



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

October 7, 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.**

Stephanie Caicedo
[REDACTED]

Via Email: [REDACTED]

CM:RRR No. 9214 8901 9403 8322 4582 60
(copy also sent by regular mail)

Re: Our File No. 201326
In the Matter of Stephanie Caicedo

Dear Stephanie Caicedo:

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 \$3,000 administrative penalty ("Penalty");
- 2) suspending your real estate **sales agent** license no. 653354 until the Penalty is paid in full;
- 3) reprimanding you; 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 reprimanding you, 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,



Sarah Decker
Staff Attorney
TREC Enforcement Division

SD:alj
Enclosure (Original Petition)

SOAH Docket No. _____

Texas Real Estate Commission	§	Before the State Office
	§	
v.	§	
	§	Of
Stephanie Caicedo	§	
Texas Real Estate Sales Agent	§	
License Number 653354	§	Administrative Hearings

Original Petition

The Texas Real Estate Commission (“Commission” or “Petitioner”), brings the following action against Stephanie Caicedo (“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. 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.
3. 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

4. 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 broker or sales agent as defined under Section 1101.002(1), Texas Occupations Code.
5. Respondent’s mailing address of record with Petitioner for service is: (1) [REDACTED]; and (2) email address: [REDACTED]

Facts of Case

6. Respondent was a prospective buyer in a transaction concerning 2111 Burlington Ave in Dallas, Texas.
7. The parties to the transaction executed a resale contract effective October 11, 2019.
8. On October 23, 2019, Respondent filed an Affidavit and Memorandum of Agreement Concerning Real Estate. The Affidavit states it is “to give notice of the existence of an open Purchase and Sale agreement.”
9. Pursuant to the resale contract, the closing date was on or before November 1, 2019. Respondent did not close the sale by the closing date.
10. On November 7, 2019, Respondent stated in an email that the seller would “be released from contract” if the closing did not occur by November 18, 2019. Respondent did not close by November 18, 2019.
11. Subsequently, the seller requested Respondent release the cloud on the title and sign a Seller’s Termination of Contract.
12. In a text message to the seller, Respondent stated “the release has been issued you are free to inquire the interest of other Buyers.”
13. As of September 25, 2020, Respondent has not released the cloud on the title, and the parties are involved in litigation on this matter.
14. Respondent became the subject of a complaint to the Commission in TREC File No. 201326 and on or about December 27, 2019, the Commission opened the complaint against Respondent, by written notice sent to Respondent’s email address of record.
15. On January 30, 2020 and February 13, 2020, the Commission, acting through its authorized representative, requested Respondent to provide information and produce documents in Respondent’s possession concerning the complaint file, collectively the “Requested Information.” The request on January 30, 2020 was sent to Respondent’s email address of record, and the request on February 13, 2020 was sent to her mailing address of record.
16. Respondent failed to provide the Requested Information.

Allegations

ACCORDINGLY, Petitioner complains that Respondent committed the following violations:

17. 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 would indicate a violation of this chapter;

18. Section 1101.652(a-1)(1), Texas Occupations Code, by engaging in misrepresentation, dishonesty, or fraud when selling, buying, trading, or leasing real property in the name of the license holder; and
19. 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.

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 \$3,000;
2. Respondent's real estate sales agent license be suspended until the Penalty is paid in full;
3. Respondent be reprimanded;
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,



Sarah Decker
Staff Attorney
TREC Enforcement Division
Texas Real Estate Commission
State Bar No. 24097582
P.O. Box 12188
Austin, Texas 78711-2188
Telephone: (512) 936-3005
Facsimile: (512) 936-3809

From: [Angelo Jones](#)
To: [REDACTED]
Cc: [Sarah Decker](#)
Subject: Notice of Alleged Violations, Re: Roberts, TREC File No. 201326
Date: Wednesday, October 7, 2020 10:34:00 AM
Attachments: [201326.Caicedo.NOAV.pdf](#)
[201326.Caicedo.OPET.pdf](#)

Dear Ms. Caicedo:

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

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

Ms. Angelo Jones, Legal Assistant
TREC Enforcement Division
Texas Real Estate Commission
(512) 936-3005
(512) 936-3819 fax