

MINUTES OF THE MEETING OF THE TEXAS REAL ESTATE COMMISSION

May 2, 2011

Room 235, 1101 Camino La Costa Austin, Texas

On Monday, May 2, 2011, at 10:04 a.m. there was a duly posted regular meeting of the Texas Real Estate Commission (the "Commission"). Commissioner Wukasch led 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

Jaime Hensley

Joanne Justice

Dona Scurry

Avis Wukasch

The Chairman moved to agenda item two, discussion and possible action to excuse Commissioner absence(s), if any. Upon motion of Ms. Justice, duly seconded by Mr. Alley, the Commission excuses the absences of Chris Day and Tom Mesa.

Chairman Eckstrum moved to agenda item three, approval of minutes of February 14, 2011, Commission Meeting. Upon motion of Ms. Wukasch, duly seconded by Ms. Justice, the Commission approved the minutes with a correction. The correction changed the spelling of former Commissioner Louise Hull Patillo's last name from "Padillo" to "Patillo."

Staff present included Karen Alexander, Devon Bijansky, Lorie DeAnda, Loretta DeHay, Kerri Galvin, Gwen Jackson, Douglas Oldmixon and Tom Watson.

Mr. Eckstrum moved to agenda item four, reports by administrator, general counsel, and division directors which may include reports 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.

Douglas Oldmixon, administrator, stated that this was the last meeting to be held in the Camino La Costa building. TREC would be moved to the Stephen F. Austin Building in mid-July and the

next meeting of the Commission was scheduled for August. He reported on the status of the appropriations bill dealing with supplemental funding for the move and imaging process. Mr. Oldmixon reported on the status of the online functions and general online access to the TREC website. There was discussion from the dais concerning a contingency plan for services during the move. Also discussed was how the public was being informed of the upcoming move and its effect on services.

Lorie DeAnda, Director of Reception and Communications Services (RCS) introduced a new employee in RCS, Jennifer Wheeler. She presented the C1 report concerning Customer Service Statistics. There was discussion concerning the volume of calls and the backlog of emails being handled by her division.

Gwen Jackson, Director of Education and Licensing Services (ELS) introduced a new employee in the Education Section, Stephanie Limon. She presented the L1 report concerning fiscal year comparisons between the number of applications and license renewals received by the Commission; the L2 report concerning licensee and registrant status; the L3 report, concerning examination activity and the L4 report concerning the number of improved instructors. Ms. Jackson stated that the low numbers in the L1 and L2 reports was due to new formulas being used to calculate the numbers and changes in the categories of the data being counted.

Kerri Galvin, Director of Standards and Enforcement Services (SES), introduced a new staff attorney, Brian Coats and two new legal assistants, Christina Madrigal, and Elizabeth Dorsey. She also introduced a new administrative assistant, Tessa Sowell who had transferred from the Education Section to SES. Ms. Galvin presented the case status report, and the case age report. Ms. Galvin explained the process used to prepare the case age report and the actual numbers the percentages represented

Tom Watson, Director in Information and Technology Services, presented the I1 report concerning electronic outlet services statistics. Mr. Watson stated utilization of the website was improving, but the number of end users was not yet at the level before the database conversion. There was discussion concerning the difficulties Ms. Justice experienced when trying to renew online. There was extensive discussion concerning the VERSA product, its deficiencies and the steps taken to correct the deficiencies. There was further discussion concerning the online efficiency and current and future usage of online functions.

Karen Alexander reported on the S1 report showing the financial status as of March 31, 2011. She moved to the S2 report concerning the Real Estate Recovery Trust Account No. 971 Investments, Current Securities; the S3 report, concerning the Real Estate Recovery Trust Account No. 971 Investments, Payments and Repayments; and the S4 report concerning the Real Estate Inspector Recovery Fund. There was discussion concerning projected payments from the Real Estate Recovery Trust Account. There was additional discussion concerning how the fund is replenished and the process to reassess fees if the fund fell below the statutory requirement.

Ms. Hensley asked for clarification concerning the time required to process an application, the current goal concerning the time for processing applications and what steps were being taken to meet that goal.

Chairman Eckstrum stated that he felt the discussion concerning VERSA and online problems proved that a work session was needed for Commissioners and executive staff members. Mr. Oldmixon stated he would make sure he reinstated his weekly reports to Commissioners, as during the busy weeks during the session he had issued them on three week intervals. He asked that the Commissioners call him any time to discuss their concerns.

