

FILED**Texas Real Estate Commission****Date:** 3/21/23**Hearing No. 233071**

In the Matter of	§	Before the Texas Real
Mallory Lynn Kesterson	§	Estate Commission
	§	("Commission")
Application for Real Estate	§	Sitting In Austin,
Sales Agent License	§	Travis County, Texas

Agreed Order

On March 3, 2023, Mallory Lynn Kesterson ("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. On In 2013, Applicant was convicted of misdemeanor possession of marijuana, evading arrest/detention, and theft of property 500<1500. The offenses occurred between 2011 and 2013. Applicant was between 18 and 20 years old at the time of these offenses.
2. On or about March 29, 2016, in Case Number 1446016D, in the 372nd District Court, Tarrant County, Texas, Applicant pleaded guilty to the state jail felony offense of Unauthorized Use of a Vehicle. The Court deferred adjudication and placed Applicant on community supervision for three years. On or about May 8, 2017, the Court adjudicated Applicant's guilt and sentenced Applicant to 9 months in TDCJ. The offense occurred on or about February 19, 2016. Applicant was 22 years old at the time of the offense.
3. On or about January 7, 2017, in Case Number F-1633811-S, in the 282nd Judicial District Court, Dallas County, Texas, Applicant pleaded guilty to the third degree felony offense of Fraud/Use Possession of Identification. The Court sentenced Applicant to 2 years in TDCJ. Applicant was released from TDCJ on October 27, 2017, and was discharged from parole on December 7, 2018. The offense occurred on or about May 15, 2016. Applicant was 23 years old at the time of the offense.
4. Applicant enjoys a good reputation in his community for honesty, trustworthiness, and integrity as evidenced by letters of recommendation.
5. Applicant has not been adjudicated or pleaded guilty to any other misdemeanor or felony offenses.
6. Applicant was issued a probationary easement or right-of-way registration on December 23, 2022.

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Conclusions of Law

7. 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).
8. 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.
9. 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 two 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.

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.

Chelsea Buckholz

3/21/2023

Chelsea Buchholtz Date
Executive Director, Texas Real Estate Commission

or

by Tony Slagle

Deputy Executive Director, Texas Real Estate Commission

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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.

3/21/2023
Dated _____



Mallory Lynn Kesterson
Applicant

3/21/2023
Dated _____



Aimée Cooper
Deputy Director
Texas Real Estate Commission