

FILED

Texas Real Estate Commission  
Date: 5/10/22

216503

**Hearing No. 210505**

## Texas Real Estate Commission

8

## Before the Texas Real Estate Commission (“Commission”)

v.

38

## John Richard Hoctor Unlicensed

1000

## **Sitting in Austin, Travis County, Texas**

## **Final Order**

On March 30, 2022, a designee of the Executive Director, after investigation of a possible violation(s) and the facts relating to that violation, issued a Notice of Violation and Original Petition (“Notice”) to John Richard Hoctor (“Respondent”). The Notice informed Respondent of the determination that Respondent had violated a provision of Chapter 1101 of the Texas Occupations Code and recommended that Respondent be ordered to cease and desist all unlicensed real estate brokerage activities in Texas and the imposition of an administrative penalty of \$5,000 (“Penalty”). A copy of the Notice is attached and incorporated here. The Notice was sent by regular and certified mail, return receipt requested, to Respondent’s last known address of record as shown by the Commission’s records. Respondent failed to submit a written response to the Notice.

Pursuant to Sections 1101.704(b) and 1101.759 of the Texas Occupations Code, the Commission approves the determination and imposition of the recommended Penalty and order to cease and desist. Respondent is ordered to cease and desist all unlicensed real estate brokerage activities in Texas and assessed an administrative penalty of \$5,000, effective June 4, 2022.

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 B.

5/10/2022

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

March 30, 2022

**NOTICE OF ALLEGED VIOLATION**  
**CEASE AND DESIST UNLICENSED ACTIVITY**

**DO NOT IGNORE THIS IMPORTANT MATTER OR AN ORDER TO CEASE AND DESIST**  
**AND IMPOSITION OF AN ADMINISTRATIVE PENALTY WILL BECOME FINAL**

John Richard Hoctor

[REDACTED]

CM:RRR No. 9214 8901 9403 8371 2731 80  
(copy also sent by regular mail)

Re: Our File No. 216503  
In the Matter of  
John Richard Hoctor

Dear Mr. Hoctor:

**1. Notice.** Based on information contained in our referenced 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”). 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 these violations 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;
- B.** referral to a district or county attorney for criminal prosecution as a Class A misdemeanor, with the following penalties;
  - 1.** a fine not to exceed \$4,000;
  - 2.** confinement in jail for a term not to exceed one year; or
  - 3.** both a fine and confinement; and
- C.** a temporary or permanent injunction issued by a district court.

Richard Hoctor  
March 30, 2022  
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**3. Cease and Desist** We request that you immediately **CEASE AND DESIST** all activities considered to be the business of real estate brokerage as defined in Tex. Occ. Code §1101.002(1). A person may not act as or represent that the person is a real estate broker or sales agent until the person applies for and obtains an active real estate broker or sales agent license. See Tex. Occ. Code §1101.351.

Despite the issuance of this cease and desist notification and notification of the following assessment of an administrative penalty, the Commission is not precluded from referring evidence of your unlicensed real estate brokerage activity violations to the proper authorities for criminal prosecution.

**4. Penalty** We recommend that the Commission issue a final order:

- (1) imposing a \$5,000 administrative penalty (“Penalty”);
- (2) ordering you to immediately cease and desist all unlicensed real estate brokerage activities in Texas; and
- (3) ordering you to pay reasonable costs.

**5. Agreement** If you agree to our determination of the alleged violations and recommended administrative penalty and to immediately cease and desist unlicensed real estate brokerage activities in Texas, 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.

**6. Hearing Request** If you do not agree to the determination of the violations or recommended administrative penalty, 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.

**7. Applicable Law.** The Real Estate License Act and the Rules of the Commission may be found on our website, [www.trec.texas.gov](http://www.trec.texas.gov).

**8. Default Notice.**

**Failure To Submit Written Request For A Hearing**

If you fail to either send a written request for a hearing or a written notice of agreement, pay the administrative penalty, and immediately cease and desist unlicensed real estate brokerage activities in Texas within the 30-day period described above, the Commission will enter a final order to cease and desist and impose the administrative penalty as described in paragraph 4 above.

