



## **Staff Reports for September 2004**

# Texas Real Estate Commission

## Monthly Staff Reports

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## Licensing and Education Division Fiscal Year Comparison

### Fiscal Year 2005 - Year to Date

	This FY 09/04-09/04	Last FY 09/03-09/03	Change Count	Percent
<b>Applications Received</b>				
Broker Original Applications Received	177	104	73	70.19%
Sales Original Applications Received	<u>1,633</u>	<u>1,524</u>	<u>109</u>	<u>7.15%</u>
<b>Total Original Applications</b>	<b>1,810</b>	<b>1,628</b>	<b>182</b>	<b>11.18%</b>
Broker Late Renewal Applications Received	75	108	(33)	-30.56%
Sales Late Renewal Applications Received	<u>409</u>	<u>413</u>	<u>(4)</u>	<u>-0.97%</u>
<b>Total Late Renewal Applications Received</b>	<b>484</b>	<b>521</b>	<b>(37)</b>	<b>-7.10%</b>
<b>Licenses Issued from Applications</b>				
Broker Licenses from Original Applications	148	91	57	62.64%
Sales Licenses from Original Applications	<u>1,201</u>	<u>1,042</u>	<u>159</u>	<u>15.26%</u>
<b>Total Licenses from Original Applications</b>	<b>1,349</b>	<b>1,133</b>	<b>216</b>	<b>19.06%</b>
Broker Licenses from Late Renewal Applications	85	105	(20)	-19.05%
Sales Licenses from Late Renewal Applications	<u>392</u>	<u>382</u>	<u>10</u>	<u>2.62%</u>
<b>Total Licenses from Late Renewal Applications</b>	<b>477</b>	<b>487</b>	<b>(10)</b>	<b>-2.05%</b>
<b>Renewal Activity for Expirations</b>				
Broker Timely Renewals Percentage	89.02%	88.39%		0.63%
Sales Timely (1 year) Renewals Percentage	76.55%	78.16%		-1.61%
Sales Timely (2 year) Renewals Percentage	83.78%	83.43%		0.35%

# Licensing and Education Division

## Licensee and Registrant Status

September 2004

### Real Estate Licensees

	Sep 03	Oct 03	Nov 03	Dec 03	Jan 04	Feb 04	Mar 04	Apr 04	May 04	Jun 04	Jul 04	Aug 04	Sep 04
<b>Broker Licensees</b>													
Individual (Active)	32,817	32,787	32,757	32,767	32,827	32,872	32,884	32,878	32,850	32,824	32,862	32,852	32,866
Corporation (Active)	3,790	3,794	3,796	3,802	3,820	3,831	3,854	3,861	3,863	3,877	3,875	3,886	3,895
LLC (Active)	603	631	643	654	678	693	724	754	779	807	828	847	874
Non-resident (Active)	434	433	431	429	425	425	426	426	422	420	421	417	415
Partnership (Active)	2	2	2	2	2	2	2	2	2	2	2	2	2
<b>Total Active Status</b>	<b>37,646</b>	<b>37,647</b>	<b>37,629</b>	<b>37,654</b>	<b>37,752</b>	<b>37,823</b>	<b>37,890</b>	<b>37,921</b>	<b>37,916</b>	<b>37,930</b>	<b>37,988</b>	<b>38,004</b>	<b>38,052</b>
<i>Inactive Status</i>	1,695	1,708	1,692	1,683	1,687	1,692	1,690	1,680	1,674	1,688	1,679	1,687	1,677
<b>Total Brokers</b>	<b>39,341</b>	<b>39,355</b>	<b>39,321</b>	<b>39,337</b>	<b>39,439</b>	<b>39,515</b>	<b>39,580</b>	<b>39,601</b>	<b>39,590</b>	<b>39,618</b>	<b>39,667</b>	<b>39,691</b>	<b>39,729</b>
<b>Sales Licensees</b>													
Active Status	58,121	58,768	58,931	59,043	58,710	59,197	60,084	60,975	61,420	61,631	62,165	62,910	63,415
Inactive Status	24,553	24,693	24,851	25,056	25,830	25,769	25,553	25,324	25,258	25,499	25,599	25,511	25,450
<b>Total Sales</b>	<b>82,674</b>	<b>83,461</b>	<b>83,782</b>	<b>84,099</b>	<b>84,540</b>	<b>84,966</b>	<b>85,637</b>	<b>86,299</b>	<b>86,678</b>	<b>87,130</b>	<b>87,764</b>	<b>88,421</b>	<b>88,865</b>
Total Active	95,767	96,415	96,560	96,697	96,462	97,020	97,974	98,896	99,336	99,561	100,153	100,914	101,467
Total Inactive	26,248	26,401	26,543	26,739	27,517	27,461	27,243	27,004	26,932	27,187	27,278	27,198	27,127
<b>Total Brokers &amp; Sales</b>	<b>122,015</b>	<b>122,816</b>	<b>123,103</b>	<b>123,436</b>	<b>123,979</b>	<b>124,481</b>	<b>125,217</b>	<b>125,900</b>	<b>126,268</b>	<b>126,748</b>	<b>127,431</b>	<b>128,112</b>	<b>128,594</b>

