



## **FORT SAM HOUSTON LEGAL ASSISTANCE OFFICE** **REAL ESTATE COMMISSION COMPLAINT PROCEDURES**

This information explains the procedures necessary for filing a complaint with the Texas Real Estate Commission. The Commission has a complaint form that it will send free of charge to anyone wishing to file a complaint. The form needs to be filled out with the person's name and address, the name of the real estate license, and information about the real estate transaction. It is also helpful to enclose copies of documents relating to the real estate transaction along with the completed form. They ask that the complaint form be completed in English.

When a complaint is received by the Commission, the Enforcement Division reviews the complaint to determine if there is a possible violation of the Real Estate License Act. If the Enforcement Division believes the possibility of a violation exists, the complainant is notified by mail that a file has been opened and that an investigation will be conducted. The person against whom the complaint is filed will also receive a copy of the complaint. A field representative will contact the complainant to discuss the transaction that led to the complaint. The field representative will also speak with the person against whom the complaint was filed. After the field representative concludes the investigation, a report and any other documents are reviewed to determine if, there is sufficient evidence for disciplinary proceedings. Disciplinary action could result in a reprimand, suspension or revocation of a license, as well as an administrative penalty of up to \$1,000 per violation.

If a complaint involves a monetary loss, the complainant should know that the Commission does not have the authority to require a licensee to pay another person. Many times a complaint may be settled and withdrawn. However, recovering monetary loss is a civil action and should be discussed with an attorney. Should a person obtain a judgment against a licensee related to a real estate transaction and the licensee cannot pay the judgment, the Real Estate Commission maintains the Real Estate Recovery Trust Account and the Real Estate Inspection Recovery Trust Account which might pay the actual out-of-pocket damages, court costs and attorney fees. Reimbursement from the Real Estate Recovery Trust Account is limited to \$50,000 per transaction or \$100,000 aggregate total against any one licensee. Reimbursement out of the Real Estate Inspection Recovery Trust Account is limited to \$12,500 per transaction or \$30,000 aggregate total against any one inspector. For further details or information about the recovery funds, you or your attorney may contact the Commission at (512) 459-6544 or 1-800-250-8732 (TREC).

The Commission accepts complaints against real estate brokers, salespersons, inspectors, residential service companies, and timeshare developments.