

FILED

Texas Real Estate Commission

Date: 03/26/13

HEARING NO. 130384

TEXAS REAL ESTATE COMMISSION

V.

RANDALL B. DAWSON
TEXAS REAL ESTATE SALESPERSON
LICENSE NO. 492580

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§

BEFORE THE TEXAS
REAL ESTATE COMMISSION
("COMMISSION")

SITTING IN AUSTIN.
TRAVIS COUNTY, TEXAS

FINAL ORDER

On February 28, 2013, a designee of the Administrator, after investigation of a possible violation and the facts relating to that violation, issued a Notice of Alleged Violation ("Notice") to Randall B. Dawson ("Respondent"). The Notice informed Respondent of the determination that Respondent had violated a provision of Chapter 1101 of the Texas Occupations Code by failing to provide information requested by the Commission ("Requested Information") and recommended a \$1,500.00 administrative penalty ("Penalty"), a reprimand of Respondent, and the suspension of Respondent's Texas real estate salesperson license if Respondent failed to respond to the Notice timely. A copy of the Notice is attached and incorporated here. The Notice was sent by regular mail and certified mail, return receipt requested, to Respondent's last known address as shown by the Commission's records. Respondent failed to submit a written response to the Notice.

Pursuant to Section 1101.704(b) of the Texas Occupations Code, the Commission approves the determination and imposes the Penalty, reprimand, and suspension of Respondent's real estate salesperson license until the Penalty is paid in full and the Requested Information is received. This order is effective 5:00 p.m. April 19, 2013.

If Enforcement of this order is restrained or enjoined by an order of a court, this order is effective upon a final determination by the court or an appellate court in favor of the Texas Real Estate Commission.

DATED: 26 Mar 13



Douglas E. Oldmixon
Administrator
Texas Real Estate Commission



Standards & Enforcement Services

Direct Line: (512) 936-3005

Facsimile: (512) 936-3809

February 28, 2013

NOTICE OF ALLEGED VIOLATION

**DO NOT IGNORE THIS IMPORTANT MATTER OR AN ORDER
TAKING DISCIPLINARY ACTION AGAINST YOUR LICENSE AND ASSESSING AN
ADMINISTRATIVE PENALTY WILL BECOME FINAL.**

Randall B. Dawson
[REDACTED]

Via Email: [REDACTED]

CM:RRR No. 91 7199 9991 7030 6372 2956
(copy also sent via regular mail)

Re: Our File No. 130384
In the Matter of Randall B. Dawson

Dear Mr. Dawson:

1. NOTICE. Based on information contained in the above file, the Texas Real Estate Commission ("the Commission") has determined that you violated Chapter 1101 of the Texas Occupations Code (The Real Estate License Act), and/or the Rules of the Texas Real Estate Commission ("Rules"). This notice includes a summary of the alleged violations.

2. CONSEQUENCES. The legal consequences of a violation could include:

- A.** An administrative penalty not to exceed \$5,000.00 per violation. Each day a violation continues or occurs may be considered a separate violation for purposes of imposing a penalty; and/or
- B.** Reprimand, suspension or revocation of your real estate license.

3. LEGAL AUTHORITY AND JURISDICTION.

- A.** Randall B. Dawson ("Respondent") is a licensed Texas real estate salesperson.
- B.** The Commission is responsible for licensing and regulating real estate brokers and salespersons in Texas. See TEX. OCC. CODE §1101.151. The Commission is responsible for enforcing The Real Estate License Act, including ensuring that

consumers of real estate brokerage services are protected through the Commission's programs of education, licensing and industry regulation. The Commission is authorized to impose administrative penalties, to issue reprimands, and to suspend, probate, or revoke a license. TEX. OCC. CODE ch. 1101, subch. N and subch. O.

- C.** Contested cases are to be initiated by the Commission and pursued in accordance with 22 TEX. ADMIN. CODE ch. 533. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of this proceeding, including the authority to issue a Proposal for Decision with proposed Findings of Fact and Conclusions of Law. TEX. GOV'T. CODE ch. 2003 and 22 TEX. ADMIN. CODE ch. 533.

4. SUMMARY OF ALLEGED VIOLATIONS. You failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission that would indicate a violation of The Real Estate License Act, in violation of §1101.652(a)(6) of The Real Estate License Act.

The grounds constituting a violation of §1101.652(a)(6) of The Real Estate License Act are as follows:

- A.** Respondent is a licensed Texas real estate salesperson.
- B.** On or about October 30, 2012, Respondent filed an application for renewal of a real estate license with the Commission.
- C.** Respondent answered "No" to the question: "Have you had any instance of entering a plea of guilty or nolo contendere to, have been found guilty of, or been convicted of a felony, regardless of an order granting probation, community supervision, deferred adjudication, or suspending the imposition of sentence that has not previously been reported to the Texas Real Estate Commission? ***If YES, you must complete the applicable sections of the Background History Form.***"
- D.** On October 30, 2012, the Commission issued a real estate license to Respondent.
- E.** Subsequently in connection with the renewal application, the Commission's Standards & Enforcement Services Division reviewed information that indicated Respondent may have been arrested, convicted, or placed on probation/community supervision, or has charges pending against Respondent.
- F.** On or about November 6, 2012, complaint file no. 130384 was opened against Respondent for this matter.
- G.** On or about November 13, 2012, a representative of the Commission, in writing, requested Respondent to provide information related to the complaint ("Requested Information") and notified Respondent that failure to respond within 10 working days may constitute a violation of The Real Estate License Act.
- H.** As of February 27, 2013, Respondent has failed to submit the Requested Information.