### Inspectors

	Sep 03	Oct 03	Nov 03	Dec 03	Jan 04	Feb 04	Mar 04	Apr 04	May 04	Jun 04	Jul 04	Aug 04	Sep 04
<b>Inspector Licensees</b>													
Professional Inspectors	2,235	2,264	2,286	2,316	2,337	2,367	2,422	2,465	2,513	2,577	2,619	2,697	2,762
Real Estate Inspectors	179	188	186	185	185	189	191	193	197	196	197	190	187
Apprentice Inspectors	206	214	214	210	201	203	199	201	195	193	196	190	173
<b>Total Inspectors</b>	<b>2,620</b>	<b>2,666</b>	<b>2,686</b>	<b>2,711</b>	<b>2,723</b>	<b>2,759</b>	<b>2,812</b>	<b>2,859</b>	<b>2,905</b>	<b>2,966</b>	<b>3,012</b>	<b>3,077</b>	<b>3,122</b>

### Easement & Right-of-way Registrants

	Sep 03	Oct 03	Nov 03	Dec 03	Jan 04	Feb 04	Mar 04	Apr 04	May 04	Jun 04	Jul 04	Aug 04	Sep 04
<b>ERW Registrants</b>													
Businesses	43	44	45	45	46	45	46	46	46	45	45	45	45
Individuals	760	758	763	767	768	795	785	790	788	792	794	805	816
<b>Total Registrants</b>	<b>803</b>	<b>802</b>	<b>808</b>	<b>812</b>	<b>814</b>	<b>840</b>	<b>831</b>	<b>836</b>	<b>834</b>	<b>837</b>	<b>839</b>	<b>850</b>	<b>861</b>

### Total Licensees and Registrants

	Sep 03	Oct 03	Nov 03	Dec 03	Jan 04	Feb 04	Mar 04	Apr 04	May 04	Jun 04	Jul 04	Aug 04	Sep 04
<b>All Licensees &amp; Registrants</b>	<b>125,438</b>	<b>126,284</b>	<b>126,597</b>	<b>126,959</b>	<b>127,516</b>	<b>128,080</b>	<b>128,860</b>	<b>129,595</b>	<b>130,007</b>	<b>130,551</b>	<b>131,282</b>	<b>132,039</b>	<b>132,577</b>

# Licensing and Education Division

## Examination Activity

September 2004

### Monthly Results

	Salesperson	Broker	R. E. Inspector	Prof. Inspector
Examinations Passed	1,227	105	2	86
Examinations Failed	1,718	86	4	126
<b>Examinations Taken</b>	<b>2,945</b>	<b>191</b>	<b>6</b>	<b>212</b>
Applicants Examined	2,261	147	4	188
1st Time Passed	965	81	1	75
Examination Pass Rate	41.66%	54.97%	33.33%	40.57%
Applicant Pass Rate	54.27%	71.43%	50.00%	45.74%
1st Time Pass Rate	42.68%	55.10%	25.00%	39.89%

### Year-to-Date Results

	Salesperson	Broker	R. E. Inspector	Prof. Inspector
Examinations Passed	1,227	105	2	86
Examinations Failed	1,718	86	4	126
<b>Examinations Taken</b>	<b>2,945</b>	<b>191</b>	<b>6</b>	<b>212</b>
Applicants Examined	2,261	147	4	188
1st Time Passed	965	81	1	75
Examination Pass Rate	41.66%	54.97%	33.33%	40.57%
Applicant Pass Rate	54.27%	71.43%	50.00%	45.74%
1st Time Pass Rate	42.68%	55.10%	25.00%	39.89%

# Enforcement Division Report

## Case Status

### September 2004

September 2004	YTD
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Open at Beginning of the Month	750	-----
Opened During the Month	400	400
Closed During the Month	(398)	(398)
Open at End of Month	752	-----

	Sep 04	Oct 04	Nov 04	Dec 04	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05	FY05
<b>Opened During Month:</b>	400												
<b>Administrative</b>	180												
<b>Public Complaints</b>	73												
<b>Application Investigations</b>	43												
<b>Moral Character Determinations</b>	45												
<b>Non-Jurisdictional Complaints</b>	59												

**Closed During Month:**

	398												
<b>Administrative</b>	133												
<b>Public Complaints</b>	128												
<b>Application Investigations</b>	57												
<b>Moral Character Determinations</b>	19												
<b>Non-Jurisdictional Complaints</b>	61												
<b>Open at End of Month</b>	752												

## Enforcement Division

### Administrative Actions

September 2004

Name and Location	Order	Basis for Order
Pickens, Sheryl Anne (Dallas); license# 290433	Agreed reprimand of broker license, entered September 1, 2004; Agreed administrative penalty of \$250, entered September 1, 2004	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
Noble, Addison Grant (Spring); license# 432529	Agreed reprimand of salesperson license, entered September 23, 2004; Agreed administrative penalty of \$250, entered September 23, 2004	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
Nickel, Brett Stephens (Southlake); license# 360561	Agreed reprimand of salesperson license, entered September 10, 2004; Agreed administrative penalty of \$250, entered September 10, 2004	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
Large, Adrienne Marie (Duluth, Georgia); license# 493656	Agreed reprimand of salesperson license, entered September 14, 2004	failing within a reasonable time to make good a check issued to the Commission and pay the processing fees, in violation of §1101.652(a)(4) of the Texas Occupations Code
Phillippi, Deborah Ann (Midlothian); license# 437202	Revocation of salesperson license, effective September 14, 2004	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
DeVoss, Richard Alan (Fort Worth); license# 298463	Agreed 3 month suspension of salesperson license fully probated for 6 months, effective September 15, 2004; Agreed administrative penalty of \$250, entered August 18, 2004	DeVoss as a salesperson maintained a bank account for property management and leasing services without his sponsoring broker's knowledge or authority; DeVoss failed to properly identify the account as a trust or escrow account; DeVoss negligently conducted property management services including not properly or fully filling-in lease documents and failing to promptly assist a party with contract procedures which resulted in a monetary dispute, in violation of §15(a)(6)(W) of the Real Estate License Act [§1101.652(b)(1) of the Texas Occupations Code, effective June 1, 2003] and 22 TAC §§535.146 & 535.159 of the Rules of the Texas Real Estate Commission
Garrett, Kelley Lee (Houston); license# 375137	Agreed reprimand of salesperson license, entered September 27, 2004; Agreed administrative penalty of \$250, entered September 27, 2004	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
Gibbons, Keith Christopher (Houston); license# 518046	Revocation of salesperson license, effective September 10, 2004	failing within a reasonable time to make good a check issued to the Commission and pay the processing fees, in violation of §1101.652(a)(4) of the Texas Occupations Code
Porter, Debra Ann (Houston); license# 480916	Reprimand of salesperson license, entered September 7, 2004	guilty of negotiating or attempting to negotiate the sale, exchange, lease, or rental of real property with an owner, knowing that the owner had a written outstanding contract granting exclusive agency in connection with the transaction to another real estate broker, in violation of §15(a)(6)(N) of the Real Estate License Act [§1101.652(b)(22) of the Texas Occupations Code, effective June 1, 2003]

## Enforcement Division

### Administrative Actions

September 2004

Name and Location	Order	Basis for Order
Johnson, Jason Jerrod (Dallas); license# 503190	Revocation of salesperson license, effective September 9, 2004	procured a license for himself by making a material misstatement of fact in his application for a license, in 2 violations of §15(a)(2) of the Real Estate License Act [§1101.652(a)(2) of the Texas Occupations Code, effective June 1, 2003]

## Information Services Division

### Electronic Information Outlet Statistics

September 2004

World Wide Web	Current Month	YTD Total
Total Pages Viewed	1,572,790	1,572,790

TREC E-Mail Notification List	Current Total
Current Subscribers	85,972

Online Transactions	Total	Online	Online Percent	YTD Online Percent
<b>Applications</b> (Key Performance Measure:10%)	<b>1861</b>	<b>1135</b>	<b>61.0%</b>	<b>61.0%</b>
Broker Application	120	77	64.2%	64.2%
Broker Late Renewal Application	75	27	36.0%	36.0%
Salesperson Application	1638	1024	62.5%	62.5%
Corporate Application	28	7	25.0%	25.0%
<b>Renewals</b> (Key Performance Measure 39%)	<b>4361</b>	<b>1140</b>	<b>26.1%</b>	<b>26.1%</b>
Broker Renewals	1551	410	26.4%	26.4%
Salesperson Renewals	2369	688	29.0%	29.0%
Corporate Renewals	171	12	7.0%	7.0%
Limited Liability Company Renewals	32	2	6.3%	6.3%
Partnership Renewals	0	0	0.0%	0.0%
Professional Inspector Renewals	177	14	7.9%	7.9%
Real Estate Inspector Renewals	19	6	31.6%	31.6%
Apprentice Inspector Renewals	10	3	30.0%	30.0%
Easement ROW Business Renewals	3	1	33.3%	33.3%
Easement ROW Individual Renewals	29	4	13.8%	13.8%

# Staff Services Division Agency Financial Statement

September 2004

THRU 1st MONTH OF FISCAL YEAR 2005

STRATEGIES	FY 2005 APPROPRIATION *	1/12 ANNUAL APPROPRIATION	1 MONTH EXPENDITURES A/P AND ENC.	DOLLAR VARIANCE OVER(-) OR UNDER	PERCENT VARIANCE OVER(-) OR UNDER
<b>Licensing</b>	\$ 1,088,904.00	\$ 90,742.00	\$ 254,843.14	\$ (164,101.14)	-180.84%
<b>Enforcement</b>	1,226,933.00	102,244.42	156,464.53	(54,220.11)	-53.03%
<b>Communication/Information</b>	475,428.00	39,619.00	56,136.79	(16,517.79)	-41.69%
<b>Indirect Administration</b>	1,187,174.00	98,931.17	292,628.90	(193,697.73)	-195.79%
<b>TOTAL</b>	<u>\$ 3,978,439.00</u> *	<u>\$ 331,536.59</u>	<u>\$ 760,073.36</u>	<u>\$ (428,536.77)</u>	-129.26% **

\* Total appropriations have been increased by \$41,013 for benefit replacement pay. In the Licensing strategy, subscription fees in the amount of \$24,311.00 have been collected and remitted to the Texas Online vendor.

\*\*Variance reflects annual hardware maintenance and software support due at the beginning of a new fiscal year and the legislative provision which requires the encumbrance of all contractual obligations through the end of the fiscal year.

## Staff Services Division

### Real Estate Recovery Trust Account No. 971 Investments Current Securities

September 2004

Purchase Date	Par Value	Purchase Price	Beginning Market Value	Additions Changes	Ending Market Value	Accrued Interest	Description	Maturity Date
02/20/2004	100,000.00	100,781.25	100,093.75	(62.50)	100,031.25	666.67	U.S. T-Notes, 2.00%	11/30/2004
09/28/2000	300,000.00	307,406.25	309,562.50	(1,406.25)	308,156.25	7,312.50	U.S. T-Notes, 6.50%	05/15/2005
09/28/2001	100,000.00	107,968.75	104,375.00	(531.25)	103,843.75	2,156.25	U.S. T-Notes, 5.75%	11/15/2005
02/15/2001	300,000.00	309,000.00	315,000.00	(1,687.50)	313,312.50	2,109.38	U.S. T-Notes, 5.625%	02/15/2006
03/07/2002	100,000.00	96,500.00	102,187.50	(437.50)	101,750.00	1,312.50	U.S. T-Notes, 3.50%	11/15/2006
03/07/2002	100,000.00	107,968.75	108,718.75	(656.25)	108,062.50	781.25	U.S. T-Notes, 6.25%	02/15/2007
08/23/2002	300,000.00	300,468.75	304,406.25	(1,125.00)	303,281.25	1,218.75	U.S. T-Notes, 3.25%	08/15/2007
02/28/2003	180,000.00	203,231.25	195,300.00	(900.00)	194,400.00	1,237.50	U.S. T-Notes, 5.50%	02/15/2008
08/27/2004	100,000.00	100,468.75	100,687.50	(250.00)	100,437.50	406.25	U.S. T-Notes, 3.25%	08/15/2008
02/20/2004	300,000.00	299,718.75	297,468.75	(468.75)	297,000.00	1,125.00	U.S. T-Notes, 3.00%	02/15/2009
08/27/2003	200,000.00	218,625.00	219,687.50	(625.00)	219,062.50	4,125.00	U.S. T-Notes, 5.50%	05/15/2009
<b>Totals</b>	<u>\$ 2,080,000.00</u>	<u>\$ 2,152,137.50</u>	<u>\$ 2,157,487.50</u>	<u>\$ (8,150.00)</u>	<u>\$ 2,149,337.50</u>	<u>\$ 22,451.05</u>		

	Current Month	Cumulative Totals
<b>Receipts:</b>		
Licenses' Remittances to Recovery Fund	\$ 18,500.00	\$ 4,843,830.08
Interest Realized	0.00	5,522,593.11
Repayments to Recovery Fund (Principal and Interest)	1,063.26	948,935.27
Administrative Penalties	3,600.00	269,550.00
<b>Total Received</b>	<b>\$ 23,163.26</b>	<b>\$ 11,584,908.46</b>
<b>Disbursements:</b>		
Investments Purchased (See Securities List)	\$ 0.00	\$ 2,152,137.50
Accrued Interest Purchased (See Securities List)	0.00	105.98
Payments from Recovery Fund	9,200.83	9,075,794.38
Rider Disbursements	0.00	9,687.32
<b>Total Disbursed</b>	<b>\$ 9,200.83</b>	<b>\$ 11,237,725.18</b>
<b>Totals</b>	<b>\$ 13,962.43</b>	<b>\$ 347,183.28</b>
	(Current Month)	
Reserved for Payments (Security)		0.00
Reserved for Payments Within Next 90 Days		(150,000.00)
<b>Balance</b>		<b>\$ 197,183.28</b>

Investment Position: The Fund is capable of meeting all known obligations.  
Investment Compliance: The Investment Policy of the Commission has been followed.

