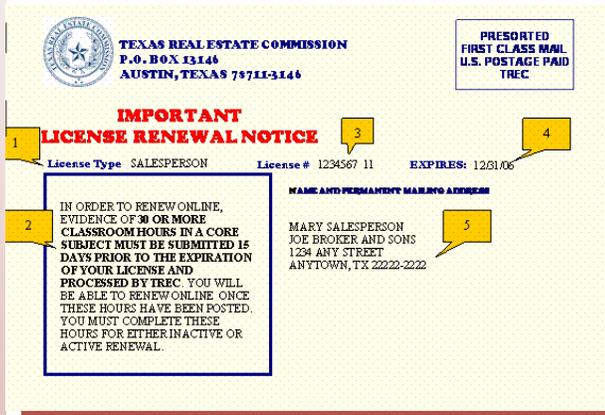




TREC Advisor

Texas Real Estate Commission ★ Volume 17, Number 3 ★ July 2006

Reminder Postcard Mail Out Began July 1, 2006



FRONT OF CARD



BACK OF CARD

TREC stopped mailing the current license renewal form on **July 1, 2006**. Instead, TREC now mails postcards 90 days in advance of the license expiration date, listing the :

- 1 type of license (salesperson, broker, etc.);
- 2 education hours that must be completed in order to renew;
- 3 license number and check digit number;
- 4 license expiration date; and
- 5 name, permanent mailing address. An active salesperson's notification will continue to be sent to his or her sponsoring broker; inactive salespersons and all brokers will receive the postcard di-

Unlike the existing renewal forms that are mailed back with checks and money orders, **the new postcard will not be used to renew a license**. Instead, **all licensees will renew online** using a credit card or "check card" for payment. The present online renewal process will remain unchanged.

Note: Salespersons under SAE must submit their education hours to TREC at least 10 business days in advance of renewing their license online.

TREC web site: www.trec.state.tx.us

★ Inside this issue... ★

- Meeting Highlights2
- Revised Contracts3
- Proposed and Adopted Rules.....4
- Disciplinary Actions8

★ ★



TEXAS REAL ESTATE
COMMISSION

Meeting Highlights

May 1, 2006

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, May 1, 2006. Chairman John Walton presided.

Morris Peters from the State Employee Charity Campaign presented Esta Hardy, the agency coordinator, with the 2005 award for Highest Participation by an Agency. (See photo)

During staff reports, Ms. Hassumani reported that Administrator Wayne Thorburn was honored at the American Resort Development Association meeting on March 28, 2006 where he received the "Madsen Award" for his work on timeshare related matters (See photo).

The Commission was presented with three lists of recommendations from external and internal focus groups concerning changes to education, licensing, enforcement, technology, communications, human resources and inspector issues. After the Commission had considered the items, staff was instructed to include various items in the Strategic Plan. The Commission approved the Strategic Plan for FY 2007-2011 with these additions. (For an indepth discussion of this issue please see the minutes of the May 2006 meeting on the TREC web site, www.trec.state.tx.us).

The motions for rehearing scheduled for the meeting were continued to the June 19, 2006 meeting.

The Commission reviewed the recommendations of the Sunset Advisory Commission regarding changes to TREC law and policy. The Commission issued its reply and directed staff to prepare and present the reply to the Sunset Advisory Commission. (For an indepth discussion of this issue please see the minutes of the May 2006 meeting on the TREC web site, www.trec.state.tx.us).

The Commission voted to approve payment of three claims against the Real Estate Recovery Trust Account. The claims are as follows: one for \$34, 000, one for \$290,000, and one for \$50,000.

The Commission voted to adopt amendments to 22 TAC §535.64, §§535.91 and 535.92, §535.144, §535.210 and §539.71. The Commission voted to propose amend-



Morris Peters from State Agency Charity Campaign presented agency coordinator, Esta Hardy, with award for Highest Agency Participation.



Chairman John Walton (right) presents Administrator Wayne Thorburn (left) with "Madsen Award" that Mr. Thorburn received from the American Resort Development Association.

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.

Official publication of the
Texas Real Estate Commission
Volume 17, Number 3
July 2006

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EL PASO

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The TRECAdvisor (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 TRECAdvisor 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. TREC encourages reproduction of this newsletter with the appropriate acknowledgments. Subscriptions are available for \$4.00 for two years. Single issues are \$1.00. To order a subscription or a single issue write to TRECAdvisor, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. For information regarding TREC, contact:

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

TEXAS REAL ESTATE COMMISSION...**Meeting Highlights continued**

ments to 22 TAC §535.61 and §535.63, §535.220 and §535.223. The Commission voted to propose the repeal of §535.217. The Commission voted to repeal TREC Form No. OP-M, Addendum for unimproved Property Located in a Certificated Service Area of a Utility Service Provider.

The next meetings of the Commission are scheduled for June 19, 2006 and August 7, 2006 in Austin at TREC Headquarters. Also a meeting was scheduled for September 27, 2006 in San Antonio.

June 19, 2006

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, June 19, 2006. Chairman John Walton presided.

