

FILED

Texas Real Estate Commission

Date: 3/15/18

HEARING NO. 180854

TEXAS REAL ESTATE COMMISSION

V.

ERIC PFEIFFER
TEXAS REAL ESTATE SALES AGENT
LICENSE NO. 687850

§
§
§
§
§
§

BEFORE THE TEXAS
REAL ESTATE COMMISSION
("COMMISSION")

SITTING IN AUSTIN.
TRAVIS COUNTY, TEXAS

FINAL ORDER

On February 12, 2018, a designee of the Executive Director, after investigation of a possible violation and the facts relating to that violation, issued a Notice of Alleged Violation and Original Petition ("Notice") to Eric Pfeiffer ("Respondent"). The Notice informed Respondent of the determination that Respondent had violated a provision of Chapter 1101 of the Texas Occupations Code and/or 22 Texas Administrative Code Chapter 535 and recommended the a six year suspension of Respondent's real estate sales license, fully probated for six years in the event Respondent failed to timely respond to the Notice. A copy of the Notice 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 to the Notice.

Pursuant to Section 1101.704(b) of the Texas Occupations Code, the Commission approves the determination and imposes the recommended probated suspension.

IT IS THEREFORE ORDERED that Respondent's Texas real estate sales agent license is suspended for six years, effective 5:00 p.m., April 9, 2018.

IT IS FURTHER ORDERED that beginning at 5:00 p.m., April 9, 2018, the suspension, if continuously renewed, is fully probated for six years ending April 9, 2024.

1. Respondent must comply with Chapter 1101 of the Texas Occupations Code and with the Rules of the Commission.
2. Respondent must fully cooperate with the Commission's Standards & Enforcement Services Division in completing its investigation of any complaints filed against him.
3. Not later than the 10th working day after the date of this Order or the date of any new sponsorship or change in sponsorship, Respondent must submit to the Commission's Standards & Enforcement Services Division a signed verification from Respondent's sponsoring broker that the sponsoring broker has received a copy of this Order and is aware of Respondent's probationary sales agent license and the terms of this Order. A violation of this term automatically suspends Respondent's real estate sales agent license until the signed verification is received.
4. Respondent must comply with all terms and conditions of the community supervision of the sentence imposed on him by the court in Cause No. 17-06-

07219. A violation of the terms and conditions of community supervision automatically revokes probation of real estate sales agent license suspension. This license suspension is effective the date of the violation of community supervision.

5. Not later than the 10th working day after the date of a violation or change in the terms or conditions of the community supervision ordered by the court in Cause No. 17-06-07219, Respondent must submit to the Commission's Standards & Enforcement Services Division a copy of the violation or change. A violation of this term automatically revokes probation and Respondent's real estate sales agent license is revoked for the entire term, starting on the effective date of the revocation of probation.
6. Respondent may not apply for a real estate broker license from the Commission during the term of the probationary order.

IT IS FURTHER ORDERED that a violation of the above terms, other than those that specifically provide for automatic suspension, or automatic revocation of probation, is, after notice and hearing, grounds to revoke probation and impose the above suspension of Respondent's Texas real estate sales agent license in addition to any additional disciplinary action which may be warranted for a subsequent violation of the Texas Occupations Code.

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

DATED: _____

15 Mar 18



Douglas E. Oldmixon
Executive Director
Texas Real Estate Commission



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

February 12, 2018

NOTICE OF ALLEGED VIOLATION

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

Eric Pfeiffer

Via email:

CM:RRR No. 91 7199 9991 7031 6600 4072

(copy also sent by regular mail)

Re: Our File No. 180854
In the Matter of
Eric Pfeiffer

Dear Mr. Pfeiffer:

1. NOTICE. Based on information contained in the above 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") and/or the Rules of the Texas Real Estate Commission ("Rules"). 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 may be considered a separate violation for purposes of imposing a penalty; and

B. a reprimand, a suspension, or revocation of your real estate license.

3. LEGAL AUTHORITY AND JURISDICTION.

A. Eric Pfeiffer ("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 entered a plea of guilty to the felony offense of Driving while intoxicated Subsequent offense and the time for appeal has elapsed that indicates a violation of The Real Estate License Act, in violation of Section 1101.652(a)(1).

