

FILED

Texas Real Estate Commission

Date: 01/30/2020

Hearing No. 201553

Texas Real Estate Commission

v.

**Dillon Hua Mao
Texas Real Estate Sales Agent
License No. 555064**

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§

**Before the Texas
Real Estate Commission
("Commission")**

**Sitting In Austin
Travis County, Texas**

Final Order

On December 30, 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 ("Notice") to Dillon Hua Mao ("Respondent"). The Notice informed Respondent of the determination that Respondent had violated provisions of Chapter 1101 of the Texas Occupations Code and, if Respondent failed to timely respond to the Notice in writing, the Commission would enter an order imposing a \$500 administrative penalty ("Penalty"), a reprimand of Respondent, payment of replacement and processing fees of \$201.25 ("Fees"), and suspension of Respondent's Texas real estate sales agent license until the Penalty and Fees are paid in full. A copy of the Notice with proof of service is attached and incorporated here. The Notice was sent by regular mail and certified mail, return receipt requested, to Respondent's last known address as shown by the Commission's records. Respondent failed to timely respond in writing to the Notice.

Pursuant to Section 1101.704(b) of the Texas Occupations Code, the Commission approves the determination and imposes the Penalty, orders payment of the Fees, issues a reprimand, and suspends Respondent's real estate sales agent license until payment in full of the Fees and Penalty. This order is effective February 25, 2020.

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

Chelsea Buchholtz Digitally signed by Chelsea Buchholtz
Date: 2020.01.30 16:54:39 -06'00'

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



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

December 30, 2019

NOTICE OF ALLEGED VIOLATION

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

Dillon Hua Mao

Via Email: [REDACTED]

[REDACTED]
CM:RRR No. 91 7199 9991 7037 4937 5957
(copy also sent by regular mail)

Re: Our File No. 201553
In the Matter of
Dillon Hua Mao (Respondent)

Dear Mr. Mao:

1. Notice. Based on information contained in our above-referenced 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") or the Rules of the Texas Real Estate Commission ("Rules"). Under Section 1101.204(a) of The Real Estate License Act, we are authorized to file a complaint against you. This notice includes a summary of the alleged violations.

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. Legal Authority and Jurisdiction.

- A. Respondent is a licensed Texas real estate sales agent.
- B. The Commission is responsible for licensing and regulating real estate brokers and sales agents in Texas. See Tex. Occ. Code §1101.151. The Commission is responsible for enforcing The Real Estate License Act, including ensuring that consumers of real estate brokerage services are protected through the Commission's programs of education, licensing and industry regulation. The Commission is authorized to impose administrative penalties, to issue reprimands, and to suspend, probate, or revoke a license. Tex. Occ. Code ch. 1101, subch. N and subch. O.
- C. Contested cases are to be initiated by the Commission 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 Finding of Fact and Conclusions of Law. Tex. Gov't. Code ch. 2003 and 22 Tex. Admin. Code ch. 533.

4. Summary of Alleged Violations. You failed, within a reasonable time, to make good a payment issued to the Commission and to pay a processing fee after the Commission mailed a request for payment by certified mail, return receipt requested, to your last known address according to the Commission's records, in violation of Section 1101.652(a)(3) of The Real Estate License Act or §534.2 of the Rules.

The grounds that violate Section 1101.652(a)(3) or 22 Tex. Admin. Code §534.2 are as follows.

- A. On March 31, 2019, Respondent filed an Application for Late Renewal of Real Estate Sales Agent License ("Application") with the Commission.
- B. Respondent requested an automatic draft from a financial institution ("ACH debit"). This ACH debit in the amount of \$171.25 was submitted with the Application in payment of a fee required by Section 1101.152, Texas Occupations Code.
- C. The financial institution dishonored or reversed the ACH debit.
- D. On April 12, 2019, the Commission sent by certified mail, return receipt requested, a request for payment to replace the ACH debit ("Replacement Fee") and a processing fee of \$30.00 ("Processing Fee"), for a total of \$201.25, collectively the Fees, to Respondent's last known business address according to Commission records.
- E. As of the date of this notice, the Fees have not been paid by Respondent.

These grounds constitute violations of the following:

- F. Section 1101.652(a)(3), Texas Occupations Code, by failing within a reasonable time to make good a check issued to the Commission after the Commission has mailed a request for payment by certified mail, return receipt requested, to the license holder's last known business address according to Commission records; and

G. Section 1101.656, Texas Occupations Code, in violating Rule 22 Tex. Admin. Code §534.2, by failing to pay the Processing Fee within 15 days after the Commission has mailed a request by certified mail, return receipt requested, to the license holder's last known mailing address as shown in the records of the Commission.

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

- 1) imposing a \$500 administrative penalty ("Penalty");
- 2) reprimanding you;
- 3) ordering repayment of Fees;
- 4) suspending your real estate license no. 555064 until the Penalty and Fees are paid in full; and
- 5) ordering you to pay reasonable costs.

6. 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 5 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 payment of the Fees and Penalty. Please pay the Fees and Penalty by **separate cashier's checks or money orders**, with each cashier's check or money order payable to the Texas Real Estate Commission. Upon our receipt of your written notice of agreement and the Fees and Penalty, a final order by the Commission will be entered reflecting the recommendation.

7. Hearing Request. If you do not agree to the determination of the violations or recommended 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. Responses by telephone are not considered a **written request**.

8. 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.

9. 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 FEES AND THE PENALTY WITHIN THE 30-DAY PERIOD DESCRIBED ABOVE, THE COMMISSION WILL ENTER AN ORDER IMPOSING THE PENALTY, REPRIMANDING YOU, ORDERING REPAYMENT OF FEES, AND SUSPENDING YOUR REAL ESTATE LICENSE UNTIL THE FEES AND PENALTY ARE PAID IN FULL.

Dillon Hua Mao
December 30, 2019
Page 4

Please use the file number on the first 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.

Sincerely,

A handwritten signature in cursive script that reads "Michael Molloy".

Michael Molloy
Staff Attorney
Standards & Enforcement Services

MM:sm

From: [Sherry Martinets](#)
To: [REDACTED]
Subject: Our File No. 201553
Date: Monday, December 30, 2019 10:11:00 AM
Attachments: [201553.Mao.NOAV.pdf](#)

Mr. Mao, please find attached a Notice of Alleged Violation in the referenced matter.

Staff Attorney, Michael Molloy has asked me to send you the attached document. If you have any questions, please contact Mr. Molloy at (512) 936-3005.

Sincerely,



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