

HEARING NO. 170984

IN THE MATTER OF
JEFFERY WAYNE CLAWSON
AUSTIN, TEXAS

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TEXAS REAL ESTATE BROKER
LICENSE NO. 492115

BEFORE THE TEXAS REAL
ESTATE COMMISSION
("COMMISSION")

SITTING IN AUSTIN
TRAVIS COUNTY, TEXAS

AGREED ORDER

On August 22, 2017, Jeffery Wayne Clawson, ("Respondent") was notified of allegations against it. 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. At all times relevant to this matter, Respondent is and was the designated broker of Austin Vestors Property Management, LLC ("Austin Vestors"), a licensed Texas real estate business brokerage entity.
3. On July 23, 2012, Respondent, acting through Austin Vestors Property Management, LLC ("Austin Vestors"), entered into a property management agreement ("PMA") with James and Olivia Williams ("Owners"), for the single-family residential property located at 7400 Muffin Drive in Austin, Texas ("the property"). Respondent's duties under the PMA included collecting the security deposit and rent, remitting money due to Owners, and facilitating repairs to the property.
4. On or about December 1, 2014, Respondent executed a lease of the property with Latricia and Briana Moore ("Tenants"). The Tenants were required to pay a \$1,300 security deposit before execution of the lease according to the lease agreement.
5. Respondent failed to collect the security deposit before executing the lease and allowed the Tenants to occupy the property without collecting the security deposit from them and without informing the Owners that the security deposit had not been collected.
6. In June 2016, the Owners terminated the PMA with Respondent and learned at that time that Respondent had not collected the security deposit from the Tenants.

7. On February 12, 2017, Respondent paid the \$1300 security deposit to the Owners.
8. On February 10, 2017, the Commission issued a letter to Respondent, advising him of his responsibilities regarding trust money and advising him that we would consider this past history in a future complaint of a similar nature.
9. Respondent understands that a license holder's fiduciary duties to his principal, the property owner, require the license holder to act with vigilance to place his principal's interest above his own, including the proper administration of leasing, and the handling and remitting of trust money.

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 statutes cited below and/or TEX. Occ. Code §1101.656 and are further cause for the assessment of an administrative penalty against Respondent pursuant to TEX. Occ. Code §1101.701:

10. acting negligently or incompetently, while acting as a broker or sales agent, in violation of Section 1101.652(b)(1), Texas Occupations Code; and
11. failing to keep a principal informed at all times of significant information applicable to the transaction or transactions in which the license holder is acting as agent for the principal, in violation of 22 TEX. ADMIN. CODE §535.156(c).

ORDER

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

IT IS FURTHER ORDERED that Respondent pay an administrative penalty of \$2,500.00 in the form of a cashier's check or money order payable to the Texas Real Estate Commission upon execution of this Order. The remitter on the cashier's check or money order must be Respondent or Respondent's attorney.

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

DATED: 9/6/17



Douglas E. Oldmixon
Administrator
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: 8/28/17



Jeffrey Wayne Clawson
Respondent

DATED: 9/1/17



Bill Zukauckas
Staff Attorney
Texas Real Estate Commission