

**TEXAS REAL ESTATE INSPECTOR COMMITTEE  
MEETING MINUTES**

Conference Room 235, TREC Headquarters Office  
1101 Camino La Costa, Austin, Texas

**Monday, July 12, 2010 at 11:00 a.m.**

**CALL TO ORDER AND MINUTES**

1. Chairman Larry Foster called the meeting to order at 11:06. Other Committee members in attendance included Nancy Schriedel (by phone), Ray Armendariz, Fred Willcox, Brad Phillips, Jill Frankel, Curtis Carr, and Brian Murphy. Linda Robicheaux was not present. Staff included Devon Bijansky, Loretta DeHay, Gwen Jackson, Doug Oldmixon, and Kerri Galvin. Members of the public included Mike Boyette, Mike Cothran, Ed Martin, Roy Carter, Joe Gonzales and Fred Buck.
2. Minutes of the April 26, 2010 meeting.
3. Minutes of June. Mr. Phillips moved for approval with corrections to names and acronyms; Mr. Armendariz seconded. Motion passed.
4. Appointment of subcommittees (moved toward the end of the meeting). Mr. Foster announced that the Standards of Practice subcommittee was being abolished and instead appointed a Commentary committee, comprised of Mr. Frankel (as chair), Mr. Carr, Mr. Foster, and Mr. Willcox. Mr. Foster announced that public inquiries would now go to the Education subcommittee, comprised of Mr. Willcox (as chair), Mr. Armendariz, Mr. Carr, and Ms. Robicheaux. The Enforcement subcommittee would be comprised of Mr. Phillips (as chair), Mr. Murphy, Ms. Schriedel, and Ms. Frankel. The subcommittee and staff agreed that most inquiries can be handled without going to the full Committee for approval. Going forward, staff would work with the Education chair to prepare responses. If there is no need to raise the issue in the full subcommittee, a response will issue. If the matter needs to go to the subcommittee, a response will issue from the subcommittee unless there is a need for the full Committee to address the issue.

**REPORTS**

5. Administration and Management Services Division report, including updates regarding the administration of TREC as such matters may relate to inspector issues. Mr. Oldmixon reported that the strategic plan for 2011-2015 was filed on July 2. He presented a summary of proposed statutory changes regarding inspection issues. Committee members had questions about certain items that were on the list or other items that were not on the list. Mr. Oldmixon said that the legislative items would be put on the agenda for another meeting before the Commission meets on August 9.
6. Education and Licensing Services Division report, including an update regarding the number of licensed inspectors and examination passage rates. Gwen Jackson, Director of Education and Licensing Services, reported regarding changes in numbers of licensees

since the insurance requirement took effect. She stated that there has been a 17.8% decrease in the total number of inspectors but a 250% increase in the number of inactive inspectors but that the economic situation could also have had an effect on licensee numbers.

7. Standards and Enforcement Services Division report, including an update regarding the number and types of opened and closed complaint cases. Kerri Galvin, Director of Standards and Enforcement Services, reported that, during the third quarter of 2010 (March-May), the division opened 24 inspector complaints and closed 51, with 47 inspector cases pending. Ms. Galvin also reported that Robert Meisel resigned from TREC to go to another agency and that his position was currently posted.

#### PUBLIC COMMENTS

8. General comments from visitors. Ed Martin spoke regarding the formation of TITAC.

#### PENDING BUSINESS

9. Discussion and possible action to recommend the repeal of 22 TAC §535.214, Examinations.
10. Discussion and possible action to recommend new rules:
  - a. 22 TAC §535.201, Definitions
  - b. 22 TAC §535.209, Examinations
  - c. 22 TAC §535.214, Providers of Real Estate Inspection Courses
11. Discussion and possible action to recommend amendments to:
  - a. 22 TAC §535.212, Education and Experience Requirements for an Inspector License
  - b. 22 TAC §535.213, Schools and Courses of Study in Real Estate Inspection
  - c. 22 TAC §535.215, Inactive Inspector Status
  - d. 22 TAC §535.216, Renewal of License or Registration
  - e. 22 TAC §535.218, Continuing Education
  - f. 22 TAC §535.226, Sponsorship of Apprentice Inspectors and Real Estate Inspectors

Ms. Bijansky presented staff recommendations regarding education and the examination requirement. In addition to a variety of non-substantive changes, there were a number of substantive recommendations. The Committee decided to meet again before August 9 to further consider these issues.

12. Discussion and possible action to approve the responses proposed by the Standards of Practice subcommittee to inquiries regarding inspection and reporting requirements for:
  - a. plumbing fixtures with limited amounts water pooling
  - b. exhaust ventilation strike language about competence
  - c. the absence of a fireplace damper clamp add not merely a log lighter; strike language about competence.
  - d. the absence of weep holes along the bottom course of brick and above steel lintels. strike competence language.
  - e. double-tapped neutral wires. changing standard to deficiencies in wiring part g. neutral should be grounded conductor.
  - f. evidence of a previous fire in an attic. passed because minimum standard
  - g. tape on a Type B vent. not enough information for a proper response
  - h. headroom clearance of stairs. flight of stairs.

Mr. Murphy moved to approve the responses, previously approved by the Standards of Practice subcommittee, to these items; Mr. Carr seconded. Motion passed.

13. Discussion and possible action to provide guidance to staff in responding, and/or approve the responses proposed by the Standards of Practice subcommittee, to inquiries regarding inspection and reporting requirements for:
  - a. transite pipe. Mr. Phillips correct answer.
  - b. water heaters with a combined drain line for the drain pan and temperature and pressure relief drain.
  - c. gas lines made of various materials.
  - d. fire separation between a house, garage, and attic space(s)
  - e. reused gas line connectors no prepared response
  - f. dishwashers that are hard-wired into the electrical system
  - g. reporting type of foundation
  - h. the performance of foundations
  - i. retaining walls related to foundation performance
  - j. gas lines in the crawl space
  - k. powered attic ventilators
  - l. number of layers of roof covering materials
  - m. identification of fire-rated doors
  - n. connection of the electrical system to a grounding electrode system
  - o. testing smoke alarms using canned smoke
  - p. testing gas lines
  - q. reporting the absence of arc fault circuit interrupters (AFCIs)
  - r. inspection and accessibility of gas connections to appliances
  - s. water heater blankets
  - t. attic stairs that are not fire-rated
  - u. GFCI protection of outlets serving automatic garage door openers
  - v. lack of continuous handrail at stairs
  - w. light fixtures over bathtubs
  - x. double-cylinder deadbolts
  - y. carpet on a garage floor

The Committee approved responses to items a. through c. and items f. through m. Staff agreed to put the responses on the website, similar to “Frequently Asked Questions” for brokers and salespeople. The remaining questions and newly submitted inquiries would be addressed as discussed in item 4, above.

#### FUTURE MEETINGS AND ADJOURNMENT

14. Request for new business agenda items.
15. Scheduling of future meetings
  - a. Texas Real Estate Inspector Committee – Wednesday, July 21 at 12 pm
  - b. Education subcommittee – Monday, July 26 at 9 am (by teleconference)
  - c. Enforcement subcommittee – Monday, July 26 at 1 pm (by teleconference)
  - d. Standards of Practice subcommittee
16. Adjourn. 4:03 pm

In accordance with the Americans with Disabilities Act, any requests for reasonable accommodation needed by persons desiring to attend this open meeting should be submitted by that person to the Commission.