MINUTES OF THE MEETING OF THE
TEXAS REAL ESTATE COMMISSION
August 17, 2009
Room 235, 1101 Camino La Costa
Austin, Texas

On Monday, August 17, 2009, at 11:00 a.m. there was a duly posted regular meeting of the Texas Real Estate Commission (the "Commission"). Chairman Eckstrum called the meeting to order and asked Commissioner Justice to lead the attendees in the pledges of allegiance to the United States and Texas flags. Chairman John Eckstrum presided, and Patricia Holder recorded the minutes. The following commissioners, constituting a quorum, were in attendance:

John Eckstrum, Chairman

Troy C. Alley, Jr.

Adrian Arriaga

Chris Day

Jaime Hensley

Joanne Justice

Dona Scurry

Avis Wukasch

Staff present included Karen Alexander, Devon Bijansky, Loretta DeHay, Gwen Jackson, Beverly Rabenberg, and Tom Watson.

The Chairman moved to agenda item two, approval of minutes of the May 26 and June 11, 2009, Commission meetings. The Chairman asked if there were any corrections, additions or deletions to the minutes as read, hearing none, he accepted the minutes.

The Chairman moved to agenda item three, discussion and possible action to excuse commissioner absence(s), if any. Upon the motion of Mr. Day, duly seconded by Ms. Wukasch, the Commission excused the absence of Mr. Mesa.

Mr. Eckstrum stated that he would be moving agenda item seventeen, discussion and possible action to approve the annual internal audit report, forward. Rene Gonzales of Garza, Gonzales and Associates presented the report which tested the effectiveness and efficiency of the internal control structure over the compliance with the Public Funds Investment Act, License Application and Registration Process and the Recovery Fund Areas of the Texas Real Estate Commission. He stated that the overall results were positive; no findings or observations were reported for this audit. There was discussion concerning findings from previous years that had not been fully implemented due to the design of the current computer system. The new computer system which is being developed with VERSA will address these issues.

The Chairman moved to agenda item five, reports by Interim Administrator and Division Directors which may include reports of monthly activities and statistical data for licensing, education, enforcement, technology usage, 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 the Commission for additional information or reports from staff; and introduction of new employees.

Ms. Jackson introduced Crystal Bennett, a new employee in the Licensing Services Department. She stated that her department had received 10,637 applications for FY 2009 to date. This is approximately 3,900 less than FY 2008. At the end of June 2009 there were 43,040 licensed brokers; 101,654 licensed salespersons; 3,545 licensed inspectors; and, 1,999 easement and right-of-way registrants for a total of 150,238 licensees and registrants. Ms. Jackson also reported a FY 2009 to date examination pass rate of 53.5% for the salesperson exam; 65.1% for the broker exam; 39.0% for the Professional Inspector exam; and 36.4% for the Real Estate Inspector exam.

Ms. Rabenberg, interim director of Enforcement, introduced herself. She introduced a new staff attorney, Michael Malloy. She reported that the backlog of cases was steadily decreasing. There was discussion concerning an ideal case load. There was discussion concerning consumer complaints as opposed to administrative complaints.

Mr. Watson reported on the Technology Services reports. He reported that the total number of hits on the TREC web site has decreased by about 20% from last year. This was attributed to the overall economic downturn. The online transactions were staying within acceptable parameters.

Ms. Alexander reported on the budget status. She spoke concerning the securities that had matured during the report period and the reinvestment of those funds. Ms. Alexander stated that the next security would mature in September. Ms. Alexander reported on the Recovery Trust Account payments with a possible total of $412,000 to be paid out. There was discussion on how the projected amount concerning recovery trust accounts is determined.

Chairman Eckstrum moved to agenda item five, general comments from visitors. No comments were offered.

The Chairman moved to agenda item nine, discussion and possible action to propose amendments to 22 TAC Chapter 543 regarding Rules Relating to the Provisions of the Texas Timeshare Act. Ms. Bijansky stated that this item would be presented at the next meeting of the Commission.

