

Hearing No. 191995

In the Matter of
Brenda Michele Wells Fordyce
Crowley, 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 the October 12, 2018, Brenda Michele Wells Fordyce ("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. In 2007 and 2014, Applicant plead guilty to the misdemeanor offenses of Driving while intoxicated.
2. On February 2, 2018, in Cause No. DC-F201700646, in the 18th Judicial District Court of Johnson County, Texas, Respondent pled guilty of the felony offense of Driving while intoxicated 3rd offense or more. The Court sentenced Applicant to ten years of confinement. The Court suspended the sentence and put Applicant on community supervision for ten years. The offense occurred May 26, 2017.
3. Applicant cooperated with the Commission on this matter; however, Applicant failed to disclose the 2007 and 2014 DWI offenses.
4. Applicant has had steady employment for the past five years.
5. Respondent currently enjoys a good reputation within her business community for honesty, trustworthiness and integrity as evidenced by letters of recommendation by authors who have personal knowledge of her past criminal history.

Conclusions of Law

6. 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).
7. Applicant has provided the Commission with documentation that establishes the factors enumerated in Texas Occupations Code, Chapter 53 and establishes that Applicant presently possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a professional inspector.

8. The Commission is satisfied that, subject to reasonable terms and conditions stated here, Applicant would conduct Applicant's business with honesty, trustworthiness, and integrity as required by Section 1102.109(4), Texas Occupations Code
9. The issuance of a probationary professional inspector license is appropriate.

Order

IT IS ORDERED that Applicant's application for 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 nine 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 Applicant.

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.

Douglas E. Oldmixon

Digitally signed by Douglas E. Oldmixon
DN: cn=Douglas E. Oldmixon, o=TREC/TALCB,
ou=AMS, email=douglas.oldmixon@trec.texas.gov, c=US
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Douglas E. Oldmixon Date
Executive Director
Texas Real Estate Commission

The undersigned Applicant states and affirms that Applicant enters into this agreed order of Applicant's 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 Applicant under the law by the Texas Real Estate Commission; that Applicant, having been advised of Applicant's 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 March 29, 2019


Brenda Michele Wells Fordyce
Applicant

DATED 4/1/19


Michael Molloy
Staff Attorney
Texas Real Estate Commission