

Hearing No. 195649**In the Matter of
Michael Patrick Gann****§
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§****Before the Texas Real
Estate Commission
("Commission")****Texas Professional Inspector
Expired License No. 7576****Sitting in Austin,
Travis County, Texas****Agreed Order**

In order to conclude this matter, Respondent neither admits nor denies 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. From November 1, 2018, until the present, and at all times relevant to this matter, Respondent did not hold an active apprentice inspector, real estate inspector, or professional inspector license.
2. On October 21, 2004, Respondent was issued a professional inspector license.
3. On October 31, 2018, Respondent's professional inspector license expired without renewal.
4. On or about May 25, 2019, and other dates unknown, Respondent acted, or attempted to act, in Texas, as an apprentice inspector, real estate inspector, or a professional inspector as defined in Section 1102.001, Texas Occupations Code by performing an inspection for a buyer of a property located at 3103 Weatherford, La Porte, Texas 77571.

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 statute cited below and/or Section 1102.401(a), Texas Occupations Code and is further cause for the assessment of an administrative penalty against Respondent pursuant to Section 1102.403, Texas Occupations Code:

5. Sections 1102.101, 1102.102, and/or 1102.103, Texas Occupations Code, by acting in the capacity of, engaging in the business of, or advertising or holding himself out as engaging in or conducting the business of an apprentice inspector, real estate inspector, or a professional inspector without first obtaining and maintaining an active apprentice inspector license, real estate inspector license, or professional inspector license.

Order

IT IS ORDERED that Respondent must pay an administrative penalty of \$1,000 by cashier's check or money order payable to the Texas Real Estate Commission not later than March 1, 2021.

IT IS FURTHER ORDERED that Respondent cease and desist from engaging in all activities for which a person must first hold an apprentice inspector license, real estate inspector license, or professional inspector license until the appropriate license is obtained and maintained in an active status.

Chelsea Buchholtz Digitally signed by Chelsea Buchholtz
Date: 2020.12.03 16:14:07 -06'00'


Chelsea Buchholtz Date
Executive Director, Texas Real Estate Commission
or
Tony Slagle
Deputy Executive Director, Texas Real Estate Commission

The undersigned Respondent states and affirms that Respondent enters into this agreed order of Respondent's own free will; that Respondent agrees to the entry of the above Findings of Fact and Conclusions of Law; that Respondent has been afforded all administrative remedies due Respondent under the law by the Texas Real Estate Commission; that Respondent, having been advised of Respondent's 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: 12-2-2020


Michael Patrick Gann
Respondent

DATED: December 2, 2020


Cass Burton
Staff Attorney