

TREC *Advisor*

Texas Real Estate Commission

Volume 8, No. 2

July 15, 1997

License law amendments adopted by 75th Legislature

Governor George W. Bush has signed into law a number of amendments to The Real Estate License Act (TRELA) passed by the 75th Legislature. The amendments are effective September 1, 1997, except as noted below. In addition to the amendments originally sought by TREC as part of "housekeeping" legislation (see "Meeting Highlights," *Advisor*, Vol. 8, No. 1), other bills and floor amendments to TRELA were adopted before the Legislature adjourned on June 2, 1997.

Management Agreements

Failure to include a definite termination date in property management agreements will no longer be a ground for disciplinary action. Licensees must continue, however, to provide a definite termination date not subject to prior notice in listing contracts, buyer representation agreements or other agreements under which the licensee is to perform a service for which a license is required.

Education

A new core real estate course, Law of Contracts, has been added to the courses listed in TRELA and will be required for applications for a salesperson license filed on or after January 1, 1998. The new 30-hour course must include the elements of a contract, offer and acceptance, the statute of frauds, specific performance and remedies for breach, unauthorized prac-

tice of law, commission rules relating to use of adopted forms, and owner disclosure requirements.

The minimum length of an MCE course has been shortened from 3 hours to one hour (please note: licensees will still be required to complete a total of 15 MCE hours to renew their license).

TREC is authorized to adopt rules permitting real estate licensees to obtain or renew a license or return to active status prior to completing MCE courses, and TREC may impose an additional fee not to exceed \$200 for the licensee who fails timely to complete the MCE requirement. Under such a rule, the licensee would have to pay the additional fee and complete the MCE within 60 days after the issuance or renewal of a license or return to active status.

Inspectors

TREC has been required to adopt rules requiring inspectors to use a standard report form by October 1, 1997 (see Commission meeting highlights, this issue). The composition of the Texas Real Estate Inspector Committee (TREIC) has changed to allow for up to three members to hold both professional inspector licenses and real estate broker licenses. TREC has also been required to adopt rules permitting inspector applicants to satisfy prior licensure and inspection requirements with addi-

continued on page 4

Six convicted in telemarketing ring

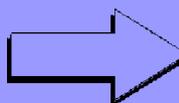
On June 24, 1997, six defendants were convicted in federal court in Houston on charges of mail fraud, wire fraud, money laundering and conspiracy in connection with a large scale telemarketing operation located in Montgomery, Texas (see "Real Estate Telemarketers Indicted for Fraud," *Advisor*, Volume 7, Number 4). The Texas Real Estate Commission cooperated with the Federal Bureau of Investigation (FBI), the Texas Attorney General's Consumer Protection division and other local, state and federal agencies in cases involving an estimated 27,000 property owners and losses of up to \$9 million. Sentence will be pronounced on September 29. Each mail and wire fraud count carries a maximum sentence of 15 years. The maximum sentence for each money-laundering count is 20 years. Two more defendants are awaiting trial.

The convictions followed a nationwide fraud alert in 1995 by the Texas Real Estate Commission and the Association of Real Estate License Law Officials (ARELLO), the international real estate regulatory trade association (see "TREC Requests Info on Property Advertising Companies Requesting Advance Fees," *Advisor*, Volume 5, Number 5, 1994). In addition to television news broadcasts and newspaper articles, the alert resulted in coverage by national magazines such as *Consumers' Research* and *Money*, warning real estate consumers of high-pressure telephone and mail pitches from firms that promised to sell slow-moving land, time-share interest and other real estate in exchange for an advance fee ranging between \$195 - \$595.

TREC Enforcement Division employee Reese Kimmons received the 1995 Investigator of the Year award from ARELLO for his work on telemarketing complaints.

Commission rules affect appraisals and appraisal-related activity

page 3



TEXAS REAL ESTATE COMMISSION MEETING HIGHLIGHTS

APRIL 28, 1997 - AUSTIN

Commission Chairman Brummett appointed Ms. Folmer as Chair of the Investment Committee. Ms. Mayfield and Ms. Gonzalez-Avila were appointed as committee members. The Investment Committee's next meeting was scheduled for 9 a.m., June 16, 1997 before the regularly scheduled Commission meeting.

