

PROPERTY CODE

CHAPTER 418. PROHIBITED PRACTICES; DISCIPLINARY PROCEEDINGS

Sec. 418.001. GROUNDS FOR DISCIPLINARY ACTION. A person is subject to disciplinary action under this chapter for:

- (1) fraud or deceit in obtaining a registration or certification under this subtitle;
- (2) misappropriation of trust funds in the practice of residential construction;
- (3) naming false consideration in a contract to sell a new home or in a construction contract;
- (4) discriminating on the basis of race, color, religion, sex, national origin, or ancestry;
- (5) publishing a false or misleading advertisement;
- (6) failure to honor, within a reasonable time, a check issued to the commission after the commission has sent by certified mail a request for payment to the person's last known business address, according to commission records;
- (7) failure to pay an administrative penalty assessed by the commission under Chapter 419;
- (8) nonpayment of a final nonappealable judgment arising from a construction defect or other transaction between the person and a homeowner;
- (9) failure to register a home as required by Section 426.003;
- (10) failure to remit the fee for registration of a home under Section 426.003; or
- (11) failure to reimburse a homeowner the amount ordered by the commission as provided in Section 428.004(d).

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.

Sec. 418.002. DISCIPLINARY POWERS OF COMMISSION. On a determination that a ground for disciplinary action under Section 418.001 exists, the commission may:

- (1) revoke or suspend a registration or certification;
- (2) probate the suspension of a registration or certification; or
- (3) formally or informally reprimand a registered or certified person.

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.

Sec. 418.003. HEARING. (a) If the commission proposes to take a disciplinary action against a person under Section 418.002, the person is entitled to a hearing before the commission.

(b) The commission shall adopt procedural rules by which all decisions to take disciplinary action under this chapter are subject to appeal to the commission.

(c) The commission shall prescribe the time and place of the hearing.

(d) A hearing under this section is governed by Chapter 2001, Government Code.

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.

Sec. 418.004. APPEAL. (a) A person aggrieved by a ruling, order, or decision of the commission is entitled to appeal to a district court in the county in which the administrative hearing was held.

(b) An appeal under this section is governed by Chapter 2001, Government Code.

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.