The Chairman moved to agenda item ten, discussion and possible action to propose: (a) amendments to 22 TAC §537.30 regarding Standard Contract Form TREC No. 23-8; (b) amendments to 22 TAC §537.31 regarding Standard Contract Form TREC No. 24-8; and (c) the repeal of 22 TAC §537.50 regarding Standard Contract Form TREC NO. 43-0. Ms. Bijansky presented the agenda items for discussion and possible action. The amendments were proposed to eliminate from the new home contracts provisions required by the Texas Residential Construction Commission Act (Title 16 of the Texas Property Code) that will not be appropriate after the September 1, 2009, expiration of the Act. In §537.30 and §537.31, Standard Contract Forms TREC Nos. 23-8 and 24-8 were amended to delete from Paragraph 22 the references to the Addendum Containing Required Notices Under §5.016, §420.001 and §420.002, Texas Property Code, which was being proposed for repeal under item (c).

After discussion, upon motion of Ms. Wukasch, seconded by Mr. Arriaga, the Commission authorized the staff to begin the rule making process by submitting the amendments to 22 TAC §537.30 and §537.31, along with the forms adopted by reference, to the *Texas Register* for publication and comment.

Upon motion of Ms. Wukasch, seconded by Ms. Justice, the Commission authorized staff to begin the repeal process by submitting the repeal of 22 TAC §537.50 along with the form adopted by reference for publication in *Texas Register* and comment.

Mr. Eckstrum moved to agenda item eleven, discussion and possible action to adopt on an emergency basis: (a) amendments to 22 TAC §537.30 regarding Standard Contract Form TREC No. 23-8; (b) amendments to 22 TAC §537.31 regarding Standard Contract Form TREC No. 24-8; and (c) the repeal of 22 TAC §537.50 regarding Standard Contract Form TREC NO. 43-0. The amendments would be adopted on an emergency basis to eliminate from the new home contracts provisions required by the Texas Residential Construction Commission Act (Title 16 of the Texas Property Code) that will not be appropriate after the September 1, 2009, expiration of the Act. Section 537.30 and section 537.31, Standard Contract Forms TREC Nos. 23-8 and 24-8 are amended to delete from Paragraph 22 the references to the Addendum Containing Required Notices Under §5.016, §420.001 and §420.002, Texas Property Code under item (c). Upon motion of Ms. Wukasch, seconded by Ms. Justice, the Commission authorized staff to submit the emergency adoption of 22 TAC §537.50, §537.31 and repeal of §537.50 along with the forms adopted by reference in these rules to the *Texas Register* with an effective date of September 1, 2009.

Chairman Eckstrum moved to agenda item twelve, discussion and possible action to adopt amendments to (a) 22 TAC §535.51 concerning General Requirements; (b) 22 TAC §535.64 regarding Accreditation of Schools and Approval of Courses and Instructors; (c) 22 TAC §535.66 regarding Payment of Annual Fee, Audits, Investigations and Enforcement Actions; (d) 22 TAC §535.71, Mandatory Continuing Education: Approval of Providers, Courses and Instructors; and (e) 22 TAC §535.101 concerning Fees.

Ms. DeHay presented agenda item twelve (a) for discussion and possible action. The amendments correct and clarify the requirements for obtaining an education evaluation and submitting an application for licensure. The amendments also include stylistic changes to improve readability and restore to subsection (e) (relettered as subsection (f)) text that was inadvertently omitted at the time of the last amendments to this section.

The amendments also change the fee schedule on the late renewal application forms adopted by reference to reflect an increase in late renewal fees from $45 to $51 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired 90 days or less; and late renewal fee from $60 to $68 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired more than 90 days but less than one year. The fee increases are concurrently being adopted in amendments to §535.101. The 81st Legislature in the 2010-2011 General Appropriations Act and riders approved budget appropriations for the commission contingent on those appropriations being paid through fee collections.

The amendments also change the fee schedule on the salesperson original application, late renewal application forms, and the broker step down application form adopted by reference to reflect an increase in the fee paid by such applicants to the Real Estate Center from $17.50 to $20. The fee was increased during the 81st Legislative Session, Regular Session, by Senate Bill 862 which amended Texas Occupations Code §1101.152. The amendments, as adopted, increase clarity for applicants regarding the requirements for licensure. No comments were received regarding the amendments as proposed.

Upon motion of Mr. Alley, seconded by Ms. Wukasch, the Commission adopted the amendments as submitted by staff with an effective date of November 1, 2009.

