

FILED

Texas Real Estate Commission

Date: 09/20/2019

Hearing No. 183895

Texas Real Estate Commission

v.

Mark David Jordan
Texas Real Estate Broker
License No. 105582

§
§
§
§
§
§

Before the Texas Real
Estate Commission
("Commission")

Sitting in Austin,
Travis County, Texas

Final Order

On August 14, 2019, a designee of the Executive Director, after investigation of possible violations and the facts relating to those violations, issued a Notice of Alleged Violation and Original Petition ("Notice") to Mark David Jordan ("Respondent"). The Notice informed Respondent of the determination that Respondent had violated provisions of Chapter 1101 of the Texas Occupations Code and/or 22 Texas Administrative Code Chapter 535 and recommended a two year suspension of Respondent's real estate broker license, fully probated for two years. A copy of the notice is attached and incorporated here. The Notice was sent by email, regular mail and certified mail, return receipt requested, to and Respondent's last known address as shown by the Commission's records. Respondent failed to timely respond to the Notice.

Pursuant to Section 1101.704(b) of the Texas Occupations Code, the Commission approves the determination and imposes the recommended probated suspension.

IT IS THEREFORE ORDERED that Respondent's Texas real estate broker license is suspended for two years, effective October 18, 2019.

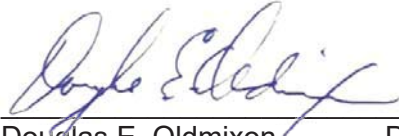
IT IS FURTHER ORDERED that beginning at 5:00 p.m., October 18, 2019, the suspension is fully probated for two years ending October 18, 2021, subject to the following terms.

1. Respondent must comply with Chapter 1101 of the Texas Occupations Code and with the Rules of the Commission.
2. Respondent must fully cooperate with the Commission's Standards & Enforcement Services Division in completing its investigation of any complaints filed against him.

IT IS FURTHER ORDERED that the Respondent pay an administrative penalty of \$20,000 effective October 18, 2019. Failure to timely pay automatically suspends Respondent's Texas real estate broker license until the administrative penalty is paid in full.

IT IS FURTHER ORDERED that a violation of the above terms, other than those that specifically provide for automatic suspension or suspension of license, is, after notice and hearing, grounds to revoke probation and impose the above suspension of Respondent's Texas real estate broker license in addition to any additional disciplinary action which may be warranted for a subsequent violation of the Texas Occupations Code.

If enforcement of this Final Order is restrained or enjoined by court order, this Final Order is effective upon a final determination by the court or an appellate court in favor of the Texas Real Estate Commission.

A handwritten signature in blue ink, appearing to read "Douglas E. Oldmixon", is written over a horizontal line.

9/20/19

Douglas E. Oldmixon Date
Executive Director
Texas Real Estate Commission



Standards & Enforcement Services
Direct Line: (512) 936-3005
Facsimile: (512) 936-3809

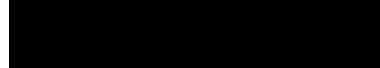
August 14, 2019

NOTICE OF ALLEGED VIOLATION

**DO NOT IGNORE THIS IMPORTANT MATTER OR AN ORDER
TAKING DISCIPLINARY ACTION AGAINST YOUR LICENSE AND ASSESSING AN
ADMINISTRATIVE PENALTY WILL BECOME FINAL.**

Mark D. Jordan
c/o Mitchell Madden
Holmgren Johnson: Mitchell Madden, LLP
13800 Montfort Dr., Ste. 160
Dallas, Texas 75240
CM:RRR No. 91 7199 9991 7037 5201 3662
Via email: mmadden@hjmlegal.com

Mark David Jordan



CM:RRR No. 91 7199 9991 7037 5201 3679
Via Email: [REDACTED]

Re: Our File No. 183895
In the Matter of Mark D. Jordan

Dear Mr. Madden:

1. Notice. Based on information contained in our above file, the Texas Real Estate Commission ("the Commission") has determined that you violated Chapter 1101 of the Texas Occupations Code ("The Real Estate License Act") and/or the Rules of the Texas Real Estate Commission. Attached is a copy of an Original Petition which includes a summary of the alleged violations and is incorporated here by reference.