Alan Waters, Director of Staff Services, announced that he would be retiring after 34 years with the agency. Wayne Thorburn, Administrator, announced that he would also be leaving the agency at the end of October.

The Commission voted to approve payment of two claims against the Inspector Recovery Fund. The claims were for \$12,500 each. The Commission voted to approve payment of three claims against the Real Estate Recovery Trust Account. One claim was for \$15,515, one for \$3,900 and the another for \$3,840.

The Commission voted to adopt amendments to 22 TAC §535.61 and §535.63. The Commission voted to refer the amendments to 22 TAC §535.220 back to the Inspector Committee for further recommendations. The Commission voted to withdraw the repeal of §535.217. The Commission voted to propose amendments to 22 TAC §§533.34 and 533.35. The Commission voted to propose amendments to 22 TAC §§543.3-.4 and new §543.12. The Commission voted to withdraw the amendments to §535.223 and new §§535.232-535.238 and return these rules to the Inspector Committee for further recommendations.

The Commission overturned the order of the Administrative Law Judge on Hearing Number 06-63-054240, in the matter of Ricardo M. Estevez and issued a probated license. The Commission overturned the order of the Administrative Law Judge on Hearing Number 06-64-054241, in the matter of Juan C. Estevez and issued a probated license.

The next meetings of the Commission are scheduled for June 30, 2006 and August 7, 2006 in Austin at TREC Headquarters. Also a meeting was scheduled for September 27, 2006 in San Antonio.

June 30, 2006

The Texas Real Estate Commission held a special scheduled meeting at the TREC headquarters in Austin, Texas on Friday, June 30, 2006. Chairman John Walton presided.

The Commission appointed Chairman Walton, Commissioner Mary Frances Burleson and Commissioner Paul Jordan as the Administrator Selection Committee.

The Commission discussed the draft job description for the Administrator position. Minor changes were made and staff was instructed to post the job opening as soon as possible.

The next meeting of the Commission is scheduled for August 7, 2006 in Austin at TREC Headquarters. Also a meeting was scheduled for September 27, 2006 in San Antonio.

New Look for TREC Website



Through the web site, you can conduct business with TREC online 24 hours a day, 7 days a week.

Whether submitting an original license application or renewing your license online, the process is simple, secure, and convenient.

- Visit our home page and click on the **"File and Pay Online"** link to get going.

- Next, find your license type and then select the appropriate link

to apply or renew. TREC's online system will walk you through the process, step by step.

- To pay, use a credit card or a check card: MasterCard, Visa, Discover, and American Express are accepted. Once you have completed your transaction, you may print out a receipt and a record of your application or renewal.

There are many other online features that you can use for free on the TREC web site.

- Change your permanent mailing address at no cost. At our home page, click on the link that says, **"see other ways to do business with TREC online"** and then again on "verify or change your permanent mailing address." Remember to update your permanent mailing address so your mail will reach you.
- Obtain current contracts and addenda, click on the forms page to help yourself.
- Find MCE and SAE classes. At the **"Education & Exams"** main page, click on the **"Already Licensed..."** link to access a complete list of education providers offering online and classroom courses.
- Confirm the number of education hours you have already submitted to TREC, or figure out how many more hours of MCE or Core you need to renew your license. At the top of any page, use the **"Search Licensee Info/Education"** button to look up your license details, including a complete list of your education hours that TREC has received and recorded. Education providers are granted 10 business days from the completion of the course to submit hours to TREC.
- Find upcoming meeting dates and agenda items within the **"News & Public Data"** tab on our web site and read the meeting minutes online.
- Look up enforcement actions taken against a licensee, one only needs to visit the **"Complaints & Consumer Info"** tab on the TREC web site. A complaint form may be downloaded, completed, signed, and mailed to TREC. Disciplinary actions may be searched by entering a licensee's name or license number at the Disciplinary Actions page.

We welcome any comments and suggestions that will help TREC know how to serve you better and more efficiently. The **"News & Public Data"** main page has links to an online Customer Survey and a Website Comments form that you may complete and send to us online. Please take a moment soon and do that for us. Meanwhile, we're here for you 24/7 at www.trec.state.tx.us

Rules Adopted at the May 1, 2006 meeting of the Texas Real Estate Commission

(for text of rules go to www.trec.state.tx.us)

