

**Texas Real Estate Commission
Chapter 535, GENERAL PROVISIONS
Rules Adopted at the November 15, 2010 Commission Meeting**

**Subchapter O. Hearing on
Suspension or Revocation of
Licensure
§535.171**

The Texas Real Estate Commission (TREC or the commission) adopts an amendment to §535.171, regarding Hearing: Subpoenas and Fees without changes to the proposed text as published in the September 10, 2010, issue of the *Texas Register* (35 TexReg 8273), and will not be republished.

New subsection (c) addresses cases in which a party requests issuance of a subpoena and requires the party to pay for the costs of issuing the subpoena.

Generally speaking, the amendment corrects typographical errors, reorganize, clarify, and streamline existing rules, and update cites to new laws and codes.

The reasoned justification for the amendments is more streamlined, consistent and readable rules.

No comments were received on the rule as proposed.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties and to establish standards of conduct and ethics for its licensees in keeping with the purpose and intent of the Act to ensure compliance with the provisions of the Act.

The statutes affected by this adoption are Texas Occupations Code, Chapter 1101 and Chapter 1102. No other statute, code or article is affected by the adoption.

§535.171. Hearing: Subpoenas and Fees.

(a) In addition to the provisions of the Texas Government Code §2001.089, process may be served by an employee of the Texas Real Estate Commission if that person is designated by the commission.

(b) A witness or deponent who is not a party and who is subpoenaed or otherwise compelled

to attend any hearing or proceeding to give a deposition or to produce books, records, papers, or other objects that may be necessary and proper for the purposes of the proceeding is entitled to receive mileage of \$.20 a mile for going to and returning from the place of the hearing or where the deposition is taken, if the place is more than 25 miles from the person's place of residence and a fee of \$20 a day for each day or part of a day the person is necessarily present as a witness or deponent.

(c) Pursuant to Texas Government Code §2001.089, a party who requests the issuance of a subpoena for a witness or deponent under subsection (b) of this section, must deposit an amount with the Texas Real Estate Commission that will reasonably ensure payment of the amounts estimated to accrue under subsection (b) of this section and Texas Government Code §2001.103.

(d) Pursuant to Texas Government Code §2001.177, a party seeking judicial review of a final decision of the Texas Real Estate Commission in a contested case shall pay all costs of preparing the original or certified copy of a record of the contested case proceedings.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 6, 2010

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Loretta R. DeHay
General Counsel
Texas Real Estate Commission