- L.** These grounds constitute a violation of TEX. OCC. CODE §1101.652(a)(6) by failing to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission that would indicate a violation of The Real Estate License Act. Reasonable time to provide information is defined as 10 working days from receipt of the request from the Commission by §535.161 of the Rules.

5. DISCIPLINE. I am recommending that the Commission issue a final order:

- (1) ordering you to comply with the Commission's request to provide the Requested Information;
- (2) imposing a \$1,500.00 administrative penalty ("Penalty");
- (3) reprimanding you; and
- (4) suspending your real estate license no. 492580 until the Requested Information is received and the Penalty is paid.

6. AGREEMENT. If you agree to our determination of the alleged violations and the recommended administrative penalty and/or disciplinary sanctions (as set forth in paragraph 5 above), you have not later than the 20th day from the date you receive this letter to notify this office in writing of your agreement, and remit to us the Requested Information and payment of the Penalty by **cashier's check or money order** made payable to the Texas Real Estate Commission. Upon our receipt of your written notice of agreement, the Penalty and the Requested Information, a final order by the Commission will be entered reflecting the recommendation.

7. HEARING REQUEST. If you do not agree to the determination of the violations or recommended Penalty and/or disciplinary sanctions, you have **not later than the 20th day** from the date you receive this letter to submit a **written request** for a hearing. A hearing will be set in Austin, Texas at a later date and you will be notified of that date and location. Responses by phone are not considered a **written request**.

8. APPLICABLE LAW. The Real Estate License Act and the Rules may be found on our web site, www.trec.texas.gov.

9. DEFAULT NOTICE.

FAILURE TO SUBMIT WRITTEN RESPONSE

IF YOU FAIL TO SEND EITHER A WRITTEN REQUEST FOR A HEARING OR A WRITTEN NOTICE OF AGREEMENT AND THE REQUESTED INFORMATION AND PAY THE PENALTY WITHIN THE 20-DAY PERIOD DESCRIBED ABOVE, THE COMMISSION WILL ENTER AN ORDER IMPOSING THE PENALTY, REPRIMANDING YOU, AND SUSPENDING YOUR REAL ESTATE LICENSE UNTIL THE PENALTY IS PAID IN FULL AND THE REQUESTED INFORMATION IS RECEIVED.

Randall B. Dawson
February 28, 2013
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Please use the file number on the previous page in any future correspondence with this agency. Please address any written correspondence to the undersigned attorney at the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or you may fax to (512) 936-3809.

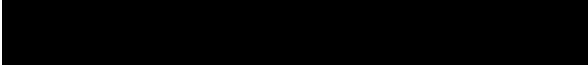
Sincerely,



Jannell D. Senn
Staff Attorney
Standards & Enforcement Services

JDS:alj

cc: Michael Group, LLC
David Kern Coleman, Designated Broker



Via email only: kerncoleman@gmail.com

Package Details

Welcome, Angelo Jones

Unknown error 0x80040200.

No USPS Signature file found in the database for Tracking Number: 9171999991703063722956

Events

Requested



Thursday
2/28/2013
8:34 AM

Shipped



Thursday
2/28/2013
3:07 PM

Details

Signature

Site	TPASS	City	Addison
DEMS ID	Z900000504743	State	TX
Ship To 1	Randall B. Dawson	ZIP	75001-1233
Ship To 2		Country	US
Address 1	PO Box 1233	Weight	0.500
Address 2		Manifest Date	2/28/2013 3:07:43 PM
Address 3		Carrier	POST
Service	2PM	Tracking No.	9171999991703063722956
Sender First Name	Angelo	Sender Last Name	Jones
Remark1	JDS130384DawsonNOAV	Remark2	JDS130384DawsonNOAV
Remark3	JDS130384DawsonNOAV	Reference	JDS130384DawsonNOAV
Delivery Date			

Events		Contents					
Status	Date	Time	Clerk	Location	Site	Notes/Reference	Signature
REQUESTED	2/28/2013	8:34 AM	angjon		TPASS		
SHIPPED	2/28/2013	3:07 PM			TPASS		

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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
9171999991703063722956	First-Class Mail®	Notice Left	March 08, 2013, 11:06 am	ADDISON, TX 75001	Return Receipt Electronic
		Notice Left	March 02, 2013, 10:58 am	ADDISON, TX 75001	
		Depart USPS Sort Facility	March 02, 2013	COPPELL, TX 75099	
		Processed through USPS Sort Facility	March 02, 2013, 4:58 am	COPPELL, TX 75099	
		Electronic Shipping Info Received	March 01, 2013		

Check on Another Item

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