Rule Number	Effective Date	Topic of Rule	Summary of amendment
§535.64	05/24/2006	F. Education, Experience, Education Programs, Time Periods and Type of License	Adopts by reference Form Ed 7-1 Instructor Manual Guidelines For Core Real Estate And Real Estate Related Courses. Adds to the rule a cite to the TREC website to download the form and changes the cites in the form to the relevant statutory provisions of Chapter 1101 Texas Occupations Code. Also updates the Instructor Manual for style and clarity and removes obsolete sections.
§§535.91 and .92	07/01/2006	I. Licenses	Adopts amendments to §535.91 concerning Renewal Notices and §535.92 concerning Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements. In §535.91 the amendments changes the name of the "renewal application form" to "renewal notice" to make it clear that the commission will be notifying real estate licensees of renewal requirements with a notice rather than a form. It also deletes the subsection that adopts by reference the renewal application form as the form will no longer be used. The adopted revisions to §535.92 require all licensees to renew online at the commission website with an appropriate payment method. All information required of the licensee to renew the license may be entered online. Licensees unable to renew online can obtain a renewal form from the commission by mail or by downloading the form from TREC's website. The commission will continue to notify licensees of the renewal and educational requirements three months before the expiration of the current license.
§535.144	05/24/2006	N. Suspension and Revocation of Licensure	Adopts amendments to §535.144 concerning When Acquiring or Disposing of Own Property. The amendment to §535.144 defines "first degree of consanguinity" to mean a child or parent of the licensee and requires a licensee to disclose in writing that he or she is a real estate salesperson or broker acting on his or her own behalf or on behalf of the licensee's spouse
§535.210	05/24/2006	R. Real Estate Inspectors	Adopts an amendment to §535.210 concerning Fees to add a \$5 fee to be charged to corporations and limited liability companies licensed as Texas professional inspectors for the annual renewal of the license.
§539.71	05/24/2006	Provisions of the Residential Service Company Act	Adopts amendments to §539.71 concerning Miscellaneous Forms by changing the cites in Form RSC 2-3

Rules Proposed at the May 1, 2006 Meeting

Rule Number	Topic of Rule	Summary of amendment
§§535.61, 535.63	F. Education, Experience, Education Programs, Time Periods and Type of License	Proposes amendments to §535.61 concerning Examinations and §535.63 concerning Education and Experience Requirements for a License. The amendment to §535.61 authorizes the commission to waive the national portion of the examination for an applicant who has passed a comparable national examination that has been certified by a nationally recognized real estate regulator association. The amendment to §535.63 requires a salesperson subject to annual education (SAE) requirements to furnish documentation to the commission of successful completion of appropriate courses 10 business days prior to the day the salesperson renews the salesperson's license. The amendment to §535.63 is necessary to implement on-line renewal of a salesperson's license subject to SAE.
§535.217	R. Real Estate Inspectors	Proposes the repeal of §535.217 concerning Dishonest Conduct as Grounds for Disciplinary Action. The repeal is proposed because the subjects addressed in these sections will be covered in new proposed amendments to §535.220 that TREC is simultaneously proposing as part of the Real Estate Inspector Committee recommendations regarding Professional Conduct and Ethics.
§535.220	R. Real Estate Inspectors	Proposes amendments to §535.220 concerning Professional Conduct and Ethics. The Texas Real Estate Inspector Committee has recommended that the Commission amend the rule to prohibit contingency arrangements in cases where compensation depends on specific findings or on closing or settlement; to prohibit an inspector from paying a fee to or receiving a fee from a "settlement service provider" as defined in the rule for the referral of inspections for inclusion on a list of preferred providers or for inclusion on a list of inspectors contingent on other financial agreements; to prohibit an inspector from accepting a fee for referring services that are not settlement services or other products to the inspector's client without the consent of the inspector's client; to clarify that an inspector may pay or receive a fee for services actually rendered; to prohibit an inspector from conducting repair for a fee of any systems or components of property covered by the Standards of Practice on which the inspector has performed an inspection under an earnest money contract lease or exchange of real property within 12 months of the date of the inspection; and to prohibit an inspector from disclosing inspection results or client information without prior approval from the client except for observed immediate safety hazards to occupants exposed to such hazards.

Rules Proposed at the May 1, 2006 Meeting

Rule Number	Topic of Rule	Summary of amendment
§535.223	R. Real Estate Inspectors	Proposes an amendment to §535.223, concerning standard inspection report forms. The amendment would adopt by reference a standard inspection report form. The proposed revisions to the report form, Inspection Report Form REI 7A-1, have been recommended by the Texas Real Estate Inspector Committee, to correspond to proposed revisions to the inspector standards of practice that are also being proposed.
§§535.232-535.238	R. Real Estate Inspectors	<p>Proposes new rules §§535.232-535.238, concerning inspector standards of practice. The new rules are proposed in conjunction with the Real Estate Inspector Committee's comprehensive review and recommendation regarding inspector standards of practice. The proposed new rules divide the standards of practice for inspectors into seven sections by providing two additional sections and contain a number of substantive changes recommended by the Texas Real Estate Inspector Committee.</p> <p>Generally, the proposed new sections rearrange the current standards of practice, listing the systems, components and items in a home which the inspector must include in an inspection unless the inspector's client agrees to limit the scope of the inspection.</p> <p>New §535.232 addresses standards of practice: general provisions which include definitions, the scope, and the departure provisions of an inspection. New §535.233 addresses inspection guidelines for building systems, including the foundation; site conditions; exterior surfaces; interior surfaces; fireplace and chimney; roof covering; roof framing and attics; and balconies, steps, porches, decks and carports. New §535.234 addresses inspection guidelines for heating ventilation and air conditioning systems. New §535.235 address inspection guidelines for plumbing systems. New §535.336 addresses inspection guidelines for appliances. New §535.337 addresses inspection guidelines for electrical systems. New §535.338 addresses inspection guidelines for optional systems.</p>