The Chairman moved to agenda item sixteen, discussion of the annual audit plan. Rene Gonzales presented the annual audit plan for discussion and possible action. Upon motion of Ms. Justice, duly seconded by Mr. Alley, the Commission approved the annual audit plan as submitted under the agenda item.

Mr. Eckstrum moved to agenda item seventeen, discussion and possible action to approve training for investment officers pursuant to Public Funds Investment Act, Texas Government Code, Section 2256.007(d). Upon motion of Ms. Wukasch, duly seconded by Ms. Justice, the Commission authorized the training for investment officers pursuant to Public Funds Investment Act, Texas Government Code, Section 2256.007(d) attended by Karen Alexander and Barbara Kolb on February 18, 2011. Mr. Arriaga asked that the training be authorized prior to attendance in the future.

Chairman Eckstrum moved back to agenda item five, report by the Texas Real Estate Inspector Advisory Committee. Mr. Willcox, Chairman of the Committee, spoke briefly concerning the officers elected, Fred Willcox, Chairman, Brian Murphy, Vice-chair and Jill Frankel, Secretary. Appointments were made as follows: Brad Phillips was appointed as Chair of the Enforcement Subcommittee; Brian Murphy, Chair of the Standards of Practice Subcommittee; Curtis Carr, Chair of the Education Subcommittee and Jill Frankel, Chair of the Commentary Subcommittee. There was discussion concerning the Commentary that had been posted on the TREC website for comment.

Mr. Eckstrum moved to agenda item six, general comments from visitors on non-agenda items. No comments were offered.

The Chairman moved to agenda item seven, discussion and possible action to propose amendments to 22 TAC §535.191 regarding Schedule of Administrative Penalties. Ms. DeHay presented the agenda items for discussion and possible action. Section 535.191 would be amended to add additional provisions that apply to the schedule and to move an existing provision that should more appropriately fit under a different range. Upon motion of Mr. Alley, duly seconded by Mr. Arriaga, the Commission authorized staff, on behalf of the Commission, to submit the amendments to §535.191 regarding Schedule of Administrative Penalties, as presented at the meeting, with any non-substantive changes as staff may deem necessary or advisable for proposal to the *Texas Register*.

Chairman Eckstrum moved to agenda item eight, discussion and possible action to propose amendments to 22 TAC §535.219 regarding Schedule of Administrative Penalties. Ms. Bijansky

presented the agenda item for discussion and possible action. The new rule establishes a penalty matrix for the assessment of administrative penalties for different violations of the statute and rules governing real estate inspectors. The matrix was drafted in accordance with Section 1102.403 of the Texas Occupations Code (relating to administrative penalties imposed against inspectors) and Subchapter O, Chapter 1101 (relating to administrative penalties assessed by the Commission). As such, the highest category of administrative penalties provides for a maximum penalty of \$5,000 per violation, and each day a violation continues or occurs may be considered a separate violation for purposes of imposing a penalty. The rule was developed by the Texas Real Estate Inspector Committee's enforcement subcommittee and endorsed by the Committee. Fred Willcox, Texas Real Estate Commission Inspector Committee Chairman, spoke in favor of the proposal of the new rule. Mark Eberwine spoke in opposition of the proposal of the rule as currently drafted. Mr. Arriaga voted against the motion. Upon motion of Ms. Justice, seconded by Mr. Arriaga, the Commission authorized staff, to submit the amendments to §535.219 regarding Schedule of Administrative Penalties, as presented at this meeting, with any non-substantive changes as staff may deem necessary or advisable for proposal to the *Texas Register*.

The Chairman moved to agenda item nine, 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; d. §537.31 concerning Standard Contract Form TREC No. 24-11; e. §537.32 concerning Standard Contract Form TREC No. 25-8 and f. §537.37 concerning Standard Contract Form TREC No. 30-9. Ms. DeHay presented the agenda item for discussion and possible action. The amendments propose to adopt by reference six revised contract forms for use by Texas real estate licensees.

The amendment to §537.20 proposes to adopt by reference Standard Contract Form TREC No. 9-9, Unimproved Property Contract. The proposed revision is the same as that proposed for Form TREC No. 20-10. Also, typographical errors in paragraph 7 are corrected.

