

HEARING NO. 172209

IN THE MATTER OF	§	BEFORE THE TEXAS REAL
TAMIR R. ACKER	§	ESTATE COMMISSION
LITTLE ELM, TEXAS	§	(COMMISSION)
	§	
TEXAS PROFESSIONAL INSPECTOR	§	SITTING IN AUSTIN
LICENSE NO. 22053	§	TRAVIS COUNTY, TEXAS

AGREED ORDER

On October 17, 2017, Tamir R. Acker ("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 August 17, 2016, Respondent performed an inspection of the property located at 1310 Oakcrest Drive, Providence, Texas ("property").
3. Respondent failed to report as "deficient" inadequate cooling as demonstrated by the performance of the cooling equipment.
4. Respondent reported that the temperature difference ("Delta T") between the supply and the return air was 12 degrees. When the system is working properly, however, the temperature drop should be between 15 to 20 degrees.
5. Respondent incorrectly reported that the cooling equipment was "[p]erforming as intended."
6. Respondent has been licensed since June 30, 2016, and has no prior history of complaints or discipline with the Commission.
7. Respondent now understands that he must report as deficient cooling systems that show inadequate performance, including a system whose temperature drop does not fall within 15 and 20 degrees.

CONCLUSIONS OF LAW

The acts and omissions on the part of Respondent set out in the Findings of Fact constitute the following violation that is cause for the suspension, revocation or reprimand of Respondent's Texas professional inspector license pursuant to the specific rule 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:

8. 22 TEX. ADMIN. CODE §535.230(b)(1)(B)(ii), by failing to report as deficient inadequate cooling of an air conditioning system as demonstrated by its performance.

ORDER

IT IS ORDERED that Respondent pay an administrative penalty of \$500 in the form of cashier's checks or money orders 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: 2 NOV 17



Douglas E. Oldmixon
Executive Director
Texas Real Estate Commission

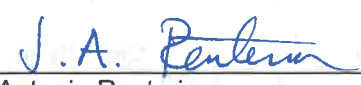
The undersigned Respondent states and affirms that he enters into this agreed order of his own free will; that Respondent admits to the above Findings of Fact and Conclusions of Law; that Respondent has been afforded all administrative remedies due him under the law by the Texas Real Estate Commission; 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: 10/28/2017



Tamir R. Acker
Respondent

DATED: 11/2/2017



J. Antonio Renteria
Staff Attorney
Texas Real Estate Commission