2. Consequences. The legal consequences of a violation could include:

- A.** an administrative penalty not to exceed \$5,000 per violation, with each day a violation continues or occurs a separate violation for purposes of imposing a penalty; and

B. a reprimand, suspension, or revocation of your real estate license.

3. Discipline. We recommend that the Commission issue a final order:

- 1) imposing a \$20,000 administrative penalty ("Penalty");
- 2) suspending your real estate broker license no. 405582 for two years with the suspension fully probated for two years; and
- 3) ordering you to pay reasonable costs.

4. Agreement. If you agree to our determination of the alleged violations and the recommended administrative penalty and/or disciplinary sanctions (as set forth in paragraph 3 above), you have not later than the 30th day after the date this letter was sent to notify this office in writing of your agreement, and remit to us the recommended administrative penalty in the form of a cashier's check or money order payable to the Texas Real Estate Commission. Upon our receipt of your written notice of agreement and the administrative penalty, a final order by the Commission will be entered reflecting the recommendation.

5. Hearing Request. If you do not agree to the determination of the violations or recommended administrative penalty and/or disciplinary sanctions, you have **not later than the 30th day** after the date this letter was sent to submit a written request for a hearing. A hearing will be set in Austin, Texas at a later date and you will be notified of that date and location. A response by phone is not a written request.

6. Applicable Law. The Real Estate License Act and the Rules of the Texas Real Estate Commission may be found on our website, www.trec.texas.gov.

7. Default Notice.

Failure To Submit Written Response

If you fail to send either a written request for a hearing or a written notice of agreement and pay the administrative penalty within the 30-day period described above, the Commission will enter an order imposing an administrative penalty, suspending your real estate license until the administrative penalty is paid in full, reprimanding you, and suspending your real estate license for two years as described in paragraph 3 above.

Please use the file number on the previous page in any future correspondence with this agency. Please address any written correspondence to the undersigned attorney at the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or you may fax to (512) 936-3809.

Mark D. Jordan
c/o Mitchell Madden
August 14, 2019
Page 3

Sincerely,

A handwritten signature in black ink, reading "Sandra M. Zimmerman". The signature is written in a cursive style with a prominent initial "S".

Sandra M. Zimmerman
Staff Attorney
Standards & Enforcement Services

SMZ:alj

Enclosure (Original Petition)

SOAH Docket No. _____

Texas Real Estate Commission	§	Before the State Office
	§	
v.	§	
	§	Of
Mark David Jordan	§	
Texas Real Estate Broker	§	
License Number 405582	§	Administrative Hearings

Original Petition

The Texas Real Estate Commission (“Commission” or “Petitioner”), brings the following action against Mark David Jordan (“Respondent”), to seek relief authorized by Sections 1101.652, 1101.656, and 1101.701, Texas Occupations Code. In support, Petitioner shows the following.

Jurisdiction and Authority

1. Petitioner is responsible for licensing and regulating real estate brokers and sales agents in Texas. See Tex. Occ. Code §1101.151. Petitioner is responsible for enforcing Chapter 1101, Texas Occupations Code, including ensuring that consumers of real estate brokerage services are protected from negligent and dishonest acts or omissions by real estate brokers and sales agents. See Tex. Occ. Code §1101.652.
2. Petitioner is authorized to impose administrative penalties, to issue reprimands, and to suspend, probate, or revoke a license. See Tex. Occ. Code §§1101.652, 1101.656, 1101.701 and 22 Tex. Admin. Code §535.191. Petitioner may issue a final order in regards to a person whose license has expired. See Tex. Occ. Code §1101.661.
3. Contested cases are to be initiated by Petitioner and pursued in accordance with 22 Tex. Admin. Code ch. 533. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of this proceeding, including the authority to issue a Proposal for Decision with proposed Findings of Fact and Conclusions of Law. Tex. Gov’t. Code ch. 2003 and 22 Tex. Admin. Code ch. 533.

