

TEXAS RESIDENTIAL CONSTRUCTION COMMISSION

August 5, 2009 – 11:30 a.m.

311 E. 14th St., Suite 200

Commission Hearing Room

Austin, Texas

The mission of the Texas Residential Construction Commission is to promote quality construction for Texans by registering industry members and residential construction projects; providing information and educating homeowners and the residential construction industry; acting as a resource for complainants; and offering a neutral, technical review of alleged post-construction defects.

AGENDA

Notice is hereby given that a regular meeting of the Texas Residential Construction Commission will be held on Wednesday, the 5th of August, 2009, beginning at 11:30 a.m., Texas Residential Construction Commission, 311 E. 14th St., Suite 200, Commission Hearing Room, Austin, Texas 78701. If you require auxiliary aids, services or materials in an alternate format, please contact the Texas Residential Construction Commission at least five (5) working days prior to the meeting date. Phone: (512) 463-1040, FAX: (512) 463-9507, E-MAIL: dora.rivera@trcc.state.tx.us. TDD Relay Texas: 1-800-relay-VV (for voice), 1-800-TX (for TDD).

- A. Call to Order, Roll Call and Certification of a Quorum.
- B. Public Comment.
- C. Executive Management and Operations Reports summarizing activities in the State-sponsored Inspection and Dispute Resolution Process Department, Appeals, Enforcement and Investigations, Complaint Department, Registration Department, Hurricane Ike, financial position and staffing.
- D. Review and possible action on legislative actions taken that affect commission operations, including wind-down planning and warranties and performance standards.
- E. Review and possible action on fees paid to SIRP inspectors for completing an inspection of alleged defects.
- F. Review and possible action on educational outreach activities of the commission.
- G. Review and possible action of the commission's quarterly performance measures for fiscal year 2009.

- H. Review and possible action of the internal audit of the Communications Division Educational/ Outreach and Call Center Operations.
- I. Review and possible action on the internal audit contract term and scope of work.
- J. Administrative Penalty Guidelines for builders and remodelers who fail to have the required phase inspections performed.
- K. Recess into Closed or Executive Session pursuant to Texas Government Code, sections 551.071(a) and (b) and 551.074 the Open Meetings Act, for the following purposes:
 - I. Litigation and Legal Matters, Section 551.071(a) concerning pending or contemplated litigation or a settlement offer.
 - a. Kendall Custom Homes, Inc. and Randal S. Davis, TRCC Docket Nos. 2008-03-1896, 2008-10-2244 and 2008-10-2245, Motion for Order Nunc Pro Tunc
 - b. Carlisle Homes II, Ltd and Perry Thomas and Darrel Weidner, Staff's Response to Respondents' Motion For Hearing, TRCC Docket No. 2008-10-2233-2236.
 - c. Joe Gauger Custom Homes and Joe Gauger, TRCC Docket No. 2008-03-1866, Motion for Default Order (MFDO).
 - d. Pescara Homes, L.L.C. and Thomas H. Westberry, TRCC Docket No. 2008-03-1918, MFDO.
 - e. Jewels Custom Homes and Nicole Hauschild, TRCC Docket No. 2008-03-1932, MFDO.
 - f. Jewels Custom Homes and Nicole Hauschild, TRCC Docket No. 2008-09-2176.
 - g. Griffin Executive Customs, LLC and Jamshid Ansari, TRCC Docket No. 2008-06-2048, MFDO.
 - h. Dennis Canada Construction and Dennis Canada, TRCC Docket No. 2007-03-1385, Proposal for Decision (PFD).
 - i. 5-H Remodeling and Angie Hardin, TRCC Docket No. 2007-12-1782 thru 2007-12-1784, PFD.
 - j. Skillmaster Custom Homes and Realty, LLC and Lane J. Wall, TRCC Docket No. 2009-01-2422, Agreed Order (AO).
 - k. Signature Custom Homes & Remodeling, LLC and Chad Bents, TRCC Docket No. 2007-08-1608, AO.
 - l. Playa Construction, LLC and Ken Lackey, TRCC Docket No. 2009-05-2877, AO.
 - m. J. Deleon Home Builder and Joe Deleon, TRCC Docket No. 2009-05-2893, AO.
 - n. Woodbend Builders, Inc, and A. Bullard, TRCC Docket No. 2009-05-2897, AO.
 - o. Don Krueger Construction Company, Inc. and Kevin Krueger, TRCC Docket No. 2009-05-2898, AO.

- p. Backwoods Construction and Charlotte Burton, TRCC Docket No. 2009-05-2899, AO.
- q. Luxor Builders, LLC and Mohammad Zaka, TRCC Docket No. 2009-05-2900, AO.
- r. AJ Custom Homes, Inc. and Armando Jimenez, TRCC Docket No., 2009-05-2902, AO.
- s. K M. Properties, Inc. and Kosse Maykus, TRCC Docket No. 2009-06-2907, AO.
- t. Premio Homes and Luciano Ramirez, Jr., TRCC Docket No. 2009-06-2908, AO.
- u. Kelvin Parsons Construction, TRCC Docket No. 2009-07-2919, AO.
- v. L M L Construction, L.L.C. and Larry Lawrence, TRCC Docket No. 2009-07-2920, AO.
- w. Casso Construction, L.L.C. and Hector Rodriguez, TRCC Docket No. 2009-07-2921, AO.
- x. D.L. Ross Consulting, Inc. and Duane Ross, TRCC Docket No. 2009-07-2929, AO.
- y. Imperial Builders, L.L.C. and Roger Stienke, TRCC Docket No. 2009-07-2933, AO.
- z. Litigation Update on: *Cockrum Custom Homes and Bradley Cockrum, individually and as designated agent v. Texas Residential Construction Commission*, D-1-GN-07-000285, in the 261st Judicial District Court of Travis County, TX; and *Ralph and Grace Paschel v. TRCC*, D-1-GN-08-004629, in the 345th Judicial District of Travis County, TX.
- aa. Collection report on: *In the matter of Israel Conde*, TRCC Case No. 2008-03-1878; *In the matter of Stacy and Carla Bateman Family LP*, TRCC Case No. 2006-08-1206; *In the matter of Alramco Homes, Inc.*, TRCC Case No. 2006-03-731; *In the matter of Alberti Horizon, Inc.* TRCC Case No. 2007-08-1665; *In the matter of Guadalupe Sanchez, Jr.*, TRCC Case No 2007-09-1711; *In the matter of La Mansion Builder, LLC*, TRCC Case No. 2007-08-1649; *In the matter of Circle M Custom Homes and Sean Mosher*, individually and as designated agent, TRCC Case No. 2008-10-2217 and *In the matter of Sean Mosher*, TRCC Case No. 2007-02-1351; *In the matter of Clearfork Homes, Inc.*, Cause No. D1GV09000767, TRCC Case No. 2007-08-1592; *In the matter of Hector Luna*, Cause No. D1GV09000751, TRCC Case No. 2008-05-1981.

II. Personnel Matters, Section 551.074, including but not limited to a discussion related to the duties, responsibilities, performance and salary of the Executive Director and General Counsel.

III. Section 551.071(b) All Matters identified in this agenda where the Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

L. Reconvene in open meeting and possibly take action on matters discussed in executive session.

M. Discussion of future meeting dates and times.

N. Adjournment.