

Hearing No. 190726

Texas Real Estate Commission

v.

Carl Arthur Sawyer  
Texas Real Estate Commission  
Broker License No. 408958

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Before the Texas  
Real Estate Commission  
("Commission")

Sitting In Austin.  
Travis County, Texas

**Final Order**

On December 18, 2018, a designee of the Executive Director, after investigation of possible violations and the facts relating to those violations, issued a Notice of Alleged Violation ("Notice") to Carl Arthur Sawyer ("Respondent"). The Notice informed Respondent of the determination that Respondent had violated a provision of Chapter 1101 of the Texas Occupations Code by failing to provide information and produce documents in his possession requested by the Commission ("Requested Information"). The Notice recommended Respondent comply with the Commission's request to provide the Requested Information, a \$1,500 administrative penalty ("Penalty"), a reprimand of Respondent, and the suspension of Respondent's Texas real estate broker license until the Requested Information is received and the Penalty paid. A copy of the Notice is attached and incorporated here. The Notice was sent by email, regular mail and certified mail, return receipt requested, to Respondent's last known address as shown by the Commission's records. Respondent failed to submit a written response to the Notice.

Pursuant to Section 1101.704(b) of the Texas Occupations Code, the Commission approves the determination and imposes the Penalty, orders Respondent to comply with the Commission's request to provide the Requested Information, issues a reprimand, and suspends Respondent's real estate broker license until payment in full of the Penalty and receipt of the Requested Information. This order is effective 5:00 p.m., February 23, 2019.

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: 1/28/2019

  
\_\_\_\_\_  
Douglas E. Oldmixon  
Executive Director  
Texas Real Estate Commission



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

December 18, 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.**

Carl Arthur Sawyer  
[REDACTED]

*Via Email:* [REDACTED]

CM:RRR No. 91 7199 9991 7037 9404 7212  
(copy also sent by regular mail)

Re: Our File No. 190726  
In the Matter of  
Carl Arthur Sawyer

Dear Mr. Sawyer:

**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.** Carl Arthur Sawyer ("Respondent") is a licensed Texas real estate broker.
- 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 failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission that indicates a violation of The Real Estate License Act, in violation of Section 1101.652(a)(4). In addition, you failed to produce on request, for inspection by the Commission or a Commission representative, a document, book, or record that is in the license holder's possession and relates to a real estate transaction conducted by the license holder in violation of Section 1101.652(a-1)(2).

The grounds constituting a violation of Sections 1101.652(a)(4) & (a-1)(2) are as follows.

- A.** At all times relevant to this matter, Respondent was a licensed Texas real estate broker.
- B.** Respondent became the subject of a complaint to the Commission in TREC File No. 190726 and on or about October 24, 2018, the Commission opened the complaint against Respondent, by written notice sent to Respondent's mailing addresses of record.
- C.** On October 24, 2018, the Commission, acting through its authorized representative, requested Respondent to provide information and produce documents in her possession concerning the complaint file, collectively the "Requested Information."
- D.** In connection with the complaint, Respondent failed to timely provide the Requested Information as required by Sections 1101.652(a)(4) & (a-1)(2).
- E.** As of the date of this notice, Respondent has not provided the Requested Information.

These grounds violate the following:

- F.** Section 1101.652(a)(4), Texas Occupations Code, by failing to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission that indicates a violation of The Real Estate

License Act. Reasonable time to provide information is defined as 10 working days from receipt of the request from the Commission by Rule 535.161.

**G.** Section 1101.652(a-1)(2), Texas Occupations Code, by failing or refusing to produce on request, for inspection by the Commission or a Commission representative, a document, book, or record that is in the license holder's possession and relates to a real estate transaction conducted by the license holder..

**5. Discipline.** We recommend that the Commission issue a final order:

- (1) ordering you to comply with the Commission's request to provide the Requested Information;
- (2) imposing a \$1,500 administrative penalty ("Penalty");
- (3) reprimanding you;
- (4) suspending your real estate license no. 408958 until the Requested Information is received and the Penalty is paid; and
- (5) ordering you to pay reasonable costs.