Rules Adopted at the June 19, 2006 meeting of the Texas Real Estate Commission

(for text of rules go to www.trec.state.tx.us)

Rule Number	Effective Date	Topic of Rule	Summary of amendment
§§535.61, 535.63	07/10/2006	F. Education, Experience, Education Programs, Time Periods and Type of License	Adopts amendments to §535.61 concerning Examinations and §535.63 concerning Education and Experience Requirements for a License. The amendment to §535.61 authorizes the commission to waive the national portion of the examination for an applicant who has passed a comparable national examination that has been certified by a nationally recognized real estate regulator association. The amendment to §535.63 requires a salesperson subject to annual education (SAE) requirements to furnish documentation to the commission of successful completion of appropriate courses 10 business days prior to the day the salesperson renews the salesperson's license. The amendment to §535.63 is necessary to implement on-line renewal of a salesperson's license subject to SAE.
§535.223	06/19/2006	R. Real Estate Inspectors	WITHDRAWN Proposes an amendment to §535.223, concerning standard inspection report forms.
§§535.232-535.238	06/19/2006	R. Real Estate Inspectors	WITHDRAWN Proposes new rules §§535.232-535.238, concerning inspector standards of practice.

Rules Proposed at the June 19, 2006 Meeting

Rule Number	Topic of Rule	Summary of amendment
§§533.34-533.35	Practice and Procedure	Proposes amendments to §533.34 concerning Disapproval of an Application for a License or Registration and §533.35 concerning Revocation or Other Action Against a License or Registration. The amendment to §533.34 clarifies that notice of disapproval will not be provided to a sponsoring broker of an applicant for a salesperson license as such licenses are issued as inactive with no sponsoring broker. The amendment to §533.35 clarifies that a hearing concerning a revocation or other disciplinary action against a licensee will be held at a time and place designated by the Commission except in cases involving a violation of §1101.652(a)(3) or (b), Texas Occupations Code. In those cases, the hearing shall be held pursuant to §1101.657(d) if the licensee requests.
§§543.3-543.4, and §543.12	Rules Relating to Provisions of the Texas Timeshare Act	Proposes amendments to §543.3, concerning Fees, §543.4, concerning Forms, and proposes new §543.12 concerning Renewal of Registration. The amendments and new rule are proposed to implement revisions to the Texas Timeshare Act, Chapter 221, Texas Property Code enacted during the 79 th Legislative Session, Regular Session, by House Bill 1045. The amendments provide for renewal requirements for registered timeshare properties, including a renewal form, and renewal fees. The amendments also propose to amend the Abbreviated Registration of a Timeshare Plan to request additional information from the developer about the jurisdiction in which the plan is already registered and to fix some typographical errors in the form.



Disciplinary Actions

February 2006—May 2006

Consumer Complaints

Texas Creative Financial
(Dallas); license #467907

Agreed administrative penalty of \$1,000, entered February 3, 2006; paid a commission or fees to, or divided a commission or fees with, an unlicensed person (a salesperson whose license had expired) for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations code. Established an association, by employment or otherwise, with an unlicensed person (a salesperson whose license had expired) who was expected or required to act as a real estate licensee, in violation of §1101.652(b)(26) of the Texas Occupations Code

Austin, Alan Ray
(Houston); license #5194

Reprimand of professional inspector license, entered February 22, 2006; engaged in misleading advertising by stating on his website and inspection report form that he was an engineer, despite not being properly licensed in Texas as a professional engineer, in violation of 22 TAC §§ 535.221(d) of the Rules of the Texas Real Estate Commission; reported an inspection on a form that included several impermissible deviations from the required TREC REI 7A-0 form, in violation of 22 TAC §§ 535.223(c) and 535.223(d)(6) of the Rules of the Texas Real Estate Commission

Bell, Karen Anita
(Lewisville); license #489007

Agreed six month suspension of salesperson license fully probated for two years, effective February 28, 2006; failed to specify a definite termination date in a buyer representation agreement by indicating an end date of "tbd," in violation of §1101.652(b)(12) of the Texas Occupations Code; acted negligently or incompetently in failing to make arrangements for a home inspection upon her out-of-state buyer's request, in not notifying the buyer that she had not received his check for the inspection in time to arrange the inspection before the end of the option period, and in improperly using the FHA "For Your Protection: Get a Home Inspection" form in a transaction that was not employing FHA financing, in violation of §1101.652(b)(1) of the Texas Occupations Code

Wikehart, Drew Alexander
(Houston); license #290354

Agreed reprimand of broker license, entered March 3, 2006; Agreed administrative penalty of \$1,000, entered March 3, 2006; engaged in dishonest action and used his expertise to the disadvantage of a buyer, when acting on behalf of a business entity in which he was more than a 10% owner, by agreeing to make repairs to the property and failing to make such repairs prior to closing, in violation of §15(a)(3) of the Real Estate License Act [§1101.652(a)(3) of the Texas Occupations Code, effective June 1, 2003] and 22 TAC §§ 535.144; failed within a reasonable time to provide information requested by the Commission in connection with a complaint, despite multiple telephone calls and letters from the Commission, in violation of §15(a)(8) of the Real Estate License Act [§1101.652(a)(6) of the Texas Occupations Code, effective June 1, 2003]