The grounds constituting a violation of Sections 1101.652(a)(1) are as follows.

- A.** At all times relevant to this matter, Respondent was a licensed Texas real estate sales agent.
- B.** On October 9, 2017, in Cause No. 17-06-07219, in the 435th District Court of Montgomery County, Texas, Respondent pled guilty to the felony offense of Driving While Intoxicated Subsequent offense. Accordingly, the Court sentenced Respondent to ten years of confinement. The sentence was suspended and Respondent was placed on community supervision for six years.
- C.** Respondent timely notified the Commission within 30 days of the plea of guilty for the felony offense.
- D.** Respondent became the subject of a complaint to the Commission in TREC File No. 180854 and on or about November 7, 2017, the Commission opened the complaint against Respondent, by written notice sent to Respondent's mailing addresses of record.

These grounds violate the following:

- E.** Section 1101.652(a)(1), Texas Occupations Code, by entering a plea of guilty or nolo contendere to or is convicted of a felony or a criminal offense involving fraud and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal, without regard to an order granting community supervision that suspends the imposition of the sentence.

5. DISCIPLINE. We recommend that the Commission issue a final order with the following terms.

- (1) Respondent must comply with Chapter 1101 of the Texas Occupations Code and with the Rules of the Commission.
- (2) Respondent must fully cooperate with the Commission's Standards & Enforcement Services Division in completing its investigation of any complaints filed against him.
- (3) Respondent's real estate sales license is suspended for six years, with the suspension fully probated.
- (4) Not later than the 10th working day after the date of this Order or the date of any new sponsorship or change in sponsorship, Respondent must submit to the Commission's Standards & Enforcement Services Division a signed verification from Respondent's sponsoring broker that the sponsoring broker has received a copy of this Order and is aware of Respondent's probationary sales agent license and the terms of this Order. A violation of this term automatically suspends Respondent's real estate sales agent license until the signed verification is received.
- (5) Respondent must comply with all terms and conditions of the community supervision of the sentence imposed on him by the court in Cause No. 17-06-07219. A violation of the terms and conditions of community supervision automatically revokes probation of real estate sales agent license suspension. This license suspension is effective the date of the violation of community supervision.
- (6) Not later than the 10th working day after the date of a violation or change in the terms or conditions of the community supervision ordered by the court in Cause No. 17-06-07219, Respondent must submit to the Commission's Standards & Enforcement Services Division a copy of the violation or change. A violation of this term automatically revokes probation and Respondent's real estate sales agent license is revoked for the entire term, starting on the effective date of the revocation of probation.
- (7) Respondent may not apply for a real estate broker license from the Commission during the term of the probationary order.

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, 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. A response by phone is not a written request.

8. APPLICABLE LAW. The Real Estate License Act and the Rules may be found on our website, www.trec.texas.gov.

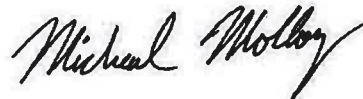
9. DEFAULT NOTICE.

FAILURE TO SUBMIT WRITTEN RESPONSE

IF YOU FAIL TO SEND EITHER A WRITTEN REQUEST FOR A HEARING OR A WRITTEN NOTICE OF AGREEMENT WITHIN THE **30-DAY PERIOD** DESCRIBED ABOVE, THE **COMMISSION WILL ENTER AN ORDER AS SET FORTH IN PARAGRAPH 5.**

Please use the file number from 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,



Michael Molloy
Staff Attorney
Standards & Enforcement Services

MM:sm

cc: Jill Renee Henderson, sponsoring broker

[REDACTED]
Via Email: [REDACTED]

