

Hearing No. 194515

Texas Real Estate Commission	§	Before the Texas Real
	§	Estate Commission
v.	§	("Commission")
	§	
Cynthia Vivar Camacho	§	
Texas Real Estate Broker	§	Sitting in Austin,
License No. 487469	§	Travis County, Texas

Final Order

On July 14, 2020, a designee of the Executive Director, after investigation of possible violations and the facts relating to those violations, issued a Notice of Alleged Violation and Original Petition ("Notice") to Cynthia Vivar Camacho ("Respondent"). The Notice informed Respondent of the determination that Respondent had violated provisions of Chapter 1101 of the Texas Occupations Code and/or 22 Texas Administrative Code Chapter 535 and recommended a two year suspension of Respondent's real estate broker license, fully probated for two years, and a \$6,500 administrative penalty ("Penalty"). 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. On August 4, 2020, Respondent accepted the Executive Director's determination.

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 broker license is suspended for two years, effective September 1, 2020.

IT IS FURTHER ORDERED that beginning at September 1, 2020, the suspension is fully probated for two years ending September 1, 2022, subject to 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 TREC Enforcement Division in completing its investigation of any complaints filed against him.

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 or suspension of license, is, after notice and hearing, grounds to revoke probation and impose the above suspension of Respondent's Texas real estate broker 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.

Chelsea
Buchholtz



Digitally signed by Chelsea
Buchholtz

Date: 2020.08.18 20:23:21
-05'00'

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



TREC Enforcement Division
Direct Line: (512) 936-3005
Facsimile: (512) 936-3809

July 14, 2020

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.**

Cynthia Vivar Camacho

Via Email: [REDACTED]

[REDACTED]
CM:RRR No. 9214 8901 9403 8316 1957 37
(copy also sent by regular mail)

Re: Our File Nos. 194515 and 202818
In the Matter of Cynthia Vivar Camacho

Dear Ms. Camacho:

1. Notice. Based on information contained in our 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. Attached is a copy of an Original Petition which includes a summary of the alleged violations and is incorporated here by reference.

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 a separate violation for purposes of imposing a penalty; and
- B.** a reprimand, suspension, or revocation of your real estate license.

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

- 1) imposing a \$6,500 administrative penalty ("Penalty");
- 2) suspending your real estate broker license no. 487469 until the Penalty is paid in full;
- 3) suspending your real estate license no. 487469 for two years with the suspension

- fully probated for two years; and
4) ordering you to pay reasonable costs.

4. 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 3 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 recommended administrative penalty in the form of a cashier's check or money order payable to the Texas Real Estate Commission. Upon our receipt of your written notice of agreement and the administrative penalty, a final order by the Commission will be entered reflecting the recommendation.

5. Hearing Request. If you do not agree to the determination of the violations or recommended administrative 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.

6. Applicable Law. The Real Estate License Act and the Rules of the Texas Real Estate Commission may be found on our website, www.trec.texas.gov.

7. 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 pay the administrative penalty within the 30-day period described above, the Commission will enter an order imposing an administrative penalty, suspending your real estate license until the administrative penalty is paid in full, and suspending your real estate license for two years with the suspension fully probated for two years as described in paragraph 3 above.

Please use the file number on the previous 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,



Aimée Cooper
Staff Attorney
TREC Enforcement Division

Cynthia Vivar Camacho
July 14, 2020
Page 3

AC:rs
Enclosure (Original Petition)

Texas Real Estate Commission	§	Before the State Office
	§	
v.	§	
	§	Of
Cynthia Vivar Camacho	§	
Texas Real Estate Broker	§	
License Number 487469	§	Administrative Hearings

Original Petition

The Texas Real Estate Commission ("Commission" or "Petitioner"), brings the following action against Cynthia Vivar Camacho ("Respondent"), to seek relief authorized by Sections 1101.652, 1101.656, and 1101.701, Texas Occupations Code. In support, Petitioner shows the following.

Jurisdiction and Authority

1. Petitioner is responsible for licensing and regulating real estate brokers and sales agents in Texas. See Tex. Occ. Code §1101.151. Petitioner is responsible for enforcing Chapter 1101, Texas Occupations Code, including ensuring that consumers of real estate brokerage services are protected from negligent and dishonest acts or omissions by real estate brokers and sales agents. See Tex. Occ. Code §1101.652.
2. A sponsoring broker is liable on a complaint against a sales agent for involvement in any alleged violation or for failure to fulfill the broker's professional responsibility to the Commission, members of the public and his or her clients. See Tex. Occ. Code §1101.803, 22 Tex. Admin. Code §§535.2 and 535.141(b).
3. Petitioner is authorized to impose administrative penalties, to issue reprimands, and to suspend, probate, or revoke a license. See Tex. Occ. Code §§1101.652, 1101.656, 1101.701 and 22 Tex. Admin. Code §535.191. Petitioner may issue a final order in regards to a person whose license has expired. See Tex. Occ. Code §1101.661.
4. Contested cases are to be initiated by Petitioner 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 Findings of Fact and Conclusions of Law. Tex. Gov't. Code ch. 2003 and 22 Tex. Admin. Code ch. 533.

