

**MEETING AGENDA FOR THE
STANDARDS OF PRACTICE SUBCOMMITTEE
OF THE INSPECTOR ADVISORY COMMITTEE**

Tuesday, December 1, 2009 at 9:00 a.m. (by teleconference)

1. Call to order – *Done at 9:07 am*
2. Discussion and possible action to recommend to the Inspector Advisory Committee on whether work will continue on the Commentary to the Standards of Practice
 - a. *Sub-committee member comments:*
 - i. *“Yes, but how extensive should it be?”*
 - ii. *“Yes, public will benefit from it”*
 - iii. *“Yes, we need to complete it prior to next July as a new Commission may be in-place.”*
 - iv. *“Yes, but TREC staff may not enforce it”*
 - v. *Sub-committee voted to continue Commentary efforts.*
3. Discussion and possible action to recommend to the Inspector Advisory Committee as to where in the Rules of the Texas Real Estate Commission the proposed Commentary to the Standards of Practice shall be placed.
 - a. *Sub-committee chairman Willcox indicated he had met with TREC staff (Oldmixon, Dehay, Meisel) to discuss the Commentary.*
 - b. *TREC staff suggested a Commentary should be placed in the Education section of the Rules to provide direction to inspections schools and other training providers.*
 - c. *TREC indicated placing it in that section of the Rules would reduce impact a Commentary would have on enforcement.*
 - d. *Sub-committee members discussed and agreed that a Commentary was not worth pursuing it unless it is ‘enforceable’.*
 - e. *Sub-committee voted and agreed to continue the Commentary and recommend it be included along with the SOP in the Rules. Whether it integrates into the SOP or is appended immediately after it is not decided.*
 - f. *Whether TREC would accept that recommendation was yet to be determined.*
 - g. *(Editorial): Regardless of how it is implemented, if it is part of the SOP then the current SOP will dramatically increase in size, complexity and enforceability. The SOP may triple in size or even more.*
4. Discussion and possible action to recommend to the Inspectors Advisory Committee that the Inspectors Advisory Committee request funding from the Texas Real Estate Commission for an independent, unbiased attorney to advise the Inspectors Advisory Committee so that the Inspectors Advisory Committee can properly represent the interests of the consumers of the State of Texas in inspection related matters.
 - a. *Sub-committee chairman explained and expressed concern that on more than one occasion the sub-committee had seemingly reached an agreement with TREC staff on Commentary issues and direction but were later caught off-guard by apparent changes of mind by TREC staff.*
 - b. *TREC GC Dehay indicated TREC has no ability to hire outside counsel and that would not happen.*
 - c. *GC Dehay did suggest TREC could approach the State Attorney General to see if an AG staff attorney could be assigned to the IAC for consultations.*
 - d. *Sub-committee voted to Not Recommend hiring of outside counsel.*

5. Request for new business agenda items

- a. *One or more sub-committee members want to meet with TREC staff to hear, first hand, their ideas on how to best implement a Commentary.*
- b. *One or more sub-committee members want to meet with TREC staff to determine how to improve the working relationship.*

- c. Adjourn – *Done at 10:23 am, next meeting in January*

Chat Log C:\Users\Mike B\Documents\Inspector\TREC\TREC IAC 120109\ChatLog 2009_12_01 10_23.rtf

Curtis (to All - Entire Audience): Do you think you need to give Brian a call on his cell?

Mike Boyett (to Fred Willcox): Whoever is on a speakerphone is again causing terrible echo.

Fred Willcox (Private): working on it

Mike Boyett (to Fred Willcox): I do

Cahill (to All - Entire Audience): Cahill here. No audio or mic yet.

Cahill (to All - Entire Audience): Any new requirement, limitation or interpretation caused by the Commentary must be adopted into Rule. Cannot have two documents with two different meanings. Any other system allows the IC to act as a judicial opinion outside Texas Rule making laws. I have NO problem expanding the SoP. Work on the Commentary for educational reasons and put applicable items into the SoP as revisions.

Cahill (to All - Entire Audience): The question that begs is "What is wrong with expanding the SoP?"

Mike Boyett (to Fred Willcox): My mic is muted...it's not me

Cahill (to All - Entire Audience): A procedure from Carson that supports a clear requirement in the SoP is OK. Cannot however create a new requirement.

Cahill (to All - Entire Audience): I will hang up see if that helps going now

Mike Boyett (to All - Entire Audience): me too

Cahill (to All - Entire Audience): did it help? Calling back in

Cahill (to All - Entire Audience): back in

Cahill (to All - Entire Audience): A lot will come out of it. The SoP will be cleaned up and it will help everyone.

Mike Boyett (to All - Entire Audience): Voice line is now unintelligible!

Cahill (to All - Entire Audience): Could TAREI pay for counsel. How much could it cost for an opinion?

Cahill (to All - Entire Audience): A Request for Interpretation procedure

Cahill (to All - Entire Audience): My license fee is \$2200 a year. That includes the mandatory insurance.