Eric Pfeiffer

[REDACTED]
Via Email: [REDACTED]

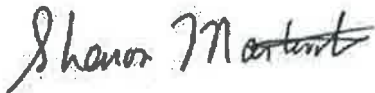
Sherry Martinets

From: Sherry Martinets
Sent: Monday, February 12, 2018 7:23 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Our File No. 180854
Attachments: 180854.pfeiffer.NOAV.pdf

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

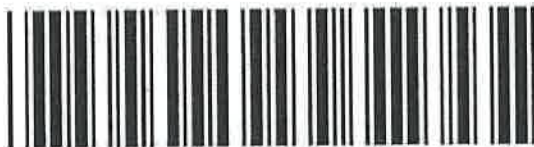
Staff Attorney, Michael Molloy has asked me to send you the attached document. If you any questions, please contact Mr. Molloy at (512) 936-6005.

Sincerely,



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

Ship Request Form

Ship Request #: 149871

Sender

Name: Sharon Martinets
Account #: 32960 ENFORCEMENT
Phone: 512-936-3005
Email: Sherry.Martinets@trec.texas.gov
Company: Texas Real Estate Commission

eRR Track: 9171999991703166004072

Recipient

Attn To: 
Company: Eric Pfeiffer
Address: 
City: 
State: 
Zip: 
Country: US

Shipping Instructions

180854.Pfeiffer.NOAV

Items

Units	Description	Code	Origin	Unit Value	Total Value
0.00					

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9171999991703166004072

Remove X

On Time

Expected Delivery on

WEDNESDAY

14

FEBRUARY 2018 ⓘ

by 8:00pm ⓘ

✓ **Delivered**

February 14, 2018 at 2:04 pm
Delivered, Left with Individual
HUMBLE, TX 77346

Get Updates ▼

Text & Email Updates



Return Receipt Email



Tracking History



How can I help you?

February 14, 2018, 2:04 pm

Delivered, Left with Individual

HUMBLE, TX 77346

Your item was delivered to an individual at the address at 2:04 pm on February 14, 2018 in HUMBLE, TX 77346.

How can I help you?

February 14, 2018, 10:04 am
Out for Delivery
HUMBLE, TX 77346

February 14, 2018, 9:54 am
Sorting Complete
HUMBLE, TX 77346

February 14, 2018, 9:37 am
Arrived at Unit
HUMBLE, TX 77338

February 13, 2018, 6:44 pm
Departed USPS Regional Destination Facility
NORTH HOUSTON TX DISTRIBUTION CENTER

February 13, 2018, 9:32 am
Arrived at USPS Regional Destination Facility
NORTH HOUSTON TX DISTRIBUTION CENTER

February 13, 2018, 3:05 am
Departed USPS Regional Facility
AUSTIN TX DISTRIBUTION CENTER

February 12, 2018, 8:36 pm
Arrived at USPS Regional Origin Facility
AUSTIN TX DISTRIBUTION CENTER

February 12, 2018, 7:21 pm
Accepted at USPS Origin Facility
AUSTIN, TX 78701

February 12, 2018
Pre-Shipment Info Sent to USPS, USPS Awaiting Item

How can I help you?



RED DOOR
REALTY & ASSOCIATES

March 12, 2018

Michael Molloy
Staff Attorney
Standards & Enforcement Services
Texas Real Estate Commission

Re: File No. 180854
In the Matter of Eric Pfeiffer

Dear Mr. Molloy,

This notice will serve as my written agreement to your determination of the alleged violations and the recommended administrative penalty and/or disciplinary sanctions as set forth in paragraph 5 of File No. 180854.

I am committed to comply with all terms set forth in Paragraph 5 of File No. 180854 and look forward to completing my probation with no violations.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Eric Pfeiffer', is written over a light-colored background.

Eric Pfeiffer
Realtor
Red Door Realty & Associates
713-825-1599

cc: Jill Renee Henderson, sponsoring broker

Via Email: