

217088

Hearing No. \_\_\_\_\_

**In the Matter of  
Melanie G. Blackman**§  
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§**Before the Texas Real  
Estate Commission  
("Commission")****Texas Real Estate Sales Agent  
License No. 487195****Sitting In Austin,  
Travis County, Texas****Agreed Order**

In order to conclude this matter, Melanie G. Blackman ("Respondent") neither admits nor denies the truth of the following Findings of Fact and Conclusions of Law but agrees to the entry of this Order and the assessment of an administrative penalty.

**Findings of Fact**

1. Respondent is a licensed Texas real estate sales agent, was a Texas real estate sales agent at all times relevant to this matter, and performed an act in Texas constituting an act of a sales agent as defined under Section 1101.002(1), Texas Occupations Code.
2. Respondent was sponsored by broker Matthew D. Blackman at all times relevant to this matter.
3. On April 1, 2021, Respondent negotiated a contract between Fonda Ghiardi ("the Seller") and Michael F. Balog and Anita S. Balog ("the Buyers") for property located at 424 East Cavalry Road, Fort Davis, Texas. Respondent indicated in the Broker Information section of the contract that her broker was an Intermediary representing both the Seller and the Buyer in the transaction.
4. Respondent had no written agreement with either the Seller or the Buyers that addressed the Intermediary requirements found in Section 1101.559, Texas Occupations Code.
5. Respondent either checked the Intermediary box in error or failed to address the Intermediary requirements.
6. Although the Seller was required to provide the Buyers with the Seller Disclosure Notice pursuant to Section 5.008, Texas Property Code, and there were no applicable exceptions, Respondent nevertheless checked the box in paragraph 7.B.(3) of the contract that stated: "The Seller is not required to furnish the notice under the Texas Property Code."
7. Had the Buyers been provided a copy of the Seller Disclosure Notice, they may have been more aware of various issues with the property they purchased.
8. Respondent failed to demonstrate transactional competency as required by 22 TAC §531.3(4) when she failed to correctly address the Intermediary requirements as well as the Seller Disclosure Notice requirements that were applicable to the transaction.

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### **Conclusions of Law**

The acts and omissions on the part of Respondent set out in the Findings of Fact constitute the following violations that are cause for the suspension, revocation, or reprimand of Respondent's Texas real estate sales agent license pursuant to the specific statutes cited below, and are further cause for the assessment of an administrative penalty against Respondent pursuant to Section 1101.701, Texas Occupations Code:

9. Section 1101.559, Texas Occupations Code, by acting as an intermediary between parties to a real estate transaction without first obtaining written consent from each party for the Respondent to act as an intermediary in the transaction; and
10. Section 1101.652(b)(1), Texas Occupations Code, by acting negligently or incompetently, while acting as a broker or sales agent.

### **Order**

IT IS ORDERED that Respondent is formally reprimanded for Respondent's actions in this matter.

IT IS FURTHER ORDERED that Respondent must pay an administrative penalty of \$1,500 by cashier's check or money order payable to the Texas Real Estate Commission.

IT IS FURTHER ORDERED that on or before 5:00 p.m., September 12, 2022, Respondent must provide the Commission's Enforcement Division with evidence of Respondent's completion of 30 classroom hours in a contract law course as defined by Section 1101.003(a)(2), Texas Occupations Code, from a Commission approved Education Provider, and that these hours are in addition to the Continuing Education (CE) hours required for the next renewal of Respondent's Texas real estate sales agent license. Failure to timely provide evidence of completion of the course as ordered automatically suspends Respondent's Texas real estate license until the evidence of the course completion is provided to the Commission's Enforcement Division.

*Chelsea Buchholtz*

7/27/2022

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

The undersigned Respondent states and affirms that Respondent enters into this agreed order of Respondent's own free will; that Respondent agrees to the entry of the above Findings of Fact and Conclusions of Law; that Respondent has been afforded all administrative remedies due Respondent under the law by the Texas Real Estate Commission; that Respondent, having been advised of Respondent's right to a hearing

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and to be represented by an attorney, waives these rights; and that Respondent waives all right to judicial review of this Order.

7/15/2022

DATED: \_\_\_\_\_

*Melanie Blackman*

\_\_\_\_\_  
Melanie G. Blackman  
Respondent

7/27/2022

DATED: \_\_\_\_\_

*Beverly S. Rabenberg*

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Beverly S. Rabenberg  
Staff Attorney  
Texas Real Estate Commission