The amendments to §537.28 propose to adopt by reference Standard Contract Form TREC No. 20-10, One to Four Family Residential Contract (Resale). Paragraph 15 would be revised to delete subparagraph 15B. This change to all six of the forms was adopted on an emergency basis at the February meeting of the Commission with an effective date of March 1, 2011.

The amendment to §537.30 proposes to adopt by reference Standard Contract Form TREC No. 23-11, New Home Contract (Incomplete Construction). The proposed revision is the same as that proposed for Form TREC No. 20-10.

The amendment to §537.31 proposes to adopt by reference Standard Contract Form TREC No. 24-11, New Home Contract (Completed Construction). The proposed revision is the same as that proposed for Form TREC No. 20-10. Also, typographical errors in paragraph 7 are corrected.

The amendment to §537.32 proposes to adopt by reference Standard Contract Form TREC No. 25-8, Farm and Ranch Contract. The proposed revision is the same as that proposed for Form TREC No. 20-10.

The amendment to §537.37 proposes to adopt by reference Standard Contract Form TREC No. 30-9, Residential Condominium Contract (Resale). The proposed revision is the same as that proposed for Form TREC No. 20-10.

Upon motion of Ms. Wukasch, duly seconded by Ms. Justice, the commission authorized, on behalf of the Commission, to submit the amendments and forms adopted by reference to 22 TAC §537.20 concerning Standard Contract Form TREC No. 9-9 Unimproved Contract; §537.28 concerning Standard Contract Form TREC No. 20-10, One to Four Family Residential Contract (Resale); §537.30 concerning Standard Contract Form TREC No. 23-11, New Home Contract (Incomplete Construction); §537.31 concerning Standard Contract Form TREC No. 24-11, New Home Contract (Completed Construction); §537.32 concerning Standard Contract Form TREC No. 25-8, Farm and Ranch Contract; and §537.37 concerning Standard Contract Form TREC No. 30-9, Residential Condominium Contract, as presented at this meeting, with any non-substantive changes as staff may deem necessary or advisable for proposal to the *Texas Register*.

Mr. Eckstrum stated that at this time he would like to discuss the Broker Information that is required on all the contracts on the last page of the document. The Broker Information requires the licensee to name the licensed supervisor of the associate and provide a telephone number where that individual can be contacted. In response to a question from Chairman Eckstrum, staff explained that for contracts involving brokers associated with a licensed brokerage firm or another individual broker, the name that should be placed in the blank is the designated broker for the firm for a business entity, or the individual broker's name if not a business entity. If the designated broker has named someone else in writing to supervise the daily activities of the associated broker, then that licensee's name and telephone number should be filled in.

Chairman Eckstrum moved to agenda item ten, discussion and possible action to adopt amendments to 22 TAC Chapter 533 regarding Practice and Procedure. Ms. DeHay presented the agenda item for discussion and possible action. The amendments to 22 TAC §533.1 Definitions and §533.3. Filing and Notice adopt the rules, without changes to the proposed text, as published in the March 4, 2011, issue of the *Texas Register* (36 TexReg 1467). The amendment to §533.1 amends the definition of "last known mailing address" to "mailing address" to be consistent with other TREC rules. The amendment to §533.3 clarifies that the Notice of Alleged Violation required by Occupations Code §1101.703 will be mailed to the respondent's mailing address. No comments were received on the rule as proposed. Upon motion of Mr. Arriaga, duly seconded by Ms. Justice, the commission authorized, on behalf of the Commission, to submit the amendments to TAC §533.1 Definitions and §533.3. Filing and Notice as presented at this meeting for adoption, with any nonsubstantive changes as staff may deem necessary or advisable.

The Chairman moved to agenda item eleven, discussion and possible action to adopt amendments to 22 TAC §535.217 regarding Contact Information. This agenda item proposed the adoption of amendments to 22 TAC §535.217 regarding Contact Information without

changes to the proposed text as published in the March 4, 2011, issue of the *Texas Register* (36 TexReg 1468).

The amendment to §535.217 amends the title of the rule to add "Mailing Address and Other" and deletes the term "permanent" from the rule to make it consistent with other TREC rules. No comments were received on the amendments to the rule as proposed. Upon motion of Mr. Alley, duly seconded by Ms. Justice, the commission authorized, on behalf of the Commission, to submit the amendments to 22 TAC §535.217 regarding Contact Information as presented at this meeting for adoption, with any nonsubstantive changes as staff may deem necessary or advisable.