Commission Chairman re-appointed Mr. Katine as Chair of the Education Committee. Mr. Cantu and Ms. Sutton were appointed as members of the committee.

Commission discussed an amendment to 22 TAC §535.61, concerning acceptance of courses offered by out-of-state schools and of credit awarded by examination only or for other learning.

Commission discussed amendment to 22 TAC §535.61(ee), concerning acceptance of credit awarded by examination only or for other learning.

Commission discussed amending or repealing rules relating to standard contract forms: (a) 22 TAC §537.11, relating to promulgation of forms; (b) 22 TAC §537.13, relating to the property condition addendum (repeal); 22 TAC §537.20, relating to the unimproved residential property condition addendum (repeal); (d) 22 TAC §537.28, relating to the one-to-four family contract; (e) 22 TAC §537.29, relating to the FHA/VA one-to-four family contract; (f) 22 TAC §537.30, relating to new home incomplete construction contract; (g) 22 TAC §537.31, relating to new home completed construction contract; (h) 22 TAC §537.32, relating to farm and ranch contract; (i) 22 TAC §537.34, relating to addendum for inspection (repeal); (j) 22 TAC §537.37, relating to condominium resale contract; (k) 22 TAC §537.38, relating to FHA/VA condominium resale contract; (l) 22 TAC §537.42, relating to agreement for mediation (repeal). Commission voted to return all contracts to the Broker-Lawyer Committee with the recommendation that paragraph 7C(2) be removed.

Commission presented commendations to former commission members Eden Box, Rick Albers and Weldon Traylor.

Commission continued discussion of possible action to amend or repeal rules relating to standard contract forms. Commission voted to leave paragraph 21 in the contracts as an addendum and not include it in body of the contracts. Commission voted to recommend that the Broker-Lawyer Committee restate the agreement between brokers as it was in previous contracts.

Commission voted to place discussion and possible action to repeal rules relating to standard contract forms on the agenda of the June Commission meeting.

Commission discussed proposed legislation. Chairman Brummett reported on the TREC housekeeping bill, S.B. 1100, regarding changes to The Real Estate License Act (TRELA). Bill Kuntz, TREC Administrator, reported on House Appropriations Conference Committee suggestions.

Commission deferred to the next meeting discussion of amendments to a memorandum of understanding with the Texas Appraiser Licensing and Certification

Board regarding administrative services provided by TREC.

Commission discussed a request to the Texas Real Estate Inspector Committee to develop a standard inspection report form and rule relating to its use.

Commission discussed possible action regarding application of Texas Civil Statutes, Article 6573a to solicitations by an unlicensed person offering goods or services in connection with a real estate transaction.

Commission voted to send Chairman Brummett, Mr. Cantu, Ms. Gonzalez-Avila and one other member to the May 22 ARELLO meeting.

Commission discussed possible action on rental locator issues.

JUNE 16, 1997 - AUSTIN

Commission discussed duties of the administrator and voted to review the administrator's duties on the second day of the next meeting of the Commission.

Commission discussed amending or repealing rules relating to standard contract

TEXAS REAL ESTATE COMMISSION

CALENDAR OF EVENTS

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| <p>July</p> <p>Texas Real Estate Commission July 24 & 25 Austin</p> <p><i>(No additional meeting dates scheduled at press time; consult TREC's website for next Commission meeting date, Broker-Lawyer Committee, etc.)</i></p> | <p>August</p> <p>Texas Appraiser Licensing and Certification Board (TALCB) August 21 & 22 Austin <i>(call TALCB, 512-465-3950, to confirm date)</i></p> |
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forms: 22 TAC §537.11, relating to promulgation of forms; 22 TAC §537.13, relating to the property condition addendum (repeal); 22 TAC §537.20, relating to the unimproved residential property contract; 22 TAC §537.28, relating to the one-to-four family contract; 22 TAC §537.29, relating to the FHA/VA one-to-four family contract; 22 TAC §537.30, relating to new home incomplete construction contract; 22 TAC §537.31, relating to new home completed construction contract; 22 TAC §537.32, relating to farm and ranch contract; 22 TAC §537.34, relating to addendum for inspection (repeal); 22 TAC §537.37, relating to condominium resale contract; 22 TAC §537.38, relating to FHA/VA condominium resale contract; 22 TAC §537.42, relating to agreement for mediation (repeal).

Commission requested a draft inspection form for mandatory use from TREC's inspector committee .

Commission approved proposal of amendment to 22 TAC §535.20, concerning referrals. The proposed amendment would permit an unlicensed person to refer customers to a licensee under limited conditions relating to the sale of goods or services to the licensee.

Commission approved amendments to a memorandum of understanding with the Texas Appraiser Licensing and Certification Board regarding administrative services provided by TREC.



The mission of the Texas Real Estate Commission is to assist and protect consumers of real estate services, and foster economic growth in Texas. Through its programs of education, licensing and industry regulation, the Commission ensures the availability of capable and honest real estate service providers.

Commission rules affect appraisals and appraisal-related activity

At its February 10, 1997, meeting, the members of the Commission adopted a policy statement which confirmed that real estate licensees must comply with the appraisal guidelines contained in the Appraisal Foundation's Uniform Standards of Professional Appraisal Practice (USPAP). Since 1991, TREC rule 22 TAC §535.17 has required real estate licensees performing appraisals to comply with the USPAP. Failure to comply with the rule is grounds for disciplinary action. The USPAP addresses a wide range of topics, including the identification of any special limiting conditions in the appraisal, the effect on use and value of factors such as neighborhood trends and land use regulation, and the analysis of prior sales of the subject property.

The TREC rule provides an exception for licensees who, for a separate fee, provide a broker's opinion of value (BOV) or comparative market analysis (CMA), but only if a *verbatim* disclosure is provided in writing to the

person for whom the BOV or CMA is prepared: "THIS IS AN OPINION OF VALUE OR A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon my work, you should know that I have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Uniform Appraisal Practice of the Appraisal Foundation." The disclosure must also be made part of any written opinion or analysis report. If no separate fee is being received for the BOV or CMA, such as when the licensee has prepared the CMA for use only in determining the listing price for a property, the licensee is not subject to the USPAP or required to provide the disclosure.

To obtain a copy of the current USPAP, contact the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005 (202-947-7722).

Texas General Land Office answers questions about Gulf Coast property

Information about building and purchasing property on the Texas Gulf Coast may be obtained from the Texas General Land Office (GLO). The GLO's Coastal Division protects the public's right to use and enjoy the beach, coordinates erosion response, and preserves dunes. For information and assistance about preferred methods of retarding erosion, preserving and restoring dune systems, or permitting processes call: 1-800-85-BEACH or view http://www.glo.state.tx.us/res_mgmt/coastal/hotline.html.

License law amendments

continued from page 1

tional education or experience. The additional education could not exceed 60 classroom hours of core real estate inspection courses. A provision has been added to require a professional inspector to have completed at least 200 inspections before being eligible to sponsor apprentices or real estate inspectors.

Complaints and Investigations

Language has been added to clarify that any person may file a complaint. The Commission was also authorized to permit staff to file written complaints and initiate investigations based on payments from a recovery fund, criminal offenses and returned checks.

Suits Filed by Licensees Against Licensees

The requirement for a written memorandum to enforce an agreement to pay a real estate commission will not apply to agreements between licensees or limit a cause of action between brokers for interference of business relationships.

Elimination of Gender Specific Terms

TRELA was amended to change gender specific terms like "salesman" and "his" to "salesperson" and "a person's." TREC must change its documents and rules before January 1, 1999, but the change in the law does not affect licenses issued before the law takes effect or TREC changes its documents.

Registration To Handle Easements or Rights-of-Way

TREC has been authorized to register persons who, for another person and for compensation, buy, sell, lease, or transfer an easement or right-of-way in connection with telecommunication, utility, railroad, or pipeline service. A person registered under TRELA would not be required to also be licensed as a real estate broker or salesman when dealing with the easement or right-of-way. Real estate licens-

ees would not be subject to the registration requirement. After January 1, 1998, acting without registration is a criminal offense punishable by fine and/or imprisonment. There are no education, experience or examination requirements for registration or renewal of registration.