License Status and Address

5. Respondent is a licensed Texas real estate broker, was a Texas real estate broker at all times relevant to this matter, and performed an act in Texas constituting an act of a broker or sales agent as defined under Section 1101.002(1), Texas Occupations Code.
6. Respondent's mailing address of record with Petitioner for service is: (1) [REDACTED] and (2) email address: [REDACTED].

Facts of Case – Count One

TREC File No. 194515

7. Marlene Salinas was sponsored by Respondent at all times relevant to this matter.
8. Ms. Salinas entered into a property management agreement, on behalf of Respondent, to manage a property belonging to Leticia Matthews commencing on March 1, 2017.
9. Respondent directed Ms. Salinas to open a trust account for her property management activities. Respondent did not open the account and did not have direct access to the account as required by 22 Tex. Admin. Code §§535.146(b)(1) and (2).
10. Although Ms. Salinas did not place funds in the proper type of account, she did remit money to Ms. Matthews in accordance to the License Act and Commission Rules.

Allegations – Count One

TREC File No. 194515

ACCORDINGLY, Petitioner complains that Respondent committed the following violations:

11. Section 1101.652(b)(10), Texas Occupations Code, by commingling money that belongs to another person with the license holder's own money.

Facts of Case – Count Two

TREC File No. 202818

12. Carmen Alejandra Andujo was sponsored by Respondent at all times relevant to this matter.
13. Ms. Andujo entered into a property management agreement, on behalf Respondent, to manage a property belonging to Ismaeil and Rosario Sosa commencing on March 1, 2018.
14. Respondent did not have Ms. Andujo place clients' funds in her trust account as required by 22 Tex. Admin. Code §§535.146(b)(1) and (2). Instead Ms. Andujo used her own bank account for her property management activities.

15. The tenant moved out of the property at the end of September 2019 and Ms. Andujo prepared a deposit itemization. After performing make ready repairs, there was a balance of \$147 from the tenant's \$1000 security deposit. However, the property still needed \$437 in repairs to address cracked glass in the windows, a broken porch light and to do additional caulking a patching of holes left by the tenant.
16. Ms. Andujo advised the Sosas she would have the additional repairs completed. However, Ms. Andujo never completed the repairs and did not return the \$147 that remained after completing the make ready repairs.
17. During the time Ms. Andujo was sponsored by Respondent, Ms. Andujo had three property management clients. None of the clients' money was placed in Respondent's trust account.
18. During the time Ms. Andujo was sponsored by Respondent, her website did not contain a link to a completed Information About Brokerage Services Form (IABS). While Respondent ensured there was a link to the IABS on the website, Respondent did not verify that the form was completed as required by as required by 22 Tex. Admin. Code §535.2(g).
19. After Respondent became aware of this complaint, she contacted the Sosas. However, after Respondent terminated Ms. Andujo's sponsorship she informed the Sosas that any offer she made was off the table because she was no longer responsible for Ms. Andujo's actions.

Allegations – Count Two

TREC File No. 202818

ACCORDINGLY, Petitioner complains that Respondent committed the following violations:

20. Section 1101.652(b)(9), Texas Occupations Code, by failing within a reasonable time to properly account for or remit money that is received by the license holder and that belongs to another person;
21. Section 1101.652(b)(10), Texas Occupations Code, by commingling money that belongs to another person with the license holder's own money.
22. 22 Tex. Admin. Code §531.20(b)(1), by failing to provide a completed Information About Brokerage Services Notice on Ms. Andujo's business website.

Prayer

Petitioner requests that Respondent be cited to appear and answer. Petitioner further requests:

1. Respondent be ordered to pay an administrative penalty ("Penalty") of \$6500;
2. Respondent's real estate broker license be suspended until the Penalty is paid in full;
3. Respondent's real estate broker license no. 487469 be suspended for two years with the suspension fully probated for two years.
4. Respondent be ordered to pay reasonable costs associated with the hearing if Respondent fails to appear at the hearing; and
5. such other and further relief to which Petitioner is justly entitled.

Respectfully submitted,



Aimée Cooper
Staff Attorney
TREC Enforcement Division
Texas Real Estate Commission
State Bar No. 24012450
P.O. Box 12188
Austin, Texas 78711-2188
Telephone: (512) 936-3005
Facsimile: (512) 936-3809

From: [Raquel Salazar](#)
To: [Cynthia camacho](#)
Bcc: [Aimee Cooper](#)
Subject: RE: Notice of Alleged Violation, RE: Cynthia Camacho, TREC FILE# 194515
Date: Tuesday, July 14, 2020 8:23:00 AM
Attachments: [194515.Camacho.NOAV.pdf](#)
[194515.Camacho.OPET.pdf](#)

Ms. Camacho:

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

Please keep these documents with your records regarding this matter. You may contact Staff Aimee Cooper 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



TREC Enforcement Division
Direct Line: (512) 936-3005
Facsimile: (512) 936-3809

July 14, 2020

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*agree
in 30 days
pay to TREC
8/4/20*

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TREC Enforcement Division