Ms. Bijansky presented agenda item twelve (b) and (c) for discussion and possible action. The amendments reduce the period of accreditation of schools from five years to two years in order to better implement the

statutory requirement that schools demonstrate a 55% examination passage rate to renew their accreditation. The rules also define how a school's passage rate will be calculated and published by the commission and clarify that the commission will consider a number of factors in determining whether to renew the accreditation of a school with a pass rate below 55%. The amendments further update the Education Provider Application form ED 1-0 to form ED 1-1 to reflect a revised fee for a two-year accreditation instead of a five-year accreditation plus annual fees. Amendments to §535.101 change the accreditation fee to $480 for a two-year period, incorporating the previous $400 fee for a five-year accreditation and the $200 annual fee paid at the beginning of years 2-5 of the accreditation period. The amendments eliminate the annual fee for schools that are accredited for a two-year period but retain the annual fee for the duration of any remaining five-year accreditation periods. Last, the amendments adopt a revised application for instructor approval pursuant to changes to requirements to teach the required legal update and ethics courses, adopted in 22 TAC §535.71.

The justification for the amendments is compliance with the statutory requirement to consider examination pass rate in reaccrediting real estate schools, greater efficiency in regulating these schools, and the establishment of a period of accountability that more accurately reflects the current quality of a provider.

One comment was received regarding the amendments as proposed. The commenter suggested that the proposed two-year approval will cost schools more in rent than the current five-year approval because concern over non-renewal after two years will be a deterrent from entering into longer-term leases for school facilities. The commenter expressed concerns about how pass/fail results will be counted toward or against providers when a provider regulated by TREC partners with an exempt college or university, and further concern about the delegation of enforcement functions to agency staff and a perceived lack of due process if an educator's approval were not renewed. Comments were offered by Mr. Alley who expressed concern regarding the change this would impose on providers and that he would like clarification on the issue.

Rita Santamaria, Champions School of Real Estate, the author of the written comment, spoke against the amendments. She expressed concern that students of the correspondence courses would skew the percentages because all correspondence courses are required to be offered through a college or university whose passage rate will not be collected and published, even though the students actually purchased the course through a proprietary school. Ms. Santamaria expressed concern as to the effect the approval period would have on negotiating leases for a proprietary school and how the determination to revoke the approval of a school would be handled. Ms. DeHay responded that the revocation of the approval of a school would be handled in the same manner as any license revocation. She stated that the due process rights of the school would be preserved.

Ms. Santamaria spoke concerning the effect a new examination would have on pass rates. Ms. DeHay stated that this would be taken into consideration by staff when it came up.

There was further discussion concerning the fairness in calculating the pass rate of proprietary schools offering correspondence courses in conjunction with colleges and universities. Ms. Santamaria stated that during the past legislative session she had attempted to have an alternative bill passed which would address this issue. There was discussion concerning various other remedies, such as changing the rules to allow a proprietary school to offer correspondence courses as well as a college or university.

Rick Knowles, Capital Real Estate School and operations manager for real estate related correspondence courses for Texas Tech University, spoke concerning the historical reasons that the correspondence courses had been placed under the jurisdiction of a college or university.

Rebecca Ray, Kaplan University, stated that the only courses that are affected by the law are correspondence courses. The proprietary school would get credit for online and classroom courses. She also stated that her company's solution to the problem was to become approved as a university.

After further discussion, Ms. DeHay stated that the Commission could remedy this by amending the rule that stated only college or universities could offer correspondence courses.

Mr. Knowles stated that this would not change the fact that college and university courses would not be counted toward any schools pass rate. Mr. Knowles explained the process for getting one of his courses approved through Texas Tech. There was discussion concerning how a TREC-accredited school may become a college or university. Mr. Knowles stated that it was quite expensive and complicated.

Sue Williams, Real Estate Institute of Corpus Christi, spoke concerning the trend toward online education saying, predicting that eventually all proprietary schools would affiliate with a college or university to satisfy the needs of technological savvy students.

Ms. Hensley asked Ms. Jackson if TREC had done any test runs to check the pass rates for proprietary schools. Ms. Jackson stated that at this time the preliminary data was okay for the larger schools for real estate courses, but there was concern about inspector courses.

Henry Santamaria, Champion School of Real Estate, spoke concerning the history of the attempted move to allow proprietary schools to offer correspondence courses without going through a college or university. He stated that former administrator Wayne Thorburn initiated the move to allow proprietary schools to offer correspondence courses themselves. When Mr. Thorburn left, the next administrator, Tim Irvine, continued exploring the issue.

