

FILED

Texas Real Estate Commission

Date: 05/25/17

HEARING NO. 162010

IN THE MATTER OF
JOHN WAYNE WASHINGTON
DE SOTO, TEXAS

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BEFORE THE TEXAS REAL
ESTATE COMMISSION
("COMMISSION")

TEXAS REAL ESTATE BROKER
LICENSE NO. 456131

SITTING IN AUSTIN
TRAVIS COUNTY, TEXAS

AGREED ORDER

On April 12, 2017, John Wayne Washington ("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 assessment of an administrative penalty.

FINDINGS OF FACT

1. Respondent is a licensed Texas real estate broker, was a Texas real estate broker at all times relevant to this matter, and performed an act in Texas constituting an act of a broker or sales agent as defined under Tex. Occ. Code §1101.002(1).
2. Respondent and Tom Tran ("Owner") entered into a written agreement ("Agreement") that granted Respondent the authority to lease and manage 214 Apollo in Garland, Texas ("Property").
3. The Owner terminated the Agreement effective April 10, 2016.
4. On April 29, 2016, Owner made a demand for the security deposit.
5. Respondent refused to release the security deposit without a signed security deposit transfer form.
6. Respondent did not provide the owner with monthly accountings.
7. In 2012, Respondent received two advisory letters related to possible violations of Section 1101.652(b)(9), Texas Occupations Code.
8. In response to this complaint, a year after Owner's demand, Respondent paid Owner the security deposit.
9. Respondent now understands that if any party to the transaction makes a written demand for payment of trust money, Respondent must pay the trust money to the person entitled to the money within 30 days. He also understands that he must provide an accounting at least monthly when there has been any activity in the trust account.

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 real estate broker license pursuant to the specific rules cited below and/or Section 1101.656, Texas Occupations Code, and are further cause for the assessment of an administrative penalty against Respondent pursuant to Section 1101.701, Texas Occupations Code:

10. Section 1101.652(b)(9), Texas Occupations Code, by failing within a reasonable time to remit money that is received by the license holder and that belongs to another person; and
11. Section 1101.652(b)(9), Texas Occupations Code, by failing within a reasonable time to properly account for money that is received by the license holder and that belongs to another person.

ORDER

IT IS ORDERED that Respondent is formally reprimanded for his actions in this matter.

IT IS FURTHER ORDERED that Respondent must pay an administrative penalty of \$2,000 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.

IT IS FURTHER ORDERED that on or before 5:00 p.m., July 31, 2017, Respondent must provide the Commission's Standards & Enforcement Services Division with evidence of his completion of 30 hours in a property management course as defined by Section 1101.003(4), Texas Occupations Code, from a school or provider approved by or acceptable to the Commission, and that these hours are in addition to the Continuing Education (CE) hours required for the next renewal of Respondent's Texas real estate broker license. Failure to timely complete the course as ordered automatically suspends Respondent's real estate license until the evidence of the course completion is provided to the Commission's Standard & Enforcement Services Division.

DATED: 25 May 17




Douglas E. Oldmixon
Executive Director
Texas Real Estate Commission

The undersigned Respondent states and affirms that Respondent 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 Texas Real Estate 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: 4.20.17


John Wayne Washington
Respondent

DATED: 20 May 2017


Pim S. Mayo
Staff Attorney
Texas Real Estate Commission