Application Requirement Waivers

TREC's rulemaking authority has been expanded to permit waivers of education, experience or examinations to be adopted for applicants licensed within the previous six years; the current law permits waiver rules for applicants licensed within the previous five years.

Definitions

Under the current law, governmental subdivisions and certain other entities are not included within the definition of the term "person." The courts have therefore concluded that a real estate license is not required to act as a broker for such entities. Technical changes in the definition of the term "person" clarify that individuals, corporations and limited liability companies must be licensed by TREC to provide brokerage services for a wide range of entities, including governmental subdivision or agencies.

Exemptions

Exemptions have been added for limited liability partnerships and partnerships acting through a partner who is a licensed broker.

Fees

The ceiling on the fee for taking a real estate examination has been increased from \$25 to \$50. This change permits, but does not require, a fee increase. Right-of-way and easement registrants would pay annual fees totaling \$150, \$20 of which would be transmitted to the Real Estate Center.

Real Estate Center revenues are rededicated

House Bill No. 2948 was signed by the Governor on June 19, 1997 rededicating funds collected from real estate licensees and applicants to the Real Estate Center at Texas A&M University. This action ensures that fees collected by TREC for the Center will be available to the Center for its programs.

Rental locators reprimanded

Four TREC licensees acting as rental locators each agreed to the entry of a reprimand and the payment of an administrative penalty in the amount of \$500 for acting negligently in performing an act requiring a real estate license. Signs advertising the services of each locator were placed within the public right-of-way of the City of Houston or within its extraterritorial jurisdiction without written permits in violation of the Sign Code of the City of Houston.

Hearings were held June 3, 1997, in Houston concerning similar allegations against other rental locators. At press time, rulings have not yet been rendered in those cases.

Licensees who wish to read about rules and regulations regarding rental locators may access TREC Fax and request TREC information update (Vol. 1, No. 1, August 12, 1996 - Rental Locator Information) or view TREC's website.

New requirements for sellers of unimproved or vacant land

Two bills passed by the 75th Legislature and signed into law by Governor George W. Bush will affect the sale of unimproved or vacant land under contracts executed on or after January 1, 1998. House Bill No. 1665 requires a seller of unimproved real property to be used for residential purposes to provide the purchaser with a written notice disclosing the location of transportation pipelines. A seller's failure to give the notice on or before the effective date of the contract permits the buyer to terminate the contract for any reason not later than the seventh day after the effective date of the contract. The notice requirement does not apply, however, if the contract between the seller and the buyer obligates the seller to furnish a title insurance commitment to the buyer prior to closing, and the buyer is entitled to terminate the contract if the buyer's objections to title are not cured by the seller prior to closing.

House Bill No. 384, also effective for contracts executed on or after January 1, 1998, requires the seller of an interest in vacant land to include a specific bold-faced notice in the contract relating to possible liability for additional taxes due to the transfer or a change in the use of the land. If the notice is not included in the contract, the person to whom the land is transferred is entitled to recover from the seller an amount equal to the amount of any additional taxes and interest that the person is required to pay as a penalty because of the transfer or a change in the use of the land occurring within five years after the transfer. This notice is not required if the contract contains a separate paragraph expressly providing for the payment of any additional ad valorem taxes and interest that become due as a result of the transfer or a subsequent change in the use of the land.