Ms. DeHay presented agenda item twelve, discussion and possible action to adopt or withdraw amendments to 22 TAC Chapter 537 as follows: Amend §537.45 concerning Standard Contract Form TREC No. 38-3, Notice of Buyer's Termination of Contract and withdraw amendments to §537.46 concerning Standard Contract Form TREC No. 39-7, Amendment to Contract. This agenda item adopts amendments to §537.45, concerning Standard Contract Form TREC No. 38-2, Notice of Buyer's Termination of Contract, without changes to the proposed text as published in the February 11, 2011, issue of the *Texas Register* (36 TexReg 707). The proposed amendments to §537.46, concerning Standard Contract Form TREC No. 39-6, Amendment to Contract, are not adopted and are withdrawn.

The amendments to §537.45 adopts by reference Standard Contract Form TREC No. 38-3, Notice of Buyer's Termination of Contract. Paragraph 2 of the notice would be amended to read: "(2) Buyer cannot obtain Credit Approval in accordance with the Third Party Financing Addendum for Credit Approval to the contract" to be consistent with a recent change to the title of TREC Form No. 40-4 Third Party Financing Condition Addendum for Credit Approval. No comments were received on the proposed amendments.

Upon motion of Ms. Hensley, duly seconded by Mr. Arriaga, the commission authorized, on behalf of the Commission, to submit the amendments to §537.45 concerning Standard Contract Form TREC No. 38-3, Notice of Buyer's Termination of Contract, with any non-substantive changes as staff may deem necessary or advisable for adoption, and withdraw the proposed amendments to §537.46 concerning Standard Contract Form TREC No. 39-7, Amendment to Contract.

The Chairman moved to agenda item thirteen, discussion and possible action to renew for an additional 60-day period emergency rules concerning: §537.20 concerning Standard Contract Form TREC No. 9-9; §537.28 concerning Standard Contract Form TREC No. 20-10; §537.30 concerning Standard Contract Form TREC No. 23-11; §537.31 concerning Standard Contract Form TREC No. 24-11; e. §537.32 concerning Standard Contract Form TREC No. 25-8 and §537.37 concerning Standard Contract Form TREC No. 30-9. Ms. DeHay presented the agenda item for discussion and possible action. This agenda item would extend the initial period of adoption by emergency action for an addition 60-day period to allow use of the forms until the final adoption of the contract forms under regular rulemaking action under agenda item 9. Upon motion of Ms. Wukasch, duly seconded by Ms. Justice, the commission authorized staff, on behalf of this Commission, to request an additional 60-day period for the adoption by

emergency action of §537.20 concerning Standard Contract Form TREC No. 9-9, §537.28 concerning Standard Contract Form TREC No. 20-10, §537.30 concerning Standard Contract Form TREC No. 23-11, §537.31 concerning Standard Contract Form TREC No. 24-11, §537.32 concerning Standard Contract Form TREC No. 25-8 and §537.37 concerning Standard Contract Form TREC No. 30-9.

Chairman Eckstrum moved to agenda item fourteen, discussion regarding legislative housekeeping measures and other legislative items. Mr. Oldmixon presented this agenda item for discussion. He reported on the status of the following bill pairs which were agency specific to licensing.

SB 747 by Carona; HB 1637 by Hamilton -- TREC (broker/sales) housekeeping bill; SB 747 passed Senate, first read and referred to House Licensing and Administrative Procedures; Committee 4/4/11; House substitute voted out of LAP 3/22/11

HB 1680 by Geren; SB 1000 by Eltife et al – Provides for self-directed, semi-independent (SDSI) status for TREC; No action taken in LAP 3/15/11; Voted out of Business and Commerce 4/5/11

HB 937 by Harless; SB 379 by Nichols – Repeals the requirement that inspectors have professional liability (errors and omissions) insurance to obtain or renew a license; Referred to LAP 2/24/11; Referred to Business and Commerce 2/2/11

HB 1146 by Kuempel; SB 734 by Carona – Provides for registration and regulation of appraisal management companies (AMCs) by the Texas Appraiser Licensing and Certification Board; Substitute voted out of LAP 3/29/11; Left pending in B&C 3/30/11 but consensus among stakeholders

There was discussion concerning the amendments regarding real estate education in the section by section summary of CSHB 1637 provided in the meeting materials.