Madise, Glenda Juanita
(Houston); license #504473

Agreed reprimand of salesperson license, entered March 8, 2006; acted negligently and/or incompetently in performing an act for which a person is required to hold a real estate license, in violation of §1101.652(b)(1) of the Texas Occupations Code by failing to deposit the earnest money contract with an escrow agent and failing to provide notice as required by the Third Party Financing Addendum

Lee, Marilyn Plymale
(Dallas); license #242465

Agreed one month suspension of broker license fully probated for six months, effective March 13, 2006; acted negligently or incompetently when she listed and sold real property and did not include in the listing agreement or a sales contract the intent of the seller to include non-realty items with the sale of the property, in violation of §1101.652(b)(1) of the Texas Occupations Code; Ms. Lee did not properly perform and carry out her duties as a broker, or associate of a broker, when in an intermediary relationship with parties as required by §§1101.559 - 1101.560 of the Texas Occupations Code, in violation of §1101.652(b)(33) of the Texas Occupations Code

Guerrero, Alfredo M.
(Killeen); license #448348

Agreed six month suspension of broker license fully probated for one year, effective March 15, 2006; Agreed administrative penalty of \$2,500, entered March 15, 2006; while engaging in leasing and property management activities, acting negligently or incompetently in performing acts for which a person is required to hold a real estate license and in supervising office staff, in violation of §15(a)(6)(W) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(1) of the Texas Occupations Code]; while engaging in leasing and property management activities, failing within a reasonable time to properly account for or remit money that is received by the license holder and that belongs to another person and commingling money that belongs to another person with the license holder's own money, in violation of §15(a)(6)(E) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§§1101.652(b)(9) and (10) of the Texas Occupations Code]; while engaging in leasing and property management activities, establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a real estate licensee, in violation of §15(a)(6)(S) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(26) of the Texas Occupations Code]; using business names in brokerage business which had not been properly filed with the Commission, in violation of 22 TAC §535.154(c) as authorized by §15B(b) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.656 of the Texas Occupations Code]

Calendar of Events

Commission Meetings:

August 7, 2006
(Austin)
September 27, 2006
(San Antonio)

Broker-Lawyer Committee Meetings:

July 20-21, 2006
(Austin)

Inspector Committee Meetings:

September 11, 2006
(Austin)

Web site:

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

Phone

(800) 250-TREC (8732)
or
(512) 459-6544

**Romo, Santos Glasgow
(The Colony); license #121710**

Agreed administrative penalty of \$500, entered March 22, 2006; paid a commission or fees to, or divided a commission or fees with, an unlicensed person (formerly a salesperson until his license expired) for compensation for services as a real estate agent, in violation of §1101.652(b)(11) of the Texas Occupations Code and Mr. Romo established an association, by employment or otherwise, with an unlicensed person (formerly a salesperson until his license expired) who was expected or required to act as a real estate licensee, in violation of §1101.652(b)(26) of the Texas Occupations Code

**McBride, Tara Lyn
(Kerrville); license #500359**

Agreed reprimand of salesperson license, entered March 23, 2006; acted negligently or incompetently, when representing a buyer, in failing to include in a purchase contract a provision requiring the seller to replace the heating/air-conditioning system, when the seller had agreed to do so in the seller's disclosure and MLS listing, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Griffith, Terry Dean
(Rockwall); license #346073**

One year suspension of salesperson license, effective March 23, 2006; engaged in misrepresentation, dishonesty or fraud when he attempted to sell property in which he was not the owner of the property, nor was he under contract to purchase the property, nor did he have the legal authority to stand as the owner in order to sell the property and he negotiated the earnest money tendered by the buyer, in violation of §1101.652(a)(3) of the Texas Occupations Code and when attempting to sell property in his own name, Mr. Griffith failed to disclose to the buyer either in the sales contract or in any other writing that he was a licensed real estate salesperson, in violation of 22 TAC §535.144 of the Rules of the Texas Real Estate Commission

**Carson, Scott Allen
(Bullard); license #1347**

Agreed reprimand of professional inspector license, entered March 30, 2006; Agreed administrative penalty of \$500, entered March 30, 2006; performed a real estate inspection in a negligent or incompetent manner, in violation of Section 1102.301 of the Texas Occupations Code; failed to report as in need of repair the presence of composition shingle roofing on a very low slope roof, in violation of 22 TAC §535.228(h)(1)(A); reported an inspection on a form that included several impermissible deviations from the required TREC REI 7A-0 form, in violation of 22 TAC §535.223(c)

**Fieseler, Linda Kay
(Midland); license #448680**

Agreed one month suspension of salesperson license fully probated for one year, effective March 31, 2006; Agreed administrative penalty of \$1,500, entered March 21, 2006; acted negligently or incompetently in advising seller clients that they were not legally required to complete a seller's disclosure notice because they had not lived in the property in some years and acted negligently or incompetently in attempting to appoint herself to represent the sellers and the broker to represent the buyers, in violation of Section 1101.652(b)(1) of the Texas Occupations Code; entered into intermediary representation in the absence of proper written consent from the seller prior to showing a listed property to the buyers, in violation of §1101.559(a) of the Texas Occupations Code