License Status and Address

4. 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 Section 1101.002(1), Texas Occupations Code.

5. Respondent's mailing address of record with Petitioner for service is: (1) [REDACTED]
[REDACTED] and (2) email address: [REDACTED]

Facts of Case

6. Sooner National Property Management, LP ("Sooner") is registered with the Texas Secretary of State as a foreign limited partnership. Its owner, Sooner National Property Management, LP LLC ("Sooner LLC") was a limited liability corporation incorporated in the state of Delaware. The state of Delaware revoked Sooner LLC's limited liability corporate status. Sooner is not, and was not, a licensed Texas real estate broker at all times relevant to this matter.
7. Mark Jordan publically represented himself as president of Sooner, doing business as Sooner Management.
8. In a letter to Laura Maczka on March 13, 2015, Sooner confirmed an offer of employment as a leasing agent that it had previously extended to her. The employment began on March 15, 2015. The letter specifically stated that Sooner was Laura Maczka's employer.
9. Sooner compensated Laura Maczka as its employee for her activities as a leasing agent.
10. Laura Maczka is also known as Laura Jordan.

Palisades I Lease Transaction

11. On October 14, 2016, Laura Maczka transmitted to Apollo MGA ("Apollo") a document identified on its cover as "A Lease Renewal Proposal Prepared for Apollo MGA, On behalf of: JP-Palisades I, LLC ("JP-Palisades"), October 14, 2016, Prepared By: Sooner Management, Laura Maczka Sooner National Property Management, LP." The proposal related to the property known as Palisades I located at 2425 North Central Expressway, Richardson, Texas 75080.
12. During October and November of 2016, Laura Maczka represented JP-Palisades in lease renewal negotiations with Apollo ("Lease"). Respondent was copied on many emails and others regarding the Lease negotiations and was aware that Laura Maczka was engaging in lease negotiation.
13. Laura Maczka identified herself as a Sooner employee in her email communications during the course of her lease negotiations with Apollo. Respondent was often copied on email communications between Laura Maczka and Apollo regarding the Lease negotiations and Respondent was aware that Sooner, acting through its employee, Laura Mazcka, was

engaging in lease negotiations.

14. Laura Maczka regularly communicated with Apollo representative Kent Smith regarding lease issues including Apollo's needs for space configuration and space requirements, questions regarding infrastructure and other related matters, and tendered proposed revisions to lease exhibits resolving these issues. At times Respondent took part in communications with Apollo, but Laura Maczka was the primary negotiation contact.
15. When Laura Maczka tendered the first draft lease to Apollo for review on October 27, 2016, soliciting questions and comments. Apollo returned its requested changes to Laura Maczka on November 3, 2016. Respondent was further aware that Laura Maczka was negotiating the lease because he was copied on the transmittal email tendering the lease.
16. Respondent was aware that Sooner did not have a Texas real estate license and that acting through Sooner's employee, Laura Maczka, Sooner was engaging in lease negotiations.
17. Respondent was aware that, acting through Sooner, he established an association by employment with a person other than a license holder when the person was expected or required to act as a license holder.
18. Respondent was aware that, that acting through Sooner, Respondent compensated an unlicensed person, Laura Mazcka, for services as a real estate agent.
19. On November 10, 2016, at or around the same time the lease was executed by the parties, Laura Maczka executed a document entitled "Lease Approval/Summary" identifying Laura Maczka as "Leasing Agent" immediately to the left of her signature and printed name. Respondent executed the same document immediately below Laura Maczka's "Leasing Agent" and Laura Maczka's signature.

