



**AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC) MEETING  
STEPHEN F. AUSTIN BUILDING  
1700 N. Congress  
Austin, TX 78701**

**February 11, 2019 at 10:00 a.m – 5:00 p.m (Room 170)**

**February 12, 2019 at 10:00 a.m (Room 400a)**

**CALL TO ORDER**

1. Call to order and pledges of allegiance
2. Discussion and possible action to excuse Commissioner absence(s), if any

**ELECTIONS AND APPOINTMENTS**

3. Election of Vice-Chair & Secretary
4. Appointments to:
  - a. Enforcement Committee
  - b. Budget Committee
  - c. Long-Term Facility Working Group
  - d. Commission liaison to the Texas Real Estate Inspector Committee
  - e. Commission liaison to the Education Standards Advisory Committee
  - f. Texas A&M Real Estate Center Advisory Committee
  - g. Texas Real Estate Inspector Committee

**PUBLIC COMMENTS**

5. General comments from visitors on non-agenda items

**EXECUTIVE SESSION**

6. Executive session to discuss pending litigation or obtain advice of legal counsel on agenda items pursuant to Texas Government Code §551.071

**CONTESTED CASES**

7. Consideration and possible action regarding proposal for decision in the matter of
  - a. SOAH Docket No. 329-18-0722.REC; TREC v. Kristin Ilissa Smith
  - b. SOAH Docket No. 329-18-4836.REC; Teresa Lynn Stephens v. TREC
  - c. SOAH Docket No. 329-18-4138.REC; TREC v. Oscar A. Beltran

- d. SOAH Docket No. 329-18-4258.REC; Nyanza Yvette Cook v. TREC
- e. SOAH Docket No. 329-18-4252.REC; TREC v. Deanna J. Reese
- f. SOAH Docket No. 329-18-5333.REC; TREC v. Kenneth Lavon Hayes
- g. SOAH Docket No. 329-18-3816.REC; TREC v. John David Tyler

#### RECOVERY FUND

- 8. Discussion and possible action to authorize settlement of recovery fund claims or take other action on
  - a. RF 18020; Fountain Vista Homes, LLC v. Roy Ornelas, et al.
  - b. RF 19004; Clifford Day v. Catherine S. Viggiano

#### STAFF AND COMMITTEE REPORTS

- 9. Reports by Executive Director, Deputy Executive Director, General Counsel, and Division Directors of monthly activities and statistical data for communications, licensing, education, enforcement, information technology, website analytics, 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
- 10. Report by Executive Committee
- 11. Report by Enforcement Committee
- 12. Report by Education Standards Advisory Committee
- 13. Report by Broker Responsibility Working Group
- 14. Report by Texas Real Estate Inspector Committee

#### RULES FOR POSSIBLE ADOPTION

- 15. Discussion and possible action to adopt amendments to 22 TAC Chapter 535, Subchapter R as follows:
  - a. §535.208, Application for a License
  - b. §535.212, Education and Experience Requirements for a License
  - c. §535.213, Qualifying Real Estate Inspector Instructors and Courses
  - d. §535.218, Continuing Education Required for Renewal
  - e. §535.219, Schedule of Administrative Penalties
  - f. §535.220, Professional Conduct and Ethics

#### RULES FOR POSSIBLE PROPOSAL

- 16. Discussion and possible action to propose amendments to 22 TAC §533.8, Motion for Rehearing
- 17. Discussion and possible action to propose amendments to 22 TAC §535.141, Initiation of Investigation
- 18. Discussion and possible action to propose new 22 TAC §535.142, Consumer Complaint Processing
- 19. Discussion and possible action to propose repeal of 22 TAC §535.161, Failing to Provide Information

#### PENDING BUSINESS

- 20. Discussion regarding Internal Audit of Public Funds Investment Act Compliance
- 21. Discussion and possible action regarding agency performance measures
- 22. Discussion and possible action regarding the Long Term Facilities Master Plan Reserve Fund
- 23. Discussion and possible action regarding completion of the other Sunset Commission recommendations

NEW BUSINESS

24. Discussion and possible action to approve new or changes to TREC forms:
  - a. QE\_CA-1; Qualifying Real Estate Course Application
  - b. QE\_CR-0; Renewal of Qualifying RE Course Approval
  - c. CE\_CA-4; Real Estate CE Course Application
  - d. CE-CR-0; Renewal of Real Estate CE Course Approval
  - e. CE\_CASP-0; Real Estate CE Course Application for Secondary Providers
  - f. ICE\_RCR-0; ICE Credit Request for a Course Taken to Maintain a Related Occupational License
  - g. ICE\_CR-0; Renewal of Inspector CE (ICE) Course Application
  - h. ICE\_CASP-0; ICE Course Application for Secondary Providers
25. Discussion and possible action on legislative recommendations
26. Discussion and possible action on agency communication to Commission members
27. Discussion and possible action regarding standard meeting schedule for all advisory committees
28. Discussion and possible action regarding the role of Commission Committee liaisons
29. Discussion and possible action regarding Commission Committee appointments and frequency of Committee meetings
30. Discussion and possible action regarding the Memorandum of Understanding with the Texas Appraiser Licensing and Certification Board
31. Discussion and possible action regarding agency participation in ARELLO
32. Discussion and possible action regarding search for new General Counsel
33. Discussion and training regarding new travel reimbursement procedures

FUTURE MEETINGS

34. Discussion and possible action regarding future agenda items
35. Discussion and possible action to schedule future meetings
36. Adjourn

**Note: If all agenda items are not completed on Monday, February 11, 2019, the Commission will recess and continue on Tuesday, February 12, 2019, beginning at 10:00 a.m. in Room 400a.**

*Pursuant to the Americans with Disabilities Act, any requests for reasonable accommodation needed by persons wishing to attend this meeting should call Amber Hinton at 512-936-3000.*

*Pursuant to Section 46.035(c) of the Texas Penal Code, handgun license holders are prohibited from carrying a handgun at this government meeting. This prohibition applies to both concealed and open carry handguns.*

*The Texas Real Estate Commission may meet in executive session on any item listed above as authorized by the Texas Open Meetings Act, Chapter 551, Tex. Gov't Code.*