**Kelly, Roby Rudene
(Midland); license #169534**

Agreed one month suspension of broker license fully probated for one year; effective March 31, 2006; Agreed administrative penalty of \$1,000, entered March 31, 2006; acted negligently or incompetently in failing to adequately train and supervise a sponsored salesperson and in failing to ensure that proper intermediary procedures were followed, in violation of §1101.652(b)(1) of the Texas Occupations Code; entered into intermediary representation in the absence of proper written consent from the seller prior to showing a listed property to the buyers, in violation of §1101.559(a) of the Texas Occupations Code

**Nash, Christopher Robert
(Dallas); license #515400**

Agreed reprimand of salesperson license, entered April 4, 2006; acted negligently as an intermediary in a sales transaction when Mr. Nash failed to obtain the buyer's written consent to act as an intermediary or state the source of the broker's compensation, failed to provide written notice to the parties of the appointments made by the intermediary broker, paid a rebate to the seller without the consent of the buyer, and paid the buyer a rebate outside of closing and without the consent of the seller, in violation of §1101.652(b)(1) of the Texas Occupations Code

**RESA, Inc.
(San Antonio); license #434367**

Broker agreed administrative penalty in the amount of \$250, entered April 5, 2006; failing to obtain a branch office license for a location where the broker maintains another place of business, in violation of §12(b) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.552(c) of the Texas Occupations Code, effective June 1, 2003]

**Luedke, Sandra Kae
(Flower Mound); license #371045**

Agreed reprimand of salesperson license, entered April 10, 2006; Agreed administrative penalty of \$250, entered April 10, 2006; acted negligently as a buyer's agent when she entered into the MLS a lease listing on behalf of the buyer before the buyer had an executed sales contract, or other right, for the property, in violation of §1101.652(b)(1) of the Texas Occupations Code

**Presser, June Marie
(Rowlett); license #387122**

Agreed reprimand of broker license, entered April 10, 2006; Agreed administrative penalty of \$500, entered April 10, 2006; acted negligently as a buyer's agent when she failed to include in the sales contract the buyer's intent to enter into a contract contingent on the sale of, and receipt of proceeds from, the sale of the buyer's other property, failed to reduce to writing an agreement for repairs between the parties, and failed to fairly keep the seller informed of the buyer's inability to close without the buyer's receipt of proceeds from the sale of the buyer's other property in violation of §1101.652(b)(1) of the Texas Occupations Code

Hobbs, Randolph
(Fort Worth); license #299148

15-day suspension of broker license, effective April 28, 2006; to furnish to a buyer the representation disclosure statement at the time of the first face-to-face meeting with her, in violation of §15C(d) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.558 of the Texas Occupations Code effective June 1, 2003]; failed to make clear to a buyer in a real estate transaction that he was not representing her but was only representing the seller, in violation of §15(a)(6)(D) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(7) of the Texas Occupations Code effective June 1, 2003]; acted negligently or incompetently in conducting himself in a manner that led the buyer to believe that he was representing her and in presenting to both the buyer and seller for their signatures prior to closing a document entitled "Hold Harmless," which was an acknowledgment by the buyer and seller that the broker had made no representation or warranty concerning the condition of the property, in violation of §15(a)(6)(W) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(1) of the Texas Occupations Code effective June 1, 2003]

Watt, Clifford Byron
(Lubbock); license #267297

Agreed reprimand of broker license, entered May 2, 2006; acting negligently or incompetently in failing to review a contract that contained a valid option period and right of first refusal before negotiating a second contract on the same property, in violation of §1101.652(b)(1) of the Texas Occupations Code.

Edwards, John S.
(Bellaire); license #379258

Reprimand of broker license, entered May 5, 2006; acted negligently and/or incompetently in performing an act for which a person is required to hold a real estate license by executing an addendum to a lease without confirming that he still had authority to do so, in violation of §1101.652(b)(1) of the Texas Occupations Code

Stuart, Kimberley Ann
(Sante Fe); license #495573

Agreed reprimand of salesperson license, entered May 3, 2006; Agreed administrative penalty of \$500, entered May 3, 2006; acting negligently or incompetently by attempting to transfer listings from her former broker to a new broker without first obtaining approval from her former broker or the signature of the former broker, in violation of §1101.652(b)(1) of the Texas Occupations Code

Lea, Stanley Kraig
(Galveston); license #301911

Agreed reprimand of salesperson license, entered May 24, 2006; acting negligently or incompetently in signing a lease on behalf of the landlord without authority from the landlord to sign on the landlord's behalf, in violation of §1101.652(b)(1) of the Texas Occupations Code

