



**PROPOSED RULE ACTION FROM
AUGUST 13, 2012 MEETING OF THE COMMISSION
Chapter 535 General Provisions
Subchapter C Exemptions to Requirement of Licensure
§535.32. Attorneys in Fact.**

The Texas Real Estate Commission (TREC) proposes an amendment to §535.32 regarding Attorneys in Fact. The amendment deletes the phrase "to be sold" to make it clear that an attorney in fact may buy, sell, or lease real property under the exemption in the Act.

Loretta R. DeHay, General Counsel, has determined that for the first five-year period the proposed amendments are effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no anticipated significant impact on small businesses, micro-businesses or local or state employment as a result of implementing the sections. There is no significant anticipated economic cost to persons who are required to comply with the proposed amendment.

Ms. DeHay also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be consistency between the Rules and the Act.

Comments on the proposal may be submitted to Loretta R. DeHay, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its licensees to fulfill the purposes of chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statute affected by this proposal is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the proposed amendments.

§535.32. Attorneys in Fact. A person holding a valid power of attorney recorded in the county in which the particular real property is located and which specifically describes the real property [~~to be sold~~] may act as a real estate agent for the owner of such property without being licensed as a real estate broker or salesperson, provided the person does not use powers of attorney to engage in the real estate brokerage business.

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 August 20, 2012.

TRD No. 201204416
Loretta R. DeHay
General Counsel
Texas Real Estate Commission
Earliest possible date of adoption: November 5, 2012