TEXAS REAL ESTATE COMMISSION

DISCIPLINARY ACTIONS

CONTINUED FROM PAGE 7

Taylor, Ann Elizabeth (Springtown); license #304007 Failing within a reasonable time to make good a check issued to the Commission in violation of §15(a)(4). Reprimand of broker license, entered March 28, 1997

Kan, Alan H. (Lewisville); license #400656 Failing within a reasonable time to make good a check issued to the Commission in violation of §15(a)(4). Reprimand of broker license, entered April 1, 1997

Peterson, Raymond (Dallas); license #306545 Failing within a reasonable time to make good a check issued to the Commission in violation of §15(a)(4). Reprimand of broker license, entered April 4, 1997

Goff, Leonard Samuel, Jr. (Houston); license #230870 Failing to document the wishes of the purchasers regarding the deposit or use of earnest money in violation of §15(a)(6)(W). Reprimand of broker license, entered April 21, 1997

Nanci Hawes Real Estate School (Dallas) Promoting its educational programs in such a manner as to create a false impression of the school's importance in violation of 22 TAC §535.66(dd); promoting its educational programs in such a manner as to state or imply that its programs excel any other course of instruction in violation of 22 TAC §535.66(ee). Reprimand, entered April 24, 1997

Bujan, Charles Bruce (Austin); license #365436 Conducting real estate brokerage services through an unlicensed corporation in violation of §15(a)(6)(S). Agreed administrative penalty of \$500.00 entered May 8, 1997; agreed reprimand of salesman license, entered May 8, 1997

Bonham, Becky Jo (Austin); license #225325 Conducting real estate brokerage services through an unlicensed corporation in violation of §15(a)(6)(S). Agreed administrative penalty of \$500.00 entered May 8, 1997; agreed reprimand of broker license, entered May 8, 1997

Jolly, Gurmukh Singh (Houston); license #321806 Inserting language in a contract attempting to create a lease with an option to purchase in violation of 22 TAC §537.11(d). Reprimand of broker license, entered May 26, 1997

ADMINISTRATIVE PENALTIES

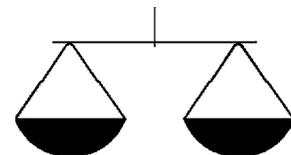
Mott, Richard Thomas (Houston); license #171660 Failing to timely provide a copy of an offer in violation of §15(a)(6)(T). Agreed administrative penalty of \$250.00, entered February 7, 1997

Pena, Maria De Jesus Flore (Laredo); license #192211 Engaging in a misrepresentation regarding a security deposit when renting real property in her own name in violation of §15(a)(3). Agreed administrative penalty of \$500.00, entered March 12, 1997

Chilton, Clyde, Jr. (Copperas Cove); license #404516 Failing within a reasonable time properly to account for or remit money coming into his possession which belongs to others, or commingling money belonging to others with his own funds; violations (4) of §15(a)(6)(E). Agreed administrative penalty of \$2,000.00, entered April 17, 1997

Chilton, Phyllis Ann (Copperas Cove); license #417703 Failing within a reasonable time properly to account for or remit money coming into her possession which belongs to others, or commingling money belonging to others with her own funds; violations (4) of §15(a)(6)(E). Agreed administrative penalty of \$2,000.00, entered April 17, 1997

All suspensions and revocations of licenses take effect at 5 p.m. on the date specified.



When you terminate a sponsorship...



A broker wishing to terminate the sponsorship of a salesperson must submit to TREC a written notice of termination for the termination to be effective. A notice of termination of sponsorship form is provided on the back of the salesperson's license. A broker continues to be responsible for the acts of a sponsored salesperson until the termination of sponsorship form is mailed (evidenced by USPS postmark date) or received by the Commission (evidenced by TREC's date received stamp). A broker is also required to notify the salesperson in writing that the broker is terminating sponsorship of that salesperson. A change of sponsorship form (including the required fee) submitted by a salesperson and the new sponsor is also effective when mailed to or received by the Commission.

Exam Information:

An examination development workshop was held at the TREC offices in Austin on July 7-9. Real estate experts from around the state participated in reviewing test questions to be included in TREC's real estate license examinations. Persons interested in participating in future examination development workshops should contact Jeanette Clawson with National Assessment Institute (NAI) at (801) 355-5009.

Applicants interested in paying for examinations by check will be able to do so this fall. As of October 1, 1997, Sylvan will be accepting checks over the phone as payment for an examination. This process is similar to using a debit card and involves an electronic funds transfer from the applicant's bank to Sylvan. Information on how this process works will be available via the toll free number at Sylvan sometime in September. Until October 1st, applicants wishing to pay by check will need to pay onsite at the local Sylvan Technology Center.