Lutrick, Phyliss Ann
(Lubbock); license #223128

Agreed 1 month suspension of broker license fully probated for 1 year, effective May 31, 2006; Agreed administrative penalty of \$500, entered May 31, 2006; acted negligently or incompetently in training and supervising a sponsored salesperson, in violation of §1101.652(b)(1) of the Texas Occupations Code; agreed, through a sponsored salesperson, to represent both a buyer and a seller in the same transaction without first obtaining written authorization from both parties to act as intermediary, in violation of §1101.559 of the Texas Occupations Code; advertised using an assumed business name without giving the Texas Real Estate Commission proper notice of her use of the name, in violation of 22 TAC §535.154 of the Rules of the Texas Real Estate Commission

Edwards, Monty Eugene
(Lubbock); license #515752

Agreed 1 month suspension of salesperson license fully probated for 1 year, effective May 31, 2006; Agreed administrative penalty of \$750, entered May 31, 2006; acted negligently or incompetently in misstating information about the age of the components of a home in a brochure used to advertise the property, in violation of §1101.652(b)(1) of the Texas Occupations Code; agreed to represent both a buyer and a seller in the same transaction without first obtaining written authorization from both parties to act as intermediary, in violation of §1101.559 of the Texas Occupations Code; published an advertisement for a property stating that the air conditioning system was three years old, when it was well over ten years old, in violation of §1101.652(b)(23) of the Texas Occupations Code

Administrative Complaints

Vincent, Dwight N.
(Houston); license #456595

One year suspension of salesperson license fully probated five years, effective February 24, 2006; criminal conviction of the felony offense of Possession with Intent to Distribute 3,4 Methylendioxyamphetamine (commonly known as Ecstasy), in violation of 21 U.S.C. §§841(a)(1) & (b)(1)(C), aiding and abetting, in violation of 18 U.S.C. §2, constituting grounds for disciplinary action pursuant to §53.021(a) of the Texas Occupations Code

Sheppard, Wilfred
(Harker Heights); license #449868

Revocation of salesperson license, effective March 1, 2006; final conviction of the felony offense of theft of property of a value of over \$20,000.00 and under \$100,000.00, which is an offense involving moral turpitude and is directly related to the duties and responsibilities of the occupation of licensed real estate salesperson because its commission tends to indicate inability to represent the interest of another with honesty, trustworthiness, and integrity, as found by the Texas Real Estate Commission in 22 TAC §541.1(a) of the Rules of the Texas Real Estate Commission, and as authorized by §53.021(a) of the Texas Occupations Code

Jon, Song Uk
(Houston); license #5992

Agreed administrative penalty of \$250, entered March 2, 2006; violated a term and condition of probation

Fogus, Wayne W.
(Windcrest); license #149360

Revocation of broker license, effective April 25, 2006; payment of \$50,000.00 made by the Texas Real Estate Commission from the Real Estate Recovery Trust Account toward satisfaction of judgments against Wayne W. Fogus, as provided by §1101.655(a) of the Texas Occupations Code

For failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f) of the Rules of the Texas Real Estate Commission the Commission took the listed action against the following persons.

Adams, Debra Ann Harper
(Killeen) license #469285

Agreed reprimand of salesperson license, entered February 13, 2006; Agreed administrative penalty of \$250, entered February 13, 2006

Demske, Norma L.
(Garland) license #495755

Agreed reprimand of salesperson license, entered February 21, 2006; Agreed administrative penalty of \$250, entered February 21, 2006

Jin, Xuemei
(Plano) license #487743

Agreed reprimand of salesperson license, entered February 28, 2006; Agreed administrative penalty of \$250, entered February 28, 2006

Walker, Carla Jeanette
(Crowley) license #207677

Agreed reprimand of salesperson license, entered March 1, 2006; Agreed administrative penalty of \$250, entered March 1, 2006

Dickens, Daniel Wray
(Houston) license #322067

Agreed reprimand of salesperson license, entered March 9, 2006; Agreed administrative penalty of \$250, entered March 9, 2006

Lara, Jose Rene Jr.
(San Antonio) license #497823

Revocation of salesperson license, effective March 21, 2006

Czovek, Andrew Geza
(Houston) license #377094

Revocation of salesperson license, effective March 28, 2006

Girard, Gisela Ann
(San Antonio) license #421605

Revocation of broker license, effective April 13, 2006

Green, Reba Marietta
(Sugar Land) license #463619

Agreed reprimand of salesperson license, entered April 18, 2006; Agreed administrative penalty of \$250, entered April 18, 2006

Parker, Eva K.
(Houston) license #455988

Revocation of salesperson license, effective April 27, 2006

Faulkner, Joseph Todd
(Houston) license #509781

Revocation of salesperson license, effective May 3, 2006

Tran, John Thien
(Spring) license #484339

Agreed reprimand of salesperson license, entered February 15, 2006; Agreed administrative penalty of \$250, entered February 15, 2006

Young, Randall Ray
(Plano) license #471652

Agreed reprimand of salesperson license, entered February 23, 2006; Agreed administrative penalty of \$250, entered February 23, 2006

Brown, Charla Neilette
(Flower Mound) license #422953

Agreed reprimand of salesperson license, entered March 1, 2006; Agreed administrative penalty of \$250, entered March 1, 2006