**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, and remit to us the Requested Information and payment of the Penalty by **cashier's checks or money orders** made payable to the Texas Real Estate Commission and the Requested Information. Upon our receipt of your written notice of agreement, the Penalty and the Requested Information, 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](http://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 and the requested information and pay the penalty within the 30-day period described above, the Commission will enter an order imposing the penalty, reprimanding you, and suspending your real estate license until the penalty is paid in full and the requested information is received.**

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,



Ken Herring  
Staff Attorney  
Standards & Enforcement Services

KH:rs

**From:** Raquel Salazar  
**To:** [REDACTED]  
**Bcc:** [Ken Herring](#)  
**Subject:** Notice of Alleged Violation, RE: Carl Arthur Sawyer, TREC FILE# 190726  
**Date:** Tuesday, December 18, 2018 7:55:00 AM  
**Attachments:** [190726.Sawyer.NOAV.pdf](#)

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Mr. Sawyer:

Attached please find important information regarding the above-referenced Commission matter. Please read the Notice of Alleged Violation (NOAV) carefully and follow the directions. This information is time-sensitive and requires your prompt attention.

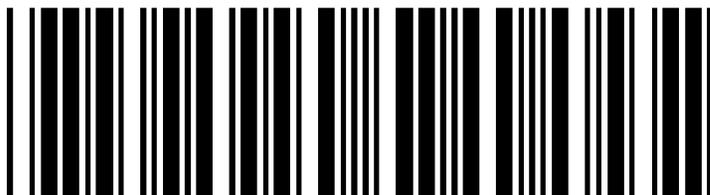
Please keep these documents with your records regarding this matter. You may contact Staff Ken Herring at (512) 936-3005 if you have questions or concerns regarding this matter.

Raquel Salazar  
Legal Assistant, III  
Standards & Enforcement Services  
Texas Real Estate Commission  
(512) 936-3005

# Ship Request Form

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**Ship Request #:** 195062



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## Sender

**Name:** Raquel Salazar  
**Account #:** 32960 ENFORCEMENT  
**Phone:** 512-936-3074  
**Email:** [REDACTED]  
**Company:** CPA TPASS

**eRR Track:** 9171999991703794047212

## Recipient

**Attn To:** .  
**Company:** CARL ARTHUR SAWYER  
**Address:** [REDACTED]  
**City:** [REDACTED]  
**State:** [REDACTED]  
**Zip:** [REDACTED]  
**Country:** US

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## Shipping Instructions

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## Items

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# USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

## Track Another Package +

Tracking Number: 9171999991703794047212

Remove X

Expected Delivery on

**TUESDAY**

**15** JANUARY 2019 ⓘ by **8:00pm** ⓘ

### ✓ Delivered

January 15, 2019 at 9:00 am  
Delivered, To Original Sender  
AUSTIN, TX 78711

Get Updates ∨

Text & Email Updates ∨

Return Receipt Electronic ∨

Tracking History ^

**January 15, 2019, 9:00 am**

Delivered, To Original Sender  
AUSTIN, TX 78711

Your item has been delivered to the original sender at 9:00 am on January 15, 2019 in AUSTIN, TX 78711.

**January 15, 2019, 8:50 am**

Out for Delivery  
AUSTIN, TX 78701

Feedback

**January 15, 2019, 8:40 am**

Sorting Complete  
AUSTIN, TX 78701

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**January 15, 2019, 8:38 am**

Arrived at Unit  
AUSTIN, TX 78701

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**January 14, 2019, 4:38 pm**

Departed USPS Regional Facility  
AUSTIN TX DISTRIBUTION CENTER

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**January 14, 2019, 9:53 am**

Arrived at USPS Regional Facility  
AUSTIN TX DISTRIBUTION CENTER

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**January 13, 2019**

In Transit to Next Facility

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**January 12, 2019, 9:19 pm**

Departed USPS Regional Facility  
EL PASO TX DISTRIBUTION CENTER

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**January 7, 2019, 10:27 am**

Unclaimed/Being Returned to Sender  
EL PASO, TX 79904

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Reminder to Schedule Redelivery of your item

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**December 22, 2018, 11:09 am**

Notice Left (No Authorized Recipient Available)  
EL PASO, TX 79904

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**December 21, 2018, 12:23 pm**

Arrived at USPS Regional Facility  
EL PASO TX DISTRIBUTION CENTER

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**December 19, 2018, 3:54 am**

Departed USPS Regional Facility  
AUSTIN TX DISTRIBUTION CENTER

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Feedback

**December 18, 2018, 9:05 pm**  
Arrived at USPS Regional Facility  
AUSTIN TX DISTRIBUTION CENTER

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**December 18, 2018, 7:50 pm**  
Accepted at USPS Origin Facility  
AUSTIN, TX 78701

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**December 18, 2018**  
Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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**Product Information**



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See Less 

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**

Feedback