In March of 2008 Representative Isett expressed concern on the issue. Two bills were filed during the session to amend the requirements of SB 914, neither bill passed. Mr. Santamaria expressed his concern that the current requirements will not accomplish what the Legislature intended and will show a partial picture. Minor Peeples, former owner of the Real Estate Center in Corpus Christi, expressed his concern about the collection of the pass rates under the current requirements.

Mr. Arriaga asked what the staff was recommending on this issue. Ms. DeHay referred to the material that was distributed in the meeting materials and stated that the staff recommendation was contained in it. She stated that the Commission could amend the rule as was initiated in 2008, but it did not go forward at that time due to comments received, including the one from Representative Isett.

Ms. Wukasch asked what the minimum action could be. Ms. DeHay stated that statutorily the agency was required to begin collecting the data and posting it on the web as of September 1, 2009. There was further discussion concerning other options available to the Commission. There was also discussion concerning the interpretation of the law. There was discussion concerning the cost considerations of implementing the amendments to rules being proposed.

Mr. Peeples stated that the publication of a skewed pass rate could cause a false perception by the public and be a death knell for some providers.

There was discussion concerning the ramifications of being late in compliance with this requirement. There was discussion concerning the directions in the bill as to the collection of the data.

Ms. Williams, Real Estate Institute of Corpus Christi, offered further comments concerning the passage of the rule amendments.

Ms. DeHay stated that the portion of the amendment concerning the collection of passage rates could be severed from the amendments to 22 TAC §535.64 and considered at a later meeting and suggested that further discussion on this issue be considered after executive session.

The Chairman moved back to agenda item four, executive session to discuss pending litigation pursuant to Texas Government Code §551.071 and if necessary, to receive legal advice from counsel on posted agenda items and employment law, and to discuss personnel matters regarding the administrator position under Texas Government Code, §§551.071 and 551.074. The Executive Session began at 12:55 p.m. The meeting returned to open session at 1:50 p.m.

Chairman Eckstrum returned to agenda item twelve (b), upon motion of Ms. Wukasch, seconded by Ms. Justice, the Commission adopted the amendments to 22 TAC §535.64(g)(4) and (i), the MCE instructor application and MCE approval, and withdrew all other parts of these amendments.

Chairman Eckstrum moved to agenda item seven, discussion and possible action to authorize payments from recovery funds or other action on items considered in executive session. Ms. DeHay presented the following recovery fund cases for consideration and possible payment:

RF09-004, Jan and Siddiq Enterprise, Inc. v. Nabil Shayeb, in the amount of $50,000 in actual damages. Mr. Day, seconded by Ms. Justice, moved to make the payment as requested. The motion was adopted by unanimous vote.

RF09-019, Judith Pelham v. Phyllis A Woodham, in the amount of $25,171 in actual damages and attorney fees in the amount of $9,792. Mr. Arriaga, seconded by Mr. Day, moved to make the payment as requested. The motion was adopted by unanimous vote.

RF09-010, Thomas W. Ozgo v. Melvin Bryan James, in the amount of $50,000 in actual damages. Ms. Wukasch, seconded by Ms. Justice, moved to deny the claim and not pay as requested. The motion was adopted by unanimous vote.

Mr. Eckstrum moved to agenda item twelve (c), upon motion of Ms. Wukasch, seconded by Ms. Justice, the Commission withdrew the amendments to 22 TAC §535.66.

Ms. Bijansky presented agenda item twelve (d) for discussion and possible action. The amendments to 22 TAC §535.71 add the TREC web site address to paragraph (d) concerning availability of forms and adopts by reference MCE Form 16-1 which has been revised for use as an instructor application for MCE elective courses only. The amendments to 22 TAC §535.71 also change the requirements for approval of instructors of Mandatory Continuing Education required legal update and ethics courses. Currently instructors of such courses meet minimum requirements by certifying attendance at an instructor training course. The amendments require persons to have a college degree in the subject area of real estate or five years professional experience in the subject areas of Principles of Real Estate, Law of Agency, and Law of Contracts; and three years experience in teaching or training; or the equivalent of those requirements as determined by the commission. The amendments as proposed provide for better qualified instructors of required MCE legal and ethics courses that are able to effectively teach important information to licensees about current issues related to real estate brokerage. No comments were received regarding the amendments as proposed. Upon motion of Ms. Wukasch, seconded by Mr. Arriaga, the Commission adopted the amendments to 22 TAC §535.71 without changes.