Greenway III Lease Transaction

20. On or about November 13, 2017, Landlord JP-Greenway III, LLC ("JP-Greenway"), executed a lease agreement with tenant QuadGen Wireless Solutions, Inc. ("QuadGen"), for the property known as Greenway III located at 2100 Lakeside Drive, Richardson, Texas 75080 ("Lease"). JP-Greenway was the sole owner of Greenway III.
21. JP-KBS Richardson Acquisitions I, LLC, was the sole owner of JP-Greenway. JP-Greenway did not employ Respondent. JP-KBS Richardson Acquisitions I, LLC, did not employ Respondent.
22. For a period of approximately six months preceding execution of the Lease, Laura Maczka

communicated with QuadGen's broker, Conor McCarthy ("McCarthy"), negotiating the Lease on behalf of JP-Greenway III. Respondent was copied on many email communications between Laura Maczka and McCarthy and others regarding the Lease negotiations and was aware that Laura Maczka was engaging in lease negotiation.

23. Laura Maczka identified herself as a Sooner employee in her email communications during the course of her lease negotiations with QuadGen. Respondent was often copied on email communications between Laura Maczka and QuadGen regarding the Lease negotiations and Respondent was aware that Sooner, acting through its employee, Laura Mazcka, was engaging in lease negotiations.
24. On or about April 13, 2017, McCarthy tendered a Request for Proposal to Laura Maczka for the Lease at Greenway III. Laura Maczka and McCarthy negotiated three successive drafts of that document dated April 18, 2017, July 13, 2017, and July 17, 2017. On July 24, 2017, Laura Maczka tendered JP-Greenway III's best and final lease offer to McCarthy. QuadGen returned changes that were addressed directly to Laura Maczka asking for Laura Maczka's questions or requested changes. Respondent was copied on these email communications and was aware that these exchanges constituted lease negotiation.
25. Respondent was often copied on Laura Maczka's regular communications with McCarthy, negotiating the Lease term, square footage requirements, space configuration, and negotiations with a current tenant about relinquishing space for QuadGen and was aware that these exchanges constituted lease negotiation. Respondent was often copied on Laura Maczka's emails fielding questions regarding infrastructure planning, construction bids, and utilities, and tendering proposed revisions to lease exhibits resolving those issues and was aware that these exchanges constituted lease negotiation.
26. On November 13, 2017, Laura Maczka executed a document entitled Lease Approval/Summary identifying her as "Leasing "Agent" immediately to the left of where she signed her name. Respondent executed the same document immediately below Laura Maczka's printed name and signature.

Allegations

ACCORDINGLY, Petitioner complains that Respondent committed the following violations:

27. Section 1101.652(b)(11), Texas Occupations Code, by paying a commission or a fee to or divides a commission or a fee with a person other than a license holder or a real estate

broker or sales agent licensed in another state for compensation for services as a real estate agent; and

28. Section 1101.652(b)(26), Texas Occupations Code, by establishing an association by employment or otherwise with a person other than a license holder if the person is expected or required to act as a license holder;

Prayer

Petitioner requests that Respondent be cited to appear and answer. Petitioner further requests:

1. Respondent be ordered to pay an administrative penalty ("Penalty") of \$20,000;
2. Respondent's real estate broker license no. 405582 be suspended for two years with the suspension fully probated for two years;
3. Respondent be ordered to pay reasonable costs associated with the hearing if Respondent fails to appear at the hearing; and
4. such other and further relief to which Petitioner is justly entitled.

Respectfully submitted,



Sandra M. Zimmerman
Staff Attorney
Standards & Enforcement Services
Texas Real Estate Commission
State Bar No. 22276800
P.O. Box 12188
Austin, Texas 78711-2188
Telephone: (512) 936-3005
Facsimile: (512) 936-3809

Ship Request Form

Ship Request #: 227024

Sender

Name: Sharon Martinets
Account #: 32960 ENFORCEMENT
Phone: 512-936-3005
Email: Sherry.Martinets@trec.texas.gov
Company: Texas Real Estate Commission

eRR Track: 9171999991703752013662

Recipient

Attn To: Mark D. Jordan
Company: c/o Mitchell Madden
Address: Holmgren Johnson: Mitchell Madden,
LLP
13800 Montfort Drive, Suite 160
City: Dallas
State: TX
Zip: 75240
Country: US

