

HEARING NO. 170612

IN THE MATTER OF  
COLBY BENTON  
FORT WORTH, TEXAS

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BEFORE THE TEXAS REAL  
ESTATE COMMISSION  
("COMMISSION")

APPLICATION FOR PROFESSIONAL  
INSPECTOR LICENSE

SITTING IN AUSTIN  
TRAVIS COUNTY, TEXAS

**AGREED ORDER**

On February 23, 2017, Colby Benton ("Applicant") filed an application for professional inspector with the Texas Real Estate Commission ("the Commission"). In order to conclude the review of this matter, Applicant admits to the truth of the following Findings of Fact and Conclusions of Law and agrees to the entry of this order issuing a probationary professional inspector's license.

**FINDINGS OF FACT**

1. On or about August 13, 2002, in Cause No. 2001-470-C, State of Texas v. Colby Alexander Benton, in the 54th District Court of McLennan County, Texas, Applicant pled guilty to three counts of felony intoxication Manslaughter. The Court suspended his sentence of ten years of confinement and placed him on ten years of probation. The Court ordered Applicant to pay \$72,507.86 in restitution. The offense occurred on December 3, 2000. Applicant satisfactorily completed his probation on August 13, 2012 and paid the full amount of restitution.
2. The offense occurred over 14 years ago, when applicant was 21 years old.
3. Applicant has cooperated with the Commission in providing documents regarding the above offense and has explained in writing the circumstances of the offense.
4. Applicant accepts personal responsibility for his past criminal conduct, admits he was at fault for the intoxication manslaughter offense, and regrets his actions.
5. Applicant currently enjoys a good reputation within his community for honesty, trustworthiness, and integrity as evidenced by his letters of recommendation by authors that have personal knowledge of his criminal history.
6. Applicant has maintained full time employment for the past five years.
7. Applicant has not been adjudicated guilty or pled guilty to any felony or misdemeanor offenses since the matter referenced above.

**CONCLUSIONS OF LAW**

8. The conduct of Applicant is directly related to the duties and responsibilities of the occupation of a licensed professional inspector, in that its commission tends to indicate an inability to represent the interests of others with honesty,

trustworthiness, and integrity, as found by the Real Estate Commission in 22 TEX. ADMIN. CODE §541.1(a).

9. Applicant has provided the Commission with documentation that establishes the factors enumerated in TEX. OCC. CODE Chapter 53 and establishes that HE/SHE presently possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a professional inspector.
10. The Commission is satisfied that, subject to reasonable terms and conditions stated herein, Applicant would conduct his business with honesty, trustworthiness, and integrity as required by TEX. OCC. CODE §1102.109(4).
11. The issuance of a probationary professional inspector license is appropriate.

**ORDER**

IT IS ORDERED that Applicant's application for a professional inspector license is approved and the application be returned to processing for the issuance of a professional inspector license, subject to the terms and set forth below.

IT IS FURTHER ORDERED that the license issued, if timely renewed, remain on probationary status for a period of three years, subject to the following terms.

1. Applicant must comply with Chapters 1101 and 1102 of the Texas Occupations Code and with the Rules of the Commission.
2. Applicant must fully cooperate with the Commission's Standards & Enforcement Services in its investigation of any complaints filed against him.
3. Applicant must timely renew his license or promptly cease and desist acting as a professional inspector at all times not in which he is not licensed.

IT IS FURTHER ORDERED that any allegations against Applicant relating to a violation of the above terms, other than those that specifically provide for automatic suspension of license, may, after notice and hearing, constitute grounds to revoke the probationary professional inspector license issued to Applicant.

DATED 21 Mar 17

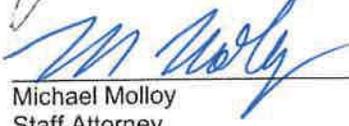
  
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Douglas E. Oldmixon  
Executive Director  
Texas Real Estate Commission

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

DATED 3-20-17

  
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Colby Benton  
Applicant

DATED 3-20-17

  
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Michael Molloy  
Staff Attorney  
Texas Real Estate Commission