The Chairman moved to agenda item twelve (e), for discussion and possible action. Ms. Bijansky presented the agenda item. The amendments increase the salesperson and broker annual renewal fees from $30 to $34; late renewal fee from $45 to $51 for the annual late renewal of a real estate salesperson or broker license for a

person whose license has been expired 90 days or less; and late renewal fee from $60 to $68 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired more than 90 days but less than one year. The 81st Legislature in the 2010-2011 General Appropriations Act and riders thereto approved budget appropriations for the commission contingent on those appropriations being paid through fee collections. The amendments permit TREC to raise the necessary revenue to offset the additional costs incurred by the commission to implement new programs required by laws passed by the 81st Legislature (2009). Ms. Bijansky explained that the proposed amendments to the accreditation and renewal fee rules for education programs should not be adopted by the Commission because rules regarding the calculation and publication of exam passage rates and change to a two-year accreditation to facilitate the passage rate statutory requirements to which the fee rules were related were not adopted. Upon motion of Mr. Alley, seconded by Mr. Arriaga, the Commission adopted the amendments with changes as suggested by staff to be effective on November 1, 2009.

Chairman Eckstrum moved to agenda item thirteen, discussion and possible action to adopt amendments to (a) 22 TAC §535.212 regarding Education and Experience Requirements for an Inspector; and (b) 22 TAC §535.223 regarding standard inspection report forms. Ms. Bijansky presented the agenda items for discussion and possible action to adopt.

Agenda item thirteen (a) updates a reference to the recently revised standard inspection report form, which was not changed when the REI 7A-0 form was replaced by the REI 7A-1, effective February 1, 2009, and adds a reference to form REI 7-2, concurrently being adopted through an amendment to 22 TAC §535.223. Agenda item thirteen (b) adopts by reference a revised standard inspection report form. TREC has a statutory duty to adopt standard inspection report forms and to adopt rules requiring licensed inspectors to use the report forms under Senate Bill Number 1100, 75th Legislature (1997). To create a grace period during which inspectors may use either the new form, REI 7-2 or the old form, REI 7A-1, the rule will require inspectors to use either the 7-2 form or the 7A-1 form for inspections of one-to-four family residential properties. The amended form corrects the rule reference on the first page of the form, modifies the header on pages 3-6 to indicate that "D=Deficient," and makes minor stylistic revisions to the form. Upon motion of Ms. Wukasch, seconded by Mr. Arriaga, the Commission adopted the amendments to 22 TAC §535.212 regarding Education and Experience Requirements for an Inspector; and 22 TAC §535.223 regarding standard inspection report forms as presented by staff.

Mr. Eckstrum moved to agenda items fourteen, discussion and possible action regarding recommendations from the Broker Responsibility Committee; and fifteen, discussion and possible action regarding recommendations from the Education Committee. Ms. DeHay stated that these two items would be postponed until after the next meetings of the committees.

Chairman Eckstrum moved to agenda item sixteen, discussion and possible action regarding TREC policy on licensing requirements for corporations and limited liability companies. Ms. DeHay presented the agenda item for consideration. In 1997 the Commission established a policy which required that a corporation or LLC that was created to collect fees for a salesperson or broker would need to be licensed as a broker. Tim Irvine, former administrator of TREC, asked that the Commission reconsider the policy. The item was put on the agenda and the Commission at that time decided to take a look at this issue during the normal process of rule review. In the interim, Mr. Irvine directed staff to consider that if a corporation or LLC was not in and of itself engaging in real estate brokerage, i.e., holding itself out or otherwise engaging in brokerage activity, a license was not necessary.

Ms. Wukasch stated that one issue of confusion concerned a salesperson using the unlicensed corporation or LLC for tax purposes and having the broker pay the commission to the corporation or LLC. If that same salesperson later decided to use the name of the unlicensed corporation or LLC in advertising they would then

be violating the law. She stated that she felt that any corporation or LLC which collected commissions or advertised would be required to hold a license. After discussion, upon motion of Ms. Wukasch, seconded by Mr. Arriaga, the Commission directed staff to draft a rule or rules to require licensing of any corporation or LLC that collects commissions or advertises.

