

TREC Advisor

Our agency protects consumers of real estate services in Texas by ensuring qualified and ethical service providers through education, licensing, and regulation. We oversee the providers of real estate brokerage, appraisal, inspection, home warranty, right-of-way services, and timeshares, thereby safeguarding the public interest while facilitating economic growth and opportunity across Texas.



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Notice to Qualifying Education Providers Regarding Course Completion Certificates

Section 535.65(j) of the Rules of the Commission require that course completion certificates include the provider's name and approval number; the instructor's name and instructor license number assigned by the Commission; the course title; course number; the number of classroom credit hours; the printed name and signature of an official of the provider on record with the Commission; and the dates the student registered for, began and completed the course. Following inquiries from several providers, the Commission has determined that it can calculate compliance

with all required statutory time frames based on just two dates.

Effective immediately the Commission will accept certificates without the course registration date provided the certificate includes the date the student actually started the course and the date the student completed the course.

The Commission will propose a corresponding amendment to the rule at the May Commission meeting.

When Do You Deliver the IABS to Prospective Tenants?

The IABS must be delivered at the time of the first substantive communication regarding a specific property if the proposed transaction is for a lease for one year or more. If the proposed lease is for less than one year but a sale is also being considered, the IABS must still be delivered. So what constitutes a substantive communication in leasing? If the communication is made by a license holder and it relates to an act that requires licensure (e.g. marketing or showing a property, negotiating a lease), then it is a substantive communication. Communication by an

unlicensed assistant that does not relate to an activity that requires a license (e.g. confirming information advertised about a property), does not trigger delivery of the IABS. If you do not know whether the prospective tenant will be leasing for one year or a lesser period, the best practice is to give them the IABS. Remember, the purpose of the IABS is consumer education, so it is best to give it out an extra time or two than to not give it out timely when it turns out you should have done so.

From the Chair...

The Commission held its regular quarterly meeting on Monday February 8 with 100% of members in attendance. While it was a regularly scheduled quarterly meeting, with typical business of reports, rules and disciplinary matters, there were several firsts as well. This was the first time that license holders in attendance could receive continuing education credit for observing and participating in the practical and policy discussions which take place at this meeting. Thanks to those who made the time to be there. Because the TAR Winter meeting was in session, dozens of folks were in attendance who had never before had that opportunity. We hope that becomes an annual ritual for more of you.

At the meeting, Bill Jones was reelected as the Vice-chair and TJ Turner, an Austin attorney and public member, was elected as the Secretary. Thanks to each of them for stepping up to serve in this manner. We recognized outgoing Commissioners JoAnne Justice and Jamie Hensley for their service over 6 years and also welcomed new Commissioners Bob Leonard of San Antonio and Rayito Stephens of Pearland. Both were well prepared for this meeting and actively engaged, which we greatly appreciate.

A major topic of discussion leading up to our meeting was the proper use and disclosure of the new Consumer Protection Notice and the Information About Brokerage Services forms. More FAQs are being added to the website to ensure all of your questions are answered. Feel free to call if your specific question is not addressed and watch for more published information as we develop it. Thanks.

One of the other major items that has come up for discussion is how to best update the current rules regarding advertising. A draft potential rule was included in the materials for the meeting and on the agenda for discussion. After

review, the Executive Committee suggested that the draft be published on the TREC website and feedback solicited during the strategic planning listening tour. All agreed this would be a great way to engage the conversation before any rule-making steps are undertaken.

We also approved an agency policy allowing any lawful carry of a handgun on agency premises; but please note that under Texas law, carry is not allowed at posted Open Meetings such as ours. So if you come to a future meeting, please leave your handgun in your vehicle.

We then approved a list of topics and a schedule for our Strategic Planning process in 2016. More details are elsewhere in this newsletter. We strongly encourage each of you to either attend one of the nine "listening tour" locations across the state in March, or to go to our website and submit your comments via the online survey tool not later than April 18th (or both). We count on your thoughtful inputs to ensure that we are making fully informed policy recommendations.

For complete information on all the activities of the Commission on February 8th, please go to the website and watch the video of the meeting.



Avis Wukasch, Chair

IMPORTANT DATES TO REMEMBER

ESAC Committee
Meeting—April 18

TREC Executive Committee Meeting—April 19

TREC Commission Meeting—May 2

Check the TREC website regularly for postings of all of our upcoming meetings.

Agency Strategic Planning Listening Tour Dates Announced

We are pleased to announce our biennial strategic planning listening tour. The following is a list of the remaining tour stop locations:

March 18th 10:00pm

[Waco Association of REALTORS](#)

March 22nd 10:00am

[Houston Association of REALTORS](#)

March 23rd 12:00pm

[McAllen Association of REALTORS](#)

March 24th 8:30am

[Harlingen Board of REALTORS](#)

March 24th 12:00pm

[Brownsville Board of REALTORS](#)

The purpose of these meetings will be to help guide the Commission and Board members during the strategic planning process. The agency has [published a list of questions on the website](#) which will act as a guideline for discussion for this year's tour. These discussions are meant to be an open forum to gain insight on the needs and preferences of

license holders and the public. Each session is planned for two hours and CE credit will be offered for license holders in attendance for the entire session.

In addition to the published questions, the Commission would like to hear license holder feedback on changes to its current advertising rule. Please give us your thoughts on the [draft new advertising proposal](#). Your input will be considered by the Commission's Executive Committee prior to proposal of an updated advertising rule.

Also, the Appraiser Qualifications Board (AQB) has published a [draft of several initiatives](#) it is considering to add more flexibility to appraiser qualifications. TALCB would like to hear your thoughts on these.