Employee of the Quarter:

TREC is proud to announce that Mary Murphy recently received the second Employee of the Quarter award for fiscal year 1997. A TREC employee since February of 1991 when she began work in TREC's Cashier Division, Mary today works in the Communication Department where she can be found giving information and assistance to callers. Have a question about licensing and renewal requirements for salesperson, broker and inspector licenses? Mary has the answer. She's an information resource for any question a caller needs to know about TREC contracts, rules and laws, education requirements, etc. The Communication Department relies upon Mary because of her dependability and conscientiousness. Please join us as we thank her for her good work.

TREC recognizes one employee each quarter based on nominations of fellow employees. The nominees are evaluated on performance, teamwork, initiative, flexibility, leadership and other contributions to TREC's mission.

Who writes TREC's real estate contracts?

The contract forms being considered for promulgation by the Commission were drafted by the Texas Real Estate Broker-Lawyer Committee. The committee was originally formed in 1974 by an accord between TREC and the State Bar of Texas. In 1983, the Committee's existence was addressed by an amendment to TREL. By law, the Committee is composed of six attorneys appointed by the President of the State Bar of Texas and six persons appointed by TREC. Committee members have a wide range of experience in sales, title insurance, real property law mortgage lending and real estate education. Members from El Paso, Dallas, Arlington, Houston, Austin, Lufkin, San Antonio and Lubbock share the experience of their business communities to achieve the Committee's statutory goal of drafting forms which expedite transactions and re-

duce controversies to a minimum while containing safeguards adequate to protect the interests of the principles to the transaction.

Broker members are Fred Blair, Rob Hovious, Rick Knowles, Judy McKee (Broker Co-Chair), Randy McKechnie and George C. Stephens (Secretary). Attorney members are Walter L. Borgfeld, Jr., (Lawyer Vice-Co-Chair), Richard Melamed, Jerome L. Prager, C. Tom Reese, Frank Rutenberg and David C. Spoor (Lawyer Co-Chair).

In September, terms held by two broker members and two attorney members will be expiring. Persons interested in being considered for appointment as a broker member should contact either TREC or the State Bar, depending upon the appointment desired.

Got a question? The answer is at your fingertips:

TREC website:
<http://www.trec.state.tx.us>

TRECFax:
(512) 419-1623

**TREC toll-free phone
number:**
(800) 250-TREC

TEXAS REAL ESTATE COMMISSION DISCIPLINARY ACTIONS

For this and more TREC enforcement information visit <http://www.trec.state.tx.us>

REVOCATIONS

Norton, James Thomas (Plano); license #116911 Failing wholly to make good a check issued to the Commission in violation of §15(a)(4). Revocation of broker license, effective February 28, 1997

Brint, Billy R. (Waco); license #177505 Failing wholly to make good a check issued to the Commission in violation of §15(a)(4). Revocation of broker license, effective February 28, 1997

Pearce, David Cogswell (Houston); license #285996 Felony criminal conviction of Aiding and Abetting: Misapplication of RTC Assets, and Gratuities to a Public Official in violation of §4(a), Article 6252-13c. Revocation of salesman license, effective February 28, 1997

Pearce, Shirley Lynne, (Houston); license #285990 Criminal conviction of Gratuities to a Public Official in violation of §4(a), Article 6252-13c. Revocation of broker license, effective February 28, 1997

Martinez, Freddy Christopher (Austin); license #358883 Acting negligently or incompetently in executing the initials of a principal without their authorization in violation of §15(a)(6)(W). Revocation of salesman license, effective March 17, 1997

Turk, Delbert Lee (Austin); license #171135 Felony criminal conviction of aggregated theft in violation of §4(a), Article 6252-13c; felony criminal conviction of tampering with a government record in violation of §4(a), Article 6252-13c. Revocation of broker license, effective March 17, 1997