Shipping Instructions

183895.Madden.Jordan.NOAV&OPET

Items

Units	Description	Code	Origin	Unit Value	Total Value
0.00					

Ship Request Form

Ship Request #: 227025



Sender

Name: Sharon Martinets
Account #: 32960 ENFORCEMENT
Phone: 512-936-3005
Email: Sherry.Martinets@trec.texas.gov
Company: Texas Real Estate Commission

eRR Track: 9171999991703752013679

Recipient

Attn To: .
Company: Mark David Jordan
Address: [REDACTED]
City: [REDACTED]
State: [REDACTED]
Zip: [REDACTED]
Country: US

Shipping Instructions

183895.Jordan.NOAV&OPET

Items

Units	Description	Code	Origin	Unit Value	Total Value
0.00					

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Status

Alert

August 16, 2019 at 10:14 pm
Awaiting Delivery Scan

Get Updates

Alert

Text & Email Updates

Return Receipt Electronic

Tracking History

August 16, 2019, 10:14 pm
Awaiting Delivery Scan

https://tools.usps.com/go/TrackConfirmAction.action?tLabels=9171999991703752013679[9/17/2019 9:18:42 AM]

The delivery status of your item has not been updated as of August 16, 2019, 10:14 pm. We apologize that it may arrive later than expected.

August 16, 2019, 8:14 am

Out for Delivery
DALLAS, TX 75251

August 16, 2019, 5:29 am

Arrived at Unit
DALLAS, TX 75230

August 16, 2019, 4:56 am

Departed USPS Regional Facility
DALLAS TX DISTRIBUTION CENTER

August 15, 2019, 12:22 pm

Arrived at USPS Regional Destination Facility
DALLAS TX DISTRIBUTION CENTER

August 14, 2019, 8:43 pm

Departed USPS Regional Facility
AUSTIN TX DISTRIBUTION CENTER

August 14, 2019, 7:32 pm

Arrived at USPS Regional Origin Facility
AUSTIN TX DISTRIBUTION CENTER

August 14, 2019, 6:17 pm

Accepted at USPS Origin Facility
AUSTIN, TX 78701

August 14, 2019

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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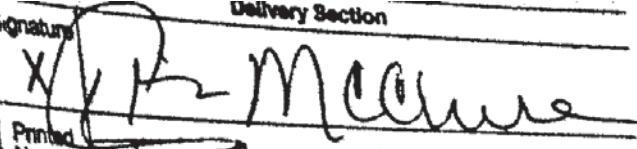


Date Produced: 08/19/2019

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS:

The following is the delivery information for Certified Mail™ item number 7199 9991 7037 5201 3662. Our records indicate that this item was delivered on 08/16/2019 at 11:43 a.m. in DALLAS, TX 75240. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed Name	T. McChade

Address of Recipient :

Delivery Address


Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 32960 ENFORCEMENT

From: [Sherry Martinets](#)
To: mmadden@hjmlegal.com
Cc: [REDACTED]
Subject: Our File No. 183895
Date: Wednesday, August 14, 2019 11:24:00 AM
Attachments: [183895.Jordan.NAOV.pdf](#)
[183895.Jordan.OPET.pdf](#)

Please find attached a Notice of Alleged Violation and Original Petition in the referenced matter.

Staff Attorney, Sandra M. Zimmerman has asked me to send you the attached documents. If you have any questions, please contact Ms. Zimmerman at (512) 936-3005.

Sincerely,

A handwritten signature in blue ink that reads "Sharon Martinets". The signature is fluid and cursive, with the first name "Sharon" and last name "Martinets" clearly legible.

Sharon Martinets
Legal Assistant V
Standards & Enforcement Services
Texas Real Estate Commission
Phone No. (512) 936-3005
Fax No. (512) 936-3809