

MINUTES  
Texas Real Estate Commission  
June 22, 2000  
Conference Room 235, Texas Real Estate Commission  
Austin, Texas

Chairman Michael Brodie called the regularly scheduled meeting of the Texas Real Estate Commission to order at 9:02 a.m., Thursday, June 22, 2000. In addition to Chairman Brodie, members present were Jay Brummett, Ramon Cantu, Lawrence Jokl, Deanna Mayfield, James Austin, Chris Folmer, Kay Sutton and Maria Gil.

Staff present were: Wayne Thorburn, Administrator; Sabrina Hassumani, Assistant Administrator; Mark Moseley, General Counsel; Mia Nieman, Director of Licensing and Education; Alan Waters, Director of Staff Services; Loretta DeHay, Director of Enforcement; Christina Kaiser, manager of the Education Section; Michelle Bowens, manager of the Licensing Section; and Patricia Holder, Executive Assistant.

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

Chairman Brodie moved to agenda item two, minutes of May 8, 2000, Commission meeting. Ms. Sutton, seconded by Ms. Gil, moved to approve the minutes as submitted. The motion was adopted by unanimous vote.

Mr. Brodie moved to agenda item three, staff reports; committee reports.

Ms. DeHay reported on the E1 report for the month of April. There was discussion concerning the average time from receipt of a complaint until the case was closed.

Ms. Hassumani presented the report for the Information Services division. Ms. Hassumani reported on the on-line customer survey and the status of the on-line broker's renewal project.

Ms. Nieman reported on the acknowledgment TREC was sending out to brokers who had terminated a salesperson. She also reported on the current number of licensees and applicants. Ms. Nieman introduced two new employees, Carol Taylor in Education and Tessa Myers in Licensing. There was discussion concerning the number of licensees requesting the MCE extension by paying the \$200 fee.

Mr. Waters introduced a new employee in the Cashier section, Shari Stickle. He reported on the lease specifications submitted in May, 2000 to the General Services Commission and the selection of an internal auditor.

The Chairman moved to agenda item four, general comments from visitors. There were no comments from the public.

Chairman Brodie moved to agenda item five, discussion and possible action to adopt: (a) amendments to 22 TAC §§535.91, 535.92, 535.94, 535.95, 535.101, 535.112, 535.113, 535.121, 535.122, and repeal of §§535.93, 535.111, concerning provisions of The Real Estate License Act; (b) amendments to 22 TAC §§537.11, 537.30, 537.31, 537.33, 537.42, 537.46, and repeal of 22 TAC §537.24, concerning standard contract forms; (c) amendment to 22 TAC §535.64, concerning accreditation of schools and

approval of courses and instructors; (d) amendment to 22 TAC §535.51, concerning general requirements for a license.

Mr. Moseley presented agenda item five(a) for discussion and possible action. After discussion Mr. Jokl, seconded by Mr. Austin, moved to adopt the amendments to 22 TAC §§535.91, 535.92, 535.94, 535.95, 535.101, 535.112, 535.113, 535.121, 535.122, and repeal of §§535.93, 535.111, concerning provisions of The Real Estate License Act as presented with an effective date of September 1, 2000. The motion was adopted by unanimous vote.

Mr. Moseley presented agenda item five(b) for discussion and possible action. After discussion Mr. Brummett, seconded by Ms. Gil, moved to adopt amendments to 22 TAC §§537.11, 537.30, 537.31 and repeal of 22 TAC §537.24 as presented with an effective date of September 1, 2000. The motion was adopted by unanimous vote. Mr. Brummett, seconded by Ms. Sutton, moved to withdraw the amendments to 22 TAC §§537.33, 537.42, 537.46. The motion was adopted by unanimous vote.

Mr. Moseley presented agenda item five(c) for discussion and possible action. Ms. Sutton, seconded by Ms. Mayfield, moved to adopt the amendment to 22 TAC §535.64, concerning accreditation of schools and approval of courses and instructors with an effective date twenty days after filing with the *Texas Register*. The motion was adopted by unanimous vote.

Mr. Moseley presented agenda item five(d) for discussion and possible action. After discussion, Mr. Austin, seconded by Mr. Jokl, moved to adopt the amendment to 22 TAC §535.51, concerning general requirements for a license. The motion was adopted by unanimous vote.