The Chairman moved to agenda item fifteen, discussion and possible action to appoint working groups to address possible legislative matters regarding: Education requirements for a broker and salesperson license; and experience requirements for a broker license. Mr. Oldmixon presented the agenda item for discussion and possible action. After discussion, upon motion of Mr. Arriaga, duly seconded by Ms. Justice, the Commission designated the Chairman of the Commission as the person responsible for making appointments to a working group to recommend rules regarding proposed amendments to the Real Estate License Act concerning education requirements for a broker and salesperson license. Upon motion of Mr. Arriaga, duly seconded by Ms. Hensley, the Commission designated the Chairman of the Commission as the person responsible for making appointments to a working group to recommend rules regarding proposed amendments to the Real Estate License Act concerning experience requirements for a broker license. The Chairman appointed Ms. Justice as the liaison to the working group regarding education requirements for a broker and salesperson license. Ms. Wukasch was appointed as the liaison to the working group regarding experience requirements for a broker license. He also appointed Ms. Hensley to serve as a back-up liaison if either appointed liaison was unable to serve.

Mr. Eckstrum moved to agenda item eighteen, discussion and possible action to adopt a code of conduct for members of advisory committees and working groups. Mr. Oldmixon presented the agenda item for discussion. He stated that the Chairman had requested that staff prepare a draft code of conduct for advisory committees and working groups. This agenda item would allow the posting of the draft code for public comment. . Upon motion of Mr. Alley, duly seconded by Ms. Wukasch, the Commission approved posting the code of conduct for members of advisory committees and working groups as submitted for public comment. Fred Willcox, Texas Real Estate Commission Inspector Committee Chairman, commented on the draft code of conduct for advisory committees and working groups. He gave the Commission a background of the committee, its charges and spoke against the draft code of ethics.

Chairman Eckstrum moved to agenda item nineteen, discussion and possible action regarding the appointment of members to the Broker Lawyer Committee. Ms. DeHay presented the agenda item for discussion and possible action. She stated that staff recommends that a committee consisting of Commissioners be appointed to recommend two broker members for appointment to the Broker Lawyer Committee to be approved by the full Commission at the next Commission meeting, and that staff be authorized to notify the public that the commission is taking applications for the positions. This would be the same process used to make previous appointments to the Committee in 2009. Upon motion of Ms. Wukasch, duly seconded by Mr. Alley, the Commission authorized an Appointment Committee to be created consisting of the Chairman, Ms. Arriaga, Ms. Hensley and Ms. Justice to recommend two broker members for appointment to the Broker Lawyer Committee to be approved by the full Commission at the August 15, 2011 Commission meeting, and that staff is hereby authorized to notify the public that the commission is taking application for two positions.

Mr. Eckstrum announced an executive session beginning at 1:15 p.m. to allow the Commission to meet with its attorney on any listed agenda item as authorized by the Texas Open Meetings Act, Tex. Gov't Code, §551.071. The open meeting resumed at 1:46 p.m.

Chairman Eckstrum moved to agenda item twenty, discussion and possible action concerning the Real Estate Inspector Committee recommendation to the Commission regarding the development of a National Home Inspector Examination. Ms. Bijansky presented the agenda item for discussion and possible action. Fred Willcox, Texas Real Estate Commission Inspector Committee Chairman, spoke in favor of the development of a National Home Inspector Examination. After discussion, Fred Buck, board member on the National Home Inspector Examination Board, spoke concerning the services provided by that entity. Upon motion of Mr. Alley, duly seconded by Mr. Arriaga, the Commission authorized that staff is hereby authorized, on behalf of this Commission, to explore procurement options and issue a request for proposals or other documentation as required by law to solicit vendors to develop, maintain, and administer a national home inspector examination for TREC.

Mr. Eckstrum, as the Presiding Member for contested cases, moved to agenda item twenty-two (a), consideration and possible action regarding Proposal for Decision from State Office of Administrative Hearings in the matter of: (a) SOAH Docket No. 329-11-0448.REC, Texas Real Estate Commission v. Robin J. Muir. Ms. Galvin presented the agenda item. Mr. Muir did not

appear. The staff of the Texas Real Estate Commission seeks to revoke Robin J. Muir's real estate broker's license because in 2010, he pled guilty to the felony offense of Misapplication of Fiduciary Property. The Administrative Law Judge (ALJ) recommended that Mr. Muir's license be revoked. Upon motion of Mr. Arriaga, duly seconded by Ms. Wukasch, the Commission approved the proposal as submitted.