*Alan R. Waters*

Alan R. Waters, Investment Officer

*Karen Alexander*

Karen Alexander, Alternate Investment Officer

**Staff Services Division**  
**Real Estate Recovery Trust Account No. 971**  
**Payments and Repayments**

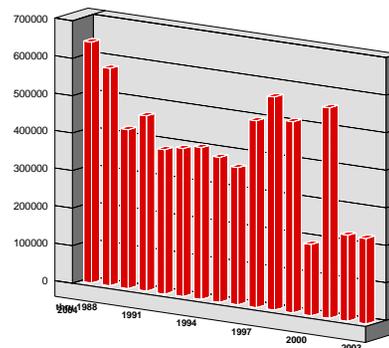
**September 2004**

<b>Month-Year</b>	<b>Payment Total</b>	<b>Repayment Total</b>	<b>Admin. Penalties Total</b>	<b>Rider Disbursements</b>	<b>Payments FY 2005 To Date</b>	<b>Number of Payments</b>
<b>September 2003</b>	0.00	2,252.25	1,500.00	18.00	0.00	0
<b>October 2003</b>	0.00	145.97	3,750.00	0.00	0.00	0
<b>November 2003</b>	20,519.50	619.19	2,500.00	0.00	0.00	0
<b>December 2003</b>	0.00	487.00	2,750.00	0.00	0.00	0
<b>January 2004</b>	0.00	169.29	8,500.00	31.10	0.00	0
<b>February 2004</b>	30,000.00	10,718.15	3,500.00	0.00	0.00	0
<b>March 2004</b>	48,616.97	574.75	2,750.00	9.00	0.00	0
<b>April 2004</b>	0.00	743.42	2,950.00	19.19	0.00	0
<b>May 2004</b>	0.00	800.00	4,350.00	10.00	0.00	0
<b>June 2004</b>	45,000.00	851.40	4,000.00	65.10	0.00	0
<b>July 2004</b>	45,582.28	622.75	4,500.00	64.80	0.00	0
<b>August 2004</b>	38,076.00	1,747.50	4,450.00	0.00	0.00	0
<b>September 2004</b>	9,200.83	1,063.26	3,600.00	0.00	9,200.83	1
<b>236,995.58</b>	<b>20,794.93</b>	<b>49,100.00</b>	<b>217.19</b>	<b>9,200.83</b>	<b>1</b>	

<b>Payment History</b>		
<b>Fiscal Year</b>	<b># of Payments</b>	<b>Total Payments</b>
thru 1988	221	\$2,236,975.54
1989	47	\$642,518.64
1990	42	\$579,467.82
1991	39	\$423,560.08
1992	35	\$467,668.69
1993	33	\$384,067.85
1994	31	\$394,466.36
1995	29	\$404,449.31
1996	26	\$385,724.99
1997	20	\$365,445.94
1998	27	\$497,406.17
1999	21	\$568,326.88
2000	18	\$509,279.95
2001	11	\$189,405.09
2002	19	\$561,110.81
2003	11	\$228,924.68
2004	8	\$227,794.75
<b>Total</b>	<b>638</b>	<b>\$9,066,593.55</b>

<b>Projected Payments *</b>	
Next 3 Months	150,000.00

**Payment History**  
by Fiscal Year



\* Projected Payments: Payments could be made in the time periods indicated. Several time/work variables can affect the actual payment dates.

## Staff Services Division

### Real Estate Inspection Recovery Fund No. 988

**September 2004**

<b>Monthly Activity</b>		
Beginning Balance	Current Month	Cumulative Totals

<b>Payment History</b>		
Fiscal Year	Number of Payments	Total Payments

<b>Beginning Balance</b>	\$	648,127.05	\$	<b>648,127.05</b>
<b>Receipts:</b>				
Licensees' Remittances to Recovery Fund		8,600.00		
Interest Realized		786.82		
Repayments		0.00		
Administrative Penalties		0.00		
		<b>9,386.82</b>		<b>\$ 9,386.82</b>
<b>Disbursements:</b>				
Payments from Recovery Fund	\$	0.00		
Cash Transfer to General Revenue		0.00		
Rider Disbursements		8.00		
		<b>8.00</b>		<b>\$ 8.00</b>
<b>Fund Balance</b>				<b>\$ <u>657,505.87</u></b>

1991	2	\$	4,309.26
1992	0		0.00
1993	2		15,000.00
1994	5		31,473.40
1995	4		25,668.83
1996	2		7,500.00
1997	1		7,500.00
1998	4		30,000.00
1999	1		7,500.00
2000	6		45,000.00
2001	0		0.00
2002	2		15,000.00
2003	1		7,500.00
2004	4		32,523.96
		<b>\$</b>	<b><u>228,975.45</u></b>

Investment Position: The Fund is capable of meeting all known obligations.  
 Investment Compliance: The Investment Policy of the Commission has been followed.



Alan R. Waters, Investment Officer



Karen Alexander, Alternate Investment Officer