Mr. Brodie moved to agenda item six, discussion only of proposed repeal or amendments of 22 TAC §§535.131-535.133, 535.141, 535.143-535.161, 535.171, 535.181, 535.191 and 535.192, concerning provisions of The Real Estate License Act. Mr. Moseley presented the item for discussion. Nancy Sander, Texas Association of Realtors (TAR), presented a letter from Louise Hull, Chairman of the Board of TAR. After discussion, Mr. Brummett, seconded by Ms. Sutton, moved to delay action on this item until the August meeting. The motion was adopted by unanimous vote.

The Chairman moved to agenda item seven, discussion and possible action to adopt the review of §§535.91-535.123, as modified by repeals or amendments. Mr. Moseley presented the agenda item for discussion and possible action to adopt. Mr. Jokl, seconded by Ms. Folmer, moved to adopt the review as modified by repeals or amendments. The motion was adopted by unanimous vote.

Chairman Brodie moved to agenda item eight, discussion and possible action to authorize filing notice of intention to review 22 TAC §§535.300, §§535.400-535.402, concerning provisions of The Real Estate License Act. Mr. Moseley presented the agenda item for discussion and possible action to authorize. Ms. Sutton, seconded by Mr. Brummett, moved to authorize the filing of a notice of intention to review. The motion was adopted by unanimous vote.

Mr. Brodie moved to agenda item nine, executive session to discuss pending litigation pursuant to Texas Government Code, § 551.071, and, if necessary, to receive legal advice from general counsel on

posted agenda items under Texas Government Code, §551.071(2). The executive session began at 9:45 a.m.

The meeting was called back to order at 9:51 a.m. by Chairman Brodie. Mr. Brodie moved to agenda item ten, discussion and possible action to authorize payments from recovery funds.

RF 00-014 Arnold P. Ison v. Deana C. Borne, in the amount of \$500 as actual damages. Ms. Folmer, seconded by Ms. Mayfield, moved approval. The motion was adopted by unanimous vote.

Ms. Folmer introduced her husband, John, daughter, Sylvia and traveling companion, Natalie. Ms. Sutton introduced her husband, Larry.

Chairman Brodie moved to agenda item eleven, discussion and possible action to authorize the administrator to extend the contract with Experior for examination development and administration. Mr. Thorburn presented the agenda item for discussion and possible action. After discussion, Ms. Sutton, seconded by Ms. Mayfield, moved to authorize the administrator to extend the contract with Experior for examination development and administration.

The Chairman moved to agenda item twelve, discussion only of Legislative Appropriations Request process and possible inclusion of exceptional items. Ms. Hassumani presented the agenda item for discussion.

Mr. Brodie moved to agenda item thirteen, consideration of complaint information. Ms. DeHay requested authorization for the Enforcement Division to proceed with investigations on the following persons for failure to provide information in connection with their license renewals: Nelda Barnes, Martha Ellen Case, Donald Wayne Higley, Kathy Ethridge Jaska, Lyle D. Koen, Vickie Walters Nash, Nhung T. Ngo, William Edward Oelfke, Jill Oliver, Abel Paredes, John Charles Robledo, Mark Jon Siemsglusz, Michael Stephen Truitt, Shirley Jean Walton and Elaine Yin. Mr. Brummett, seconded by Ms. Mayfield, moved to authorize investigations as requested. The motion was adopted by unanimous vote.

Ms. DeHay requested authorization for the Enforcement Division to proceed with investigations on the following persons for failure to complete MCE hours or pay the \$200 fee as required by §535.92(h): Harriet Dewitt Alexander, Deborah S. Bennett, Harris Alan Block, Margaret E. Boliver, Jamsie Roberts Braud, Alice Faye Ferrill, Cynthia C. Fontana, Billy Bryant Harvey, Karen E. Helms, Creston Dale Holley, Gregory Frank James, Warren Alan Legrow, Raymond Walter Noble, Herbert Mills Palm, Timothy Van Parker and Karla Patricia Rayos. Ms. Sutton, seconded by Mr. Austin, moved to authorize investigations as requested. The motion was adopted by unanimous vote.

The Chairman moved to agenda item thirteen, entry of orders in contested cases. There were no orders to enter.

Mr. Thorburn announced that the registration for the ARELLO Southern District Conference would open at twelve noon in the mezzanine at the Radisson Hotel and Suites at Cesar Chavez and Congress. The first session would begin at three p.m. and a reception was scheduled for 6:30 p.m.

The next regularly scheduled meeting of the Commission is August 14, 2000. After discussion, it was decided that meetings would be scheduled for September 25, and November 6, 2000. The meeting was adjourned at 10:15 a.m.

APPROVED this the 14th day of August, A.D., 2000.

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Chairman

ATTEST: \_\_\_\_\_  
Administrator