

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

**GEORGIA REAL ESTATE  
COMMISSION,**

**Petitioner,**

**v.**

**FRANK J. WILSON, III, and  
THE WILSON GROUP REAL  
ESTATE & APPRAISAL  
SERVICES, INC.,**

**Respondent.**

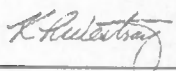
**DOCKET NO. OSAH-GREC-SAN-  
1303426-108-OAKLEY**

**Agency No. 10C0555**



**OCT 26 2012**

**INITIAL DECISION**

  
Kevin Westray, Legal Assistant

A hearing was held in this matter on October 25, 2012, to consider the Petitioner's assertion in support of the imposition of sanctions against the Respondents' licenses as real estate brokers. The Georgia Real Estate Commission was represented by Alison L. Spencer, Senior Assistant Attorney General. The Respondents were not present.

**Findings of Fact**

1.

The Respondents were served with the Notice of Hearing, the Order Rescheduling Hearing and the Notice of Reset Hearing Date at the address provided by the Respondents to the Commission. Testimony of Ms. Lee; Exhibit P-4.

2.

Respondent Wilson holds a license as a real estate broker in the State of Georgia, and has held this license since March 27, 2002. Exhibits P-1 and P-2. From August, 2007 through March, 2010, Respondent Wilson served as the Qualifying Broker for Respondent Realty. Exhibits P-1 and P-1A. Respondent Wilson's license was on lapsed status from May, 2010 through April 16, 2012, for failure to pay renewal fees. Respondent Wilson's license as a real estate broker is on inactive status at the present time. Testimony of Ms. Lee; Exhibit P-1.

3.

Respondent Realty has held a license as a real estate broker in the State of Georgia from its grant in March 27, 2002, until its lapse for nonpayment of renewal fees on April 1, 2010. Testimony of Ms. Lee; Exhibit P-2.

4.

The Petitioner initiated a review of the Respondents' office and trust account management procedures in October, 2009. Testimony of Ms. Lee; Exhibit P-3. Thereafter, the Petitioner opened an investigation of the routine trust account review of the Respondents in October, 2009. Testimony of Ms. Lee.

5.

The Respondents failed to respond to three (3) requests of an investigator for the Petitioner for a completed Office Examination and Trust Account Review Questionnaire and the documents requested in the Questionnaire. Testimony of Ms. Lee; Exhibits P-5 through P-7.

#### Conclusions of Law

1.

The Georgia Real Estate Commission has full power to revoke, suspend and censure real estate licenses. O.C.G.A. § 43-40-14.

2.

The real estate brokerage activities of Respondent Realty are required to be conducted under the direct management and supervision of Respondent Wilson who is responsible for establishing, implementing, and continuing procedure for systematic review of the accounting practices of Respondent Realty for compliance with State of Georgia regulatory requirements relating to the maintenance of trust accounts. O.C.G.A. § 43-40-18(c)(4); See, e.g., Ga. Comp. R. & Regs. r. 520-1-.08(2), 520-1-.08(5)(c); and 520-1-.08(6); 520-1-.08.

3.

The Petitioner is authorized to examine the trust accounts maintained by real estate brokers at any time upon reasonable cause. O.C.G.A. § 43-40-20(c); Ga. Comp. R. & Regs. r. 520-1-.10(4).

4.

The failure to produce copies of sales contracts, closing statements, documents resulting in the deposit of trust funds, accounting records related to the maintenance of trust accounts upon

reasonable request is an unfair trade practice and is prohibited in the State of Georgia. O.C.G.A. § 43-40-25(b)(27).

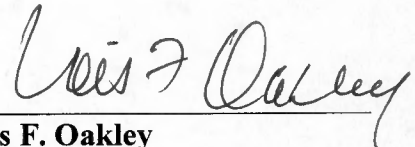
5.

The lapse of the licenses of Respondent Wilson and Respondent Realty for failure to pay renewal fees after the commencement of the Petitioner's investigation constitutes grounds for the revocation of the licenses of both Respondent Wilson and Respondent Realty. O.C.G.A. § 43-40-15(g).

Decision

For all the above and foregoing reasons, the licenses as a real estate broker issued by the Petitioner to Respondent Wilson and to Respondent Realty are hereby **REVOKED**.

This 26<sup>th</sup> day of October, 2012.

A handwritten signature in cursive script, reading "Lois F. Oakley", written in black ink.

**Lois F. Oakley**  
**Administrative Law Judge**