The Chairman moved to agenda item eight, discussion and possible action regarding selection of the TREC administrator. Upon motion of Ms. Wukasch, seconded by Ms. Justice, the Commission offered the position of executive director to Douglas Oldmixon at $106,500 per year salary to begin September 15, 2009, or the Chairman be given the authority to renegotiate the start date, understanding that it should be as soon as possible. The Chairman thanked Kathy Wilson and Ted Ross of the Attorney General's Office for their assistance during the hiring process.

Mr. Eckstrum moved to agenda item eighteen, discussion and possible action to approve the fiscal year 2010 budget. Ms. Alexander presented the agenda item for discussion and possible action. Ms. Alexander referred to the meeting material documents concerning this issue and explained any item that showed a variance. Upon motion of Mr. Arriaga, seconded by Ms. Hensley, the Commission approved the budget as submitted.

Chairman Eckstrum moved to agenda item nineteen, discussion and possible action regarding appointment of members to the Broker-Lawyer Committee. Ms. Wukasch, seconded by Ms. Justice, moved that the Commission postpone action on this item until the Chairman could appoint an Interview Committee consisting of brokers on the Commission to interview persons who submitted applications for the two vacancies on the Committee. There was discussion concerning whether telephone interviews would be subject to the open meetings act. Ms. Wukasch amended her motion to state that the Commission postpone action on this item until the Chairman determines how the interviews would be conducted and by which members of the Commission. Ms. Justice seconded the amended motion. Mr. Arriaga asked for information concerning the diversity of the members of the Committee as far as physical location. The Chairman called for a vote on the motion. The motion was adopted by unanimous vote.

Chairman Eckstrum moved to agenda item twenty (a) consideration and possible action regarding proposals for decision from the State Office of Administrative Hearings, SOAH Docket No. 329-09-1334.REC, in the matter of Erasmo Garcia. The Chairman passed the gavel to Mr. Day to act as presiding officer for this agenda item. Ms. Rabenberg presented the proposal for decision from the administrative law judge which stated that the respondent violated 22 TAC §531.1(1) by not fulfilling his fiduciary obligations to represent the interest of the client was acceptable to the Enforcement Division. Mr. Garcia appeared pro se. Mr. Garcia stated that he felt the $1000 fine was not in order with the findings of the judge. Ms. Rabenberg stated that the fine was in order and that this argument should have been presented earlier in the proceedings. Mr. Garcia presented further comments concerning his fiduciary duty in this transaction. Comments were offered by Mr. Arriaga asking for a more stringent penalty for Mr. Garcia. Upon motion of Ms. Wukasch, seconded by Ms. Justice, the proposal for decision was adopted as originally presented.

Ms. Rabenberg presented agenda item twenty (b) consideration and possible action regarding proposals for decision from State Office of Administrative Hearings, SOAH Docket No. 329-09-2643.REC, in the matter of Janet J. Shaw. The proposal recommended that the Commission assess an administrative penalty of $2,000 against the respondent based on the Findings of Fact that respondent acted negligently or incompetently; and engaged in conduct that was dishonest or in bad faith or that demonstrated untrustworthiness while negotiating a contract. Ms. Shaw did not appear. Ms. Rabenberg stated that the Enforcement Division had filed exceptions to the order asking for both the fine and revocation of Ms. Shaw's license. The administrative law judge declined

to change her ruling. There was discussion concerning how notice was sent. Upon motion of Mr. Eckstrum, seconded by Mr. Alley, the Commission adopted the proposal as originally presented.

Ms. Rabenberg presented agenda item twenty (c) consideration and possible action regarding proposals for decision from State Office of Administrative Hearings, SOAH Docket No. 329-09-3219.REC, in the matter of Tracey Fabian Tyler. The proposal for decision recommended that the application for licensure be denied based upon multiple convictions of the respondent. Ms. Rabenberg stated that the Enforcement Division agreed with the administrative law judge's recommendation. Upon motion of Mr. Arriaga, seconded by Mr. Alley, the Commission adopted the proposal as originally presented.

The Chairman moved to agenda item twenty-one, schedule future meetings. After discussion, the next meeting of the Commission was scheduled for October 19, 2009 at 10 a.m., and tentatively for December 14, 2009. The Chairman adjourned the meeting at 3:35 p.m.

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Patricia Holder, Secretary for the Meeting

APPROVED this the 19th day of October, 2009.

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John Eckstrum
Chairman

ATTEST:_____
Loretta R. DeHay
General Counsel