the amount of \$13,612 for actual damages and attorney fees in the amount of \$7,500. Mr. Cantu, seconded by Ms. Folmer, moved to approve payment. The motion was adopted by unanimous vote.

RF 99-008 Rene and Rose Ortega v. M. J. Elmore, in the amount of \$29,265 and attorney fees in the amount of \$2,500. Ms. Gonzalez-Gil, seconded Mr. Cantu, moved to approve payment. The motion was adopted by unanimous vote.

RF 99-009 Misty L. Rucker v. Ronald D. Hoover in the amount of \$1,850 for actual damages and attorney fees in the amount of \$6,500. Mr. Katine, seconded by Mrs. Sutton, moved to approve payment. The motion was adopted by unanimous vote.

RF 99-010 Ron and Sandra Loveday v. Rhonda Kays in the amount of \$5,000 for actual damages and attorney fees in the amount of \$9,000. Mr. Katine, seconded by Mrs. Sutton, moved to approve payment. The motion was adopted by unanimous vote.

RF 99-011 Don Willis v. Danny Johnson, in the amount \$10,000 for actual damages and no attorney fee. Mr. Brodie, seconded by Mr. Cantu, moved to approve payment. The motion was adopted by unanimous vote.

RF 99-012 Tracy Hubbard v. Melvin Jones, in the amount \$15,800 for actual damages and attorney fees in the amount \$5,992. Ms. Lewis, seconded by Mr. Cantu, moved to approve payment. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item eleven; discussion and possible action on legislative update. Mr. Francis presented an overview of the legislative update. Mr. Thorburn commented on the actions on various bills.

Chairman Brummett moved to agenda item twelve; consideration of complaint information. Ms. DeHay, requested authorization to open investigations on the following persons for failure to provide information in connection with their license renewals: Elliene Busby; Bhavan P. Gohel; Linda Greer; Reginald Lavergne; Rodney Wayne Little; Basil Anthony MacDonald; Ralph S. Montalvo; Jill Russell; Dudley Crawford Sharp, III; Barbara Ann Wayland; Kathleen Price Wilke. Mr. Brodie, seconded by Mr. Cantu moved to authorize investigations as requested. The motion was adopted by unanimous vote.

The next regular meeting of the Texas Real Estate Commission would be June 7, 1999. Ms. Lewis moved to adjourn the meeting at 2:20 p.m. The meeting was adjourned by unanimous consent.

APPROVED this the _____ day of _____, A.D., 1999.

Chairman

ATTEST: _____
Administrator