Veytia, Joe Frank (San Antonio); license #285411 Engaging in misrepresentation or dishonest or fraudulent action when buying real property in his own name in violation of §15(a)(3); failing to inform a person with whom he has dealt that he is a licensed real estate broker acting on his own behalf in violation of 22 TAC §535.144. Revocation of broker license, effective March 24, 1997

Powell, J. Frank (Austin); license #213092 Failure to account for or remit

a security deposit in violation of §15(a)(6)(E); failure to account for or remit a security deposit and rents collected in violation of §15(a)(6)(E). Revocation of broker license, effective March 31, 1997

Leggett, Mildred B.(Dallas); license #203095 Criminal conviction for Mail Fraud in violation of §4(a), Article 6252-13c. Revocation of salesman license, effective May 15, 1997

Baker, John Fred (Houston); license #204769 Conviction for the felony offense of Bank Fraud, Aiding and Abetting and conviction for the felony offenses of Conspiracy to Violate the Laws of the United States and Illegal Participation in Projects, Aiding and Abetting in violation of §4(a), Article 6252-13c. Three-year probated revocation of broker license, effective May 26, 1997

Suspensions

Malone, Janie Carole (Kaufman); license #395770 Failing to use a current contract form in violation of 22 TAC §537.11; neglecting to have seller provide a seller's disclosure of property condition in violation of §15(a)(6)(W). Agreed 60-day suspension of broker license, fully probated for 1 year, effective April 1, 1997

Cortez, Martha S. (San Antonio); license #317829 Preparing a property management accounting that contained discrepancies in violation of §15(a)(6)(W). 60-day suspension of salesman license, effective May 26, 1997

REPRIMANDS

Brown, Timothy Wayne (Houston); license #202985 Failing within a reasonable time to make good a check issued to the Commission in violation of §15(a)(4). Reprimand of broker license, entered February 28, 1997

Munoz, Reymundo (El Paso); license #434519 Negligently drafting financing provisions in a contract in violation of §15(a)(6)(W). Reprimand of salesman license, entered March 3, 1997

Barefoot, Mary Christina (Fort Worth); license #397683 Failing within a reasonable time to make good a check issued to the Commission in violation of §15(a)(4). Reprimand of salesman license, entered March 7, 1997

Wright, Timothy Ray (Borger); license #419677 Broker failed to file assumed name with the Commission in violation of 22 TAC §535.154(b); broker allowed salesman to place advertisement which implied salesman was responsible for the operation of a real estate brokerage business in violation of 22 TAC §535.154(d). Agreed reprimand of broker license, entered March 26, 1997. Agreed administrative penalty of \$500.00, entered March 26, 1997

Hearon, Karen Ann (Borger); license #435283 Salesman placed advertisement which implied salesman was responsible for the operation of a real estate brokerage business in violation of 22 TAC §535.154(d). Agreed reprimand of salesman license, entered March 26, 1997. Agreed administrative penalty of \$500.00, entered March 26, 1997

Holly Lake (Hawkins); #01248601 Selling or offering to sell a timeshare interest from a timeshare property that is not registered with the Commission in violation of §221.021, Texas Timeshare Act. Agreed reprimand of timeshare registration, entered March 28, 1997

Hill Country Resort (Canyon Lake); #02108601 Selling or offering to sell a timeshare interest from a timeshare property that is not registered with the Commission in violation of §221.021, Texas Timeshare Act. Agreed reprimand of timeshare registration, entered March 28, 1997

Villages Resort (Tyler); #12318501 Selling or offering to sell a timeshare interest from a timeshare property that is not registered with the Commission in violation of §221.021, Texas Timeshare Act. Agreed reprimand of timeshare registration, entered March 28, 1997

continued on page 5

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Mary Streetman

The TREC *Advisor* (ISSN 1047-4579) is published by the Texas Real Estate Commission (TREC) as an educational service to licensees in the state of Texas. The purpose of the newsletter is to promote a better understanding of The Real Estate License Act and to inform all licensees of changes affecting laws and practices in the real estate industry. The TREC *Advisor* is funded through legislative appropriations and subscriptions collected from TREC licensees. The official text of TREC rules is filed with the Office of the Secretary of State, *Texas Register*.

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