If you are unable to attend a listening tour session, feel free to submit your comments [via our online survey](#). Your responses are vital to this process.

TREC Enforcement Actions

The Texas Real Estate Commission has published enforcement actions. To read the full report and get access to all of the enforcement actions taken by the Commission, please go to the TREC website and click on, "Complaints, Consumer Info" and then [click "Disciplinary Actions"](#).

TREC Tip: Giving Us a Call

The RCS Division handles a high volume of calls. We want you to know, the greeting message does not provide the exact amount of time the caller should expect to hold. The average hold time is the average amount of time that callers have held for the day.

The best time to call is between 7:00 to 8:00 am or 5:00 to 6:00 pm. You also have the option to send an email to information@trec.texas.gov and should expect a response within two business days.

Your Broker is a Valuable Resource

As a sales agent, your broker is responsible for all of your brokerage activities. To make sure your broker ensures they are properly supervising you, they have put policies and procedures in place for you to follow. For example, if you engage in property management, your broker must maintain the trust account you use. These policies and procedures lay out what you can and cannot do while your broker sponsors you.

What you may not realize is that your broker is also a valuable resource to you and your real estate business. Your broker has completed additional education and has experience working as an agent that can be an asset to you. This additional training and experience means that your broker is familiar with the rules you must follow as an agent and can help you become a better sales agent.

Ways your broker is a valuable resource to you:

- Contract questions: The Commission can't advise you on how to fill out a contract, but your broker often can. If you are unsure about what a provision in a contract means or what form to use, your broker is a great resource.
- Advertising: Your broker is ultimately responsible for ensuring that your advertising is in compliance. If you aren't sure what should be in your advertising or if you can use an assumed business name, your broker can help you.
- Handling difficult clients and situations: A good way to avoid having a complaint filed against you is to be proactive. Your broker can give you strategies on how to handle a difficult situation before it gets out of hand.
- Many brokers provide extensive training opportunities to the sales agents they sponsor. Why not take advantage of your broker's knowledge and expertise before you run into a problem?

Rule actions from the February Meeting of the Commission

Adopted:

The following amendments or new rules were adopted at the February 8, 2016, meeting of the Commission and are effective February 29, 2016. You can see the full text of these rules on the "Recently Adopted Rules" section of the TREC Website.

§535.210, Fees (regarding inspectors). The amendments align the rule with statutory changes to Chapter 1101, Texas Occupations Code, adopted by the 84th Legislature, and rule changes to the education course delivery standards. A charge for providing certified copies of documents was also added.

Proposed:

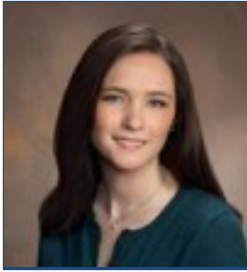
The following amendments or new rules were proposed at the February 8, 2016, meeting of the Commission and are up for adoption at the May 2, 2016, meeting. You can see the full text of these rules on the "Proposed Rules" section of the TREC website.

§535.63, Approval of Instructors of Qualifying Courses. The proposed amendments clarify qualifications needed to become an approved instructor of a TREC approved adult instructor training course. This amendment was recommended by the Commission's Education Standards Advisory Committee.

§535.64, Content Requirements for Qualifying Real Estate Courses. The proposed amendments provide consistency and better quality in Property Management qualifying courses and are recommended by the Commission's Education Standards Advisory Committee.

§535.73, Approval of Elective Continuing Education Courses. The proposed amendments correct the language so that it will not be misinterpreted. The statute and the intention of the Commission was to limit the daily presentation to 10 hours, not limit the length of the entire course.

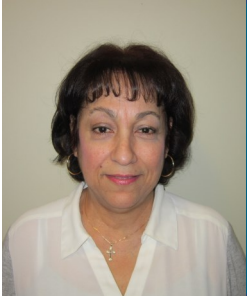
TREC Employee Anniversaries



Christine Anderson

5 Years

Christine Anderson has been with the agency for 5 years. She works as the agency's public affairs specialist, handling agency communications, public relations, press and also acts as the executive assistant to the administrator. Christine truly enjoys what she does and feels lucky she is able to help the public every day.



Catherine Sanchez

10 Years

Catherine has been with the agency in the Communications Department for 10 years. She works hard to ensure that each call is answered in a timely manner and provides accurate information to our license holders. Ms. Sanchez stated, "time flies by when you're doing what you enjoy best, interacting with the public."



Cindy Mahoney

15 Years

Cindy has been with the agency for 15 years. Cindy is a legal assistant and also serves as the Residential Service Company Ombudsman. She loves assisting the residents of Texas and loves her position here at TREC!



Angelo Jones

20 Years

Angelo has been with the agency for 20 years. In Feb. of 1996 she was hired to work in our support and staff services cashier department. Later, she held a position in our reception and communication services division before moving on to our standards and enforcement services division. Currently she is a legal assistant with job duties that include processing consumer complaints, drafting and preparing legal documents, and assisting attorneys with case management.



Sharon Harris

20 Years

Sharon has been employed as an attorney in the Standards & Enforcement Services division for over twenty years. As Deputy Director, Sharon assists the division's Director, oversees the application process in matters related to criminal convictions, represents the agency in contested hearings, and serves as the agency's expert witness. As a trained mediator, Sharon also serves the Commission in the fair and efficient resolution of many complaint matters. For over 32 years, Sharon has been in and around the real estate industry as a sales agent, a real estate broker, and a TREC employee. Sharon has great respect for the industry and enjoys her diverse position with the agency.