



April 16, 2015

Scott McKinnley O'Reilly
P.O. Box 546
Red Rock, Texas 78662
Via email only: info@centraltexashomeinspection.com

Re: Our File No. 151186
In the Matter of
Scott McKinnley O'Reilly

Dear Mr. O'Reilly:

This complaint has been referred to me for review. The evidence shows you performed an inspection with inspection form 7-2 at the time of the inspection you should have been using form 7-4. The inspection form is currently getting a modification and in the near future a 7-5 form will be required. The Inspector Rules require that you use the current inspection form at the time of your inspection.

We are proposing a fine of \$200.00 for the one violation of the Rules. Enclosed is a proposed Agreed Order ("Order") for the above file. If this is acceptable to you, please sign and date the enclosed Order and return it to this office by April 27, 2015 with an enclosed cashier's check or money order. We will send you an executed copy once the order is entered by the Administrator. Please be advised, however, that entry of this Order is subject to the approval of the Administrator. If the Order is not accepted you may request a hearing on the matter.

The Order states that you admit to the Findings of Fact and Conclusions of Law and agree to pay an administrative penalty in the amount of \$200.00 by cashier's check or money order payable to the Texas Real Estate Commission. The remitter on the cashier's check or money order must be Respondent or Respondent's attorney.

Finally, we are providing this offer to avoid possible litigation and the need to take this to an administrative hearing in Austin, which may include additional time and expense. We appreciate your prompt attention to this matter and hope you desire to settle this complaint with the Commission without the need for additional administrative action taken against your license. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael Molloy". The signature is written in a cursive style with a long, sweeping underline.

Michael Molloy
Staff Attorney
Standards & Enforcement Services

MM:bm

Enclosure

HEARING NO. 151186

IN THE MATTER OF	§	BEFORE THE TEXAS REAL
SCOTT MCKINNLEY O'REILLY	§	ESTATE COMMISSION
RED ROCK, TEXAS	§	(COMMISSION)
	§	
TEXAS PROFESSIONAL INSPECTOR	§	SITTING IN AUSTIN
LICENSE NO. 9833	§	TRAVIS COUNTY, TEXAS

AGREED ORDER

On April 16, 2015, Scott McKinnley O'Reilly (Respondent) was notified of allegations against him. In order to conclude this matter, Respondent admits to the truth of the following Findings of Fact and Conclusions of Law and agrees to the entry of this Order and to the assessment of an administrative penalty.

FINDINGS OF FACT

1. Respondent is a licensed Texas professional Inspector, was a Texas licensed professional Inspector at all times relevant to this matter, and performed an act in Texas constituting an act of a professional inspector as defined in Tex. Occ. Code §1102.001.
2. On September 19, 2014, Respondent performed an inspection of the property located at 2204 W. Old Lockhart, West Point, Texas.
3. Respondent used the REI 7-2 Inspection Form. At the time of the inspection, this was not the current inspection form adopted by the Commission.
4. Respondent understands that he must use the current inspection form adopted by the Commission.

CONCLUSIONS OF LAW

The acts and omissions on the part of Respondent set out in the Findings of Fact constitute the following violations that are cause for the suspension, revocation or reprimand of Respondent's Texas professional inspector license pursuant to the specific statute(s) cited below and/or TEX. OCC. CODE §1102.401(a) and are further cause for the assessment of an administrative penalty against Respondent pursuant to TEX. OCC. CODE §1102.403:

1. failure to use an inspection form adopted by the Commission in a property inspection, in violation of 22 TEX. ADMIN. CODE §535.223.

ORDER

IT IS ORDERED that Respondent pay an administrative penalty of \$200.00 in the form of a cashier's check or money order made payable to the Texas Real Estate Commission as follows. The remitter on the cashier's check or money order must be Respondent or Respondent's attorney.

DATED: _____

Douglas E. Oldmixon
Administrator
Texas Real Estate Commission

The undersigned, Respondent, hereby states and affirms that he enters into this Agreed Order of his own free will; that Respondent admits to the above Findings of Fact and Conclusions of Law; that Respondent has been afforded all administrative remedies due him under the law by the Commission; that Respondent, having been advised of his right to a hearing and to be represented by an Attorney, waives these rights; and that Respondent waives all right to judicial review of this Order.

DATED: _____

Scott McKinnley O'Reilly
Respondent

DATED: _____

Michael Molloy
Staff Attorney
Texas Real Estate Commission