Mays, Sharon Lee
(Fort Worth) license #478869

Agreed reprimand of broker license, entered March 3, 2006; Agreed administrative penalty of \$250, entered March 3, 2006;

McLean, Kimberly Melissa
(Mansfield) license #448881

Agreed reprimand of broker license, entered March 9, 2006; Agreed administrative penalty of \$250, entered March 9, 2006

Gordon, Ronald W. Jr.
(Texas City) license #483691

Revocation of salesperson license, effective March 24, 2006;

Barbosa, Charlotte Ann
(Dallas) license #436730

Agreed reprimand of salesperson license, entered April 4, 2006; Agreed administrative penalty of \$250, entered April 4, 2006

Grace, Michael B.
(Salado) license #522596

Agreed reprimand of salesperson license, entered April 14, 2006; Agreed administrative penalty of \$500, entered April 14, 2006

Hinton, Kenneth Earl
(Fort Worth) license #498157

Agreed reprimand of salesperson license, entered April 25, 2006; Agreed administrative penalty of \$750, entered April 25, 2006

Daniels, Georgina Marie
(Houston) license #442539

Revocation of salesperson license, effective April 28, 2006

Wilson, Maxine G.
(Magnolia) license #222400

Agreed reprimand of salesperson license, entered May 4, 2006; Agreed administrative penalty of \$250, entered May 4, 2006

Droemer, Ashlee Lynn
(San Antonio) license #479676

Agreed reprimand of salesperson license, entered May 9, 2006; Agreed administrative penalty of \$250, entered May 9, 2006

Benavides, Manuel
(San Antonio) license #436230

Revocation of broker license, effective May 10, 2006

Frantz, Joel Douglas
(Plano) license #444831

Revocation of broker license, effective May 15, 2006

Johnson, James Michael
(Houston) license #457380

Revocation of salesperson licensed, effective May 25, 2006

Waggoner, Lance Allan
(Corsicana) license #339973

Agreed reprimand of broker license, entered May 9, 2006; Agreed administrative penalty of \$250, entered May 9, 2006

McBride, Jessica Lynn
(League City) license #486669

Agreed reprimand of salesperson license, entered May 11, 2006; Agreed administrative penalty of \$250, entered May 11, 2006

Cable, Chad
(Sulphur Springs) license #180254

Agreed reprimand of broker license, entered May 22, 2006; Agreed administrative penalty of \$250, entered May 22, 2006

Hathorn, Larry Wayne
(Walburg) license #236758

Agreed reprimand of broker license, entered May 31, 2006; Agreed administrative penalty of \$500, entered May 31, 2006

For failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC §535.92 (f) of the Rules of the Texas Real Estate Commission. The Commission took the listed action against the following persons.

Johnson, Hiram Barker Jr.
(Dallas) license #160996

Agreed reprimand of broker license; Agreed administrative penalty of \$250, entered February 9, 2006

Currey, David Marcus
(Austin) license #171341

Agreed reprimand of broker license, entered May 23, 2006; Agreed administrative penalty of \$250, entered May 23, 2006

Insull, William III
(Houston) license #1416290

Agreed reprimand of broker license, entered May 31, 2006

For failing to pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f) of the Rules of the Texas Real Estate Commission, the Commission took the listed action against the following persons.

Powell, Awilda Irizarry
(Houston) license #406189

Revocation of salesperson license, effective March 24, 2006

Smith, Carma Baggett
(Houston) license #486826

Agreed reprimand of salesperson license, entered April 5, 2006

Wright, Jennifer Dawn
(Seabrook) license #483948

Revocation of salesperson license, effective May 25, 2006

For failing with a reasonable time to provide information to the Commission in response to Commission's request for same in connection with an application for renewal of real estate salesperson license, the Commission took the listed action against the following persons.

Nguyen, Thien Chi
(Houston) license #506969

Agreed reprimand of salesperson license, entered April 13, 2006

Bailey, Richard Edward
(Houston) license #510444

Revocation of salesperson license, effective May 24, 2006

Anderson, Dorothy Jean
(Arlington) license #257870

Revocation of salesperson license, effective May 31, 2006

FOR YOUR OWN GOOD...

CHECK THE EXPIRATION DATE OF YOUR LICENSE

It is your responsibility to ensure that your license is renewed in a timely manner. Any education required must be completed before your license expiration date if you want to maintain an active real estate license, unless you pay an additional \$200 fee and complete your MCE within 60 days of the expiration date of your license. (A license subject to SAE cannot renew without education being completed.)

Renewal reminder postcards are sent out to all licensees. The Texas Real Estate Commission is not responsible for U.S. Postal Service delivery or knowing where to find you if you have moved and have not filed a change of address with our office. Failure to receive a renewal reminder postcards does not provide a valid excuse for not renewing your license.

Check out the TREC web site
www.trec.state.tx.us
 for *ONLINE* filing of applications and renewals, useful consumer information and downloads, and FAQs concerning Enforcement, Inspectors, and Education.



Renewing ONLINE is quick and easy all you need is a computer with internet access, your renewal postcard and a credit or check card.