



Texas Real Estate Commission

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JUN 16 2005

OPINION COMMITTEE

RQ-0349-GA

John Walton
Chairman
Lubbock

June 14, 2005

Louise Hull
Vice-chair
Victoria

The Honorable Greg Abbott
Attorney General of Texas
Post Office Box 12548
Austin, TX 78711-12548

FILE # ML-44239-05

I.D. # 044239

James N. Austin
Secretary
Fort Worth

Mary Frances Burleson
Aubrey

Attention: Opinion Committee

Ramon M. Cantu
Houston

Dear General Abbott:

William H. Flores
Sugar Land

At its meeting on June 13, 2005, the Texas Real Estate Commission (TREC or the commission) authorized me to request an opinion of your office regarding whether the Texas Real Estate Inspector Committee (TREIC or the committee), and subcommittees of the TREIC, may conduct public meetings by telephone conference call pursuant to the Texas Open Meetings Act, Government Code, Chapter 551, §551.125(b)(3).

Lawrence Jokl
Brownsville

Paul Jordan
Georgetown

Elizabeth Leal
El Paso

The TREIC is a statutory advisory committee authorized under the Texas Occupations Code, Chapter 1102, Subchapter B. The committee, comprised of nine members appointed by the commission, acts in an advisory capacity to develop and recommend to the commission rules under Chapter 1102. Pursuant to §1102.058, the committee recommends to the commission rules for licensing and regulation of real estate inspectors in Texas, including rules relating to education and experience requirements; any qualifying examination; continuing education requirements; granting or denying a license application; forms; fees; standards of practice; and a code of professional conduct and ethics.

Wayne Thorburn
Administrator

Section 1102.059 provides the procedure under which the committee recommends rules and amendments to rules to the commission. Subsections 1102.059(c) and (d) specifically address situations in which the commission and the committee may differ on a proposed rule or amendment. Section 1102.060 requires the commission to consider the committee's recommendations "relating to qualifications and licensing of inspectors to assure the public of a quality professional inspection system in real estate transactions in this state."

The TREIC is subject to the Texas Open Meetings Act under Occupations Code §1102.057. Given that the committee is statutorily subject to the Texas Open Meetings Act Code under §1102.057, it is unclear whether the committee or subcommittees thereof may meet under Government Code §551.125 which permits an "advisory board" to meet by telephone conference call under the terms of that provision. The phrase "advisory board" is not defined in Chapter 551.

Given the circumstances, the commission respectfully requests the Office of the Attorney General to determine whether the Texas Real Estate Inspector Committee or any subcommittee thereof is an "advisory board" which may meet by telephone conference call under Government Code §551.125(b)(3).

Sincerely,



Wayne Thorburn
Administrator

cc: TREC Commissioners
Real Estate Inspector Committee members