Mr. Eckstrum moved to agenda item twenty-two (b), consideration and possible action regarding proposal for decision from the State Office of Administrative Hearing in the matter of SOAH Docket NO. 329-11-1036.REC, Texas Real Estate Commission v. Derek Roy Evans. Ms. Galvin presented the agenda item for consideration. Mr. Evans did not appear. Mr. Evans applied to TREC for a moral character determination, and staff seeks denial of the application based on his criminal convictions. The ALJ found that Mr. Evans' application should be denied because of the seriousness of his crimes and because not enough time had elapsed since his release from prison and completion of parole for him to demonstrate fitness for a license. Upon motion of Ms. Wukasch, duly seconded by Ms. Justice, the Commission approved the proposal as submitted.

The Chairman moved to agenda item twenty-three (b), discussion and possible action to authorize settlement of recovery fund claims. Ms. Bijansky presented the agenda item for consideration. The following claims were submitted for approval:

RF11-001, Amina Ray v. Gregory Wesley Real Estate, LLC and Susan Gillespie Chastain, actual damages of \$1,500 against the LLC and \$2,500 against Chastain. Upon motion of Mr. Arriaga, duly seconded by Mr. Alley, the Commission authorized the payment of up to \$2,745.

RF11-013, Antonio Escobedo v. Manuel and Lydia Ramos and M Ramos, LLC, actual damages of \$24,335.68. Upon motion of Ms. Wukasch, duly seconded by Ms. Justice, the Commission authorized staff to make payment as requested.

RF11-023, Juan and Maria C. Gomez v. Manuel and Lydia Ramos and M Ramos, LLC, actual damages of \$53,000. Upon motion of Ms. Wukasch, duly seconded by Ms. Hensley, the Commission authorized staff to make payment of \$25,664.62.

RF11-014, Victor M. Prieto v. Joaquin D. Santonyo, actual damages of \$50,000 and attorney's fees of \$11,500. Upon motion of Ms. Justice, duly seconded by Ms. Wukasch, the Commission authorized staff to settle this case on the best possible terms.

RF11-016, Robert J. Garza v. Lonnie Paul Pruett, actual damages of \$1,050. Upon motion of Ms. Hensley, duly seconded by Ms. Wukasch, the Commission authorized staff to make payment as requested.

RF 11-018, Juan Munoz v. BSPP Enterprises, LLC, actual damages of \$5,120. Upon motion of Mr. Alley, duly seconded by Mr. Arriaga, the Commission authorized staff to make payment as requested.

RF11-019, Kathryn Cypert v. Frances Bethany Cammack, actual damages of \$50,000. Upon motion of Ms. Justice, duly seconded by Mr. Arriaga, the Commission authorized staff to make payment as requested.

RF11-020, Hastings Entertainment, Inc. v. Robin Muir, actual damages of \$100,000. Upon motion of Ms. Hensley, duly seconded by Ms. Wukasch, the Commission authorized staff to make payment as requested with Ms. Wukasch and Mr. Arriaga voting against the motion.

RF11-024, Charles and Debra Spaeth v. James Thomas Adams, actual damages of \$25,353 and attorney's fees of \$9,500. Upon motion of Mr. Arriaga, duly seconded by Ms. Hensley, the Commission authorized staff to make payment as requested.

RF11-027, Michelle and Terry Lewis, and Robert Lewis v. Susan Thomas, Ken Hogan, Century 21 Abilene Big Country, Inc. d/b/a Hogan-Warner Realtors, actual damages of \$9,000 and attorney's fees in the amount of \$3,831.09. Upon motion of Ms. Wukasch, duly seconded by Ms. Arriaga, the Commission authorized staff to make payment as requested.

IRF11-002, Andres and Yvette Arnold v. Charles Ray Turner, actual damages of \$12,500. Upon motion of Mr. Alley, duly seconded by Mr. Arriaga, the Commission authorized staff to make payment as requested.

The Chairman moved to agenda item twenty-three, discussion and possible action to schedule future meetings. After discussion, the next meetings are scheduled for August 15, 2011 and November 21, 2011 at 10:00 a.m. The Chairman adjourned the meeting at 2:15 p.m.



Patricia Holder, Secretary for the Meeting

APPROVED this the 1st day of August, 2011.

John Eckstrum Chairman

ATTEST: Douglas E. Oldmixon Administrator