

**AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC)
INSPECTOR ADVISORY COMMITTEE MEETING**

Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

Thursday, May 7, 2009, at 11:00 a.m.

CALL TO ORDER

1. Call to order Texas Real Estate Inspector Advisory Committee meeting *Done @ 11:30 am*

MINUTES

2. Minutes of October 10, 2008 meeting *Approved*
3. Minutes of February 13, 2009 meeting *Approved*

REPORTS

4. TREC Enforcement report, including update regarding number and types of opened and closed complaint cases

Robert Meisel, TREC staff attorney, presented fiscal 1Q & 2Q '09 Inspector enforcement numbers. In general, 68 new cases were opened against inspectors during that 6 month period and 85 were closed. Of the 85 cleared only 9 of those resulted in action against the inspector. Those enforcement actions were only reported as "Advisory Letter" and no mention was made of any sanctions or financial penalties against the inspectors. The remainder of cases were dispensed with for a multitude of reasons, i.e. TREC had no jurisdiction in a particular situation, complaint withdrawn by complainant, insufficient evidence, etc.

5. Subcommittee reports, including questions from Committee members regarding reports, from the:

- a. Standards of Practice subcommittee, including update regarding development of commentary on the standards

- *Fred Willcox, IAC Commentary sub-committee chairman began presenting the status of the proposed SOP Commentary including its preamble, general provisions and those topic commentaries that have been drafted to-date.*
- *Devon Bijansky, TREC legal counsel, indicated she did not like the fact that the proposed Commentary repeated the items of the SOP and then showed the commentary. She felt that was redundant and could confuse inspectors. (say what?)*
- *Devon proposed and defended TREC's position that the SOP and Commentary should be one document and not two as now perceived.*
- *Acting TREC Administrator and head legal counsel was present but did not weigh in on this issue.*
- *Willcox went ballistic over this proposal and an hour of debate raged until we broke for lunch.*
- *Bottom line is that Fred, rightfully so, feels that the commentary will take years to accomplish if it is to be integrated into the SOP as an enforceable rule. He was more than adamant that he did not support combining the two and he would not spend any more of his time nor the sub-committee's time until the issue was resolved.*
- *TREC sees the Commentary as another way to enforce the SOP. The IAC sees it more as a 'living, breathing' teaching and descriptive tool that could be changed and adapted relatively easily as needed.*
- *The 5 members of the IAC that were present were polled as to their thoughts. Several suggested moving forward with the presentation to describe the Commentary concept, several*

said the plan as to how to incorporate the Commentary needed to be agreed upon before any more work proceeded.

- *Offline, I voiced my personal opinion that the current TREC SOP is by far, the largest, most wordy and by many opinions, the most onerous SOP of any state or trade organization in the world and that by combining the SOP with the Commentary would result in an even more difficult to understand and enforce document.*
- *I also pointed out that there were ample examples of similar documents, like the NEC, that had a separate Commentary and no one seemed confused or concerned about those.*
- *Without a proposal or committee vote, the IAC chairman, Larry Foster, essentially tabled the Commentary for the time being until this issue can be resolved.*

b. Enforcement subcommittee, including update regarding volume and types of complaints being filed and possible opportunities to enhance education requirements to address areas that are lacking

No update from this sub-committee

c. Education subcommittee, including update regarding approval of continuing education courses offered by proprietary schools and trade associations

The IAC Education subcommittee chairman expressed concern and doubt that the work of this sub-committee was being fruitful and that he felt the sub-committee was out of sync with the separate TREC Education Sub-committee in both scope and content of their activities. He suggested that the IAC re-group the education sub-committee before proceeding any further. No action was proposed nor taken by the IAC at this meeting.

PUBLIC COMMENTS

6. General comments from visitors

PENDING BUSINESS

7. Discussion and possible action to recommend amendments to 22 TAC §535.223, Standard

Inspection Report Form

8. Discussion and possible action to recommend amendments to 22 TAC §§535.227-.233, Standards of Practice, and commentary to Standards of Practice

Best I can tell, the minor changes to 7A-1 to address typos was complete and the proposed form changes will now be officially posted to the Texas Register for comment and then presented to TREC for adoption.

9. Discussion and possible action to recommend amendments to 22 TAC §535.212, Education and Experience Requirements for an Inspector License

10. Discussion and possible action to recommend amendments to 22 TAC §535.213, Schools and Courses of Study in Real Estate Inspection

11. Discussion and possible action regarding education requirements for sponsorship

12. Legislative update

Devon B discussed several proposed House & Senate bills but did not suggest that any of those bills would significantly affect TREC except for one on education that could affect correspondence courses. She did not explain how or what might be affected however.

FUTURE MEETINGS AND ADJOURNMENT

13. Request for new business agenda items *None*

14. Scheduling of future meetings *None scheduled*

15. Adjourn *Done @ 2:00 pm*