

FILED
Texas Real Estate Commission
Date: 12/1/2021

Hearing No. 220186

In the Matter of	§	Before the Texas Real Estate Commission (“Commission”)
Glenn Herbert McCarthy, III	§	
	§	
	§	
Application for Real Estate Sales Agent License	§	Sitting In Austin, Travis County, Texas
	§	

Agreed Order

On November 18, 2020, Glenn Herbert McCarthy, III (“Applicant”), filed an application for a real estate sales agent license with the Texas Real Estate Commission (“the Commission”). In order to conclude the review of this matter, Applicant 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 issuing a probationary real estate sales agent license.

Findings of Fact

1. Between August 23, 1993, and September 20, 1996, Applicant Pled Guilty or Nolo Contendere to three Misdemeanors (two Driving While Intoxicated and one Reckless Driving).
2. Applicant failed to disclose the Reckless Driving on his application. The Reckless Driving was reduced from a DWI, Applicant stated he “mistook” the June 1996 offense as the same one listed in March 1996.
3. On June 14, 2007, in Cause No. 1093386, in the 179th District Court of Harris County Texas, the State of Texas v. Glenn Herbert McCarthy, Applicant pled guilty to the felony offense of DWI-3rd Offender. Applicant was sentenced to 4 years TDCJ, the sentence of confinement suspended pending successful completion of 4 years Community Supervision (Concurrent Sentence). The date of the offense was November 18, 2006.
4. On October 24, 2013, in Cause No. CR-41462, in the 385th Judicial District, Midland County Texas, the State of Texas v. Glenn Herbert McCarthy, III, Applicant pled guilty to a Felony offense of Driving While Intoxicated 3rd or More. Applicant was sentenced to 10 Years TDCJ, the sentence of confinement suspended pending successful completion of 10 years Community Supervision (Concurrent Sentence). The date of the offense was March 2, 2013.
5. Applicant is in compliance with the terms of his community supervision.
6. Applicant’s criminal convictions stemmed from an alcohol abuse problem. Applicant has acknowledged his alcohol abuse problem to the Commission and has committed to treating his substance abuse problem with sobriety. Applicant states he has been continuously sober for over eight years.
7. Applicant has cooperated with the Commission in providing documents regarding the above offenses and has explained in writing the circumstances of the offenses.

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8. Applicant accepts responsibility for his past criminal conduct and the consequences of his actions and has provided letters of recommendation showing he currently enjoys a good reputation within his community.
9. Applicant has been continuously employed since May 1999.
10. Applicant has not been adjudicated guilty or pled guilty or nolo contendere to any felony or misdemeanor offenses since the matters referenced above, and no criminal charges are pending against him.

Conclusions of Law

11. The conduct of Applicant is directly related to the duties and responsibilities of the occupation of a licensed real estate sales agent, 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).
12. The Commission is satisfied that, subject to this Order, Applicant will conduct Applicant's business with honesty, trustworthiness, and integrity as required by Section 1101.354 of the Texas Occupations Code.
13. The issuance of a probationary sales agent license is appropriate.

Order

IT IS ORDERED that Applicant's application for a real estate sales agent license is approved and the application be returned to processing for the issuance of a probationary sales agent license, subject to the terms set forth below.

IT IS FURTHER ORDERED that the license issued, remain on probationary status for three years, subject to the following terms.

1. Applicant must comply with Chapter 1101 of the Texas Occupations Code and with the Rules of the Commission.
2. Applicant must fully cooperate with the Commission's Enforcement Division in its investigation of any complaints filed against Applicant.
3. Not later than the 14th day after Applicant becomes sponsored by a broker or changes sponsoring brokers, Applicant must submit to the Commission's Enforcement Division a signed verification from Applicant's sponsoring broker that the sponsoring broker has received a copy of this Order and is aware of Applicant's probationary sales agent license and the terms of this Order. A violation of this term automatically suspends Applicant's real estate sales agent license until the signed verification is received.
4. Applicant must comply with all terms and conditions of the community supervision

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ordered by the court in case Number CR-41462. A violation of the terms and conditions of community supervision automatically revokes the probationary real estate sales agent license. This license revocation is effective the date of the violation of community supervision.

5. Not later than the 14th day after the date of a violation or change, Applicant must provide complete information to the Commission's Enforcement Division about any violation or change in the terms or conditions of the community supervision ordered by the court in case Number CR-41462. A violation of this term automatically revokes probation and Applicant's real estate sales agent license is revoked, starting on the effective date of the revocation of probation.
6. Applicant may not be convicted of, or enter a plea of guilty or nolo contendere to, any additional criminal offense (other than a Class C misdemeanor). A violation of this term automatically revokes probation and Applicant's real estate sales agent license is revoked, starting on the effective date of the conviction or plea.

IT IS FURTHER ORDERED that a violation of the above terms, other than those that specifically provide for automatic suspension, or automatic revocation of probation, is, after notice and hearing, grounds to revoke the probationary Texas real estate sales agent license issued to Applicant.

 12/1/2021

Chelsea Buchholtz Date
Executive Director, Texas Real Estate Commission
or
Tony Slagle
Deputy 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 agrees to the entry of 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.

11/30/2021

Glenn Herbert McCarthy, III

Glenn Herbert McCarthy, III
Applicant

12/1/2021

J. Antonio Renteria
Staff Attorney
Texas Real Estate Commission

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