Richard Hoctor  
March 30, 2022  
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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,



Beverly S. Rabenberg  
Staff Attorney  
TREC Enforcement Division

BSR:rs

Enclosure

**SOAH Docket No. \_\_\_\_\_**

**Texas Real Estate Commission**

**v.**

**John Richard Hocitor  
Unlicensed**

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**Before the State Office**

**Of**

**Administrative Hearings**

**Original Petition**

The Texas Real Estate Commission (“Commission” or “Petitioner”), brings the following action against John Richard Hocitor (“Respondent”), to seek relief authorized by Tex. Occ. Code Sections 1101.351, 1101.759, and subch. O of ch. 1101. In support Petitioner shows the following.

**Jurisdiction and Authority**

1. Petitioner is responsible for administering and enforcing Chapter 1101, Tex. Occ. Code (“The Real Estate License Act”), including ensuring that consumers of real estate brokerage services are protected through the licensing and regulation of those persons engaged in real estate brokerage services. Petitioner is authorized to impose administrative penalties and/or issue a cease and desist order. See Tex. Occ. Code Sections 1101.701, 1101.759, and 22 Tex. Admin. Code §535.191.
2. 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. See Tex. Gov’t. Code ch. 2003 and 22 Tex. Admin. Code ch. 533.
3. Real estate brokerage activity is defined in Section 1101.002, Tex. Occ. Code.
4. Exemptions to The Real Estate License Act are listed in Section 1101.005, Tex. Occ. Code.
5. Unless a person holds a real estate license issued under Chapter 1101, Tex. Occ. Code, the person may not: (1) act as or represent that the person is a broker or sales agent; or (2) act as a residential locator. See Tex. Occ. Code Section 1101.351(a).

### **License Status and Address**

6. Respondent is not and was not a licensed Texas real estate sales agent or broker at any time relevant to this matter.
7. Respondent's last known mailing address for service is: (1) [REDACTED]  
[REDACTED]

### **Facts of Case**

8. Respondent engaged in real estate brokerage services in Texas for another in exchange for a fee or other valuable consideration or with the expectation of receiving valuable consideration as follows:
9. Raymond and Jana Stadler were the owners of commercial property located at 32335 U.S. Highway 281 North in San Antonio, Texas ("the U.S. Highway 281 Property") and had listed the property with Prime Ventures Commercial Real Estate.
10. Respondent, representing a tenant, Acrisure, LLC, contacted Prime Ventures Commercial Real Estate regarding a potential lease of the U.S. Highway 281 Property.
11. On or about August 17, 2020, Respondent negotiated an agreement for Acrisure, LLC to lease the U.S. Highway 281 Property with the expectation of receipt of a commission, and thereafter made demand on Prime Ventures Commercial Real Estate for compensation in connection with that lease.
12. Prime Ventures Commercial Real Estate declined to pay the commission when Respondent could not provide evidence that he held an active Texas real estate license.

### **Allegations**

ACCORDINGLY, Petitioner complains that Respondent violated

13. Section 1101.351(a)(1), Tex. Occ. Code, by engaging in the business of, or advertising or holding himself out as engaging in or conducting the business of a real estate sales agent or broker without holding an active real estate sales agent or broker license.

### **Prayer**

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

1. Respondent be ordered to pay an administrative penalty of \$5,000;
2. Respondent be ordered to cease and desist engaging in activity considered to be the activity of a real estate sales agent or broker as defined by Section 1101.002(1), Tex. Occ. Code;

3. Respondent be ordered to pay reasonable costs associated with the hearing if Respondent fails to appear at the hearing; and
4. such other and further relief to which Petitioner may be justly entitled.

Respectfully submitted,



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Beverly S. Rabenberg  
Staff Attorney  
State Bar No. 16446800  
Enforcement Division  
Texas Real Estate Commission  
P.O. Box 12188  
Austin, Texas 78711-2188  
Phone: (512) 936-3005  
Fax: (512) 936-3809

**From:** [ConnectSuite e-Certify](#)  
**To:** [Raquel Salazar](#)  
**Subject:** USPS Shipment Info for 9214 8901 9403 8371 2731 80  
**Date:** Friday, April 1, 2022 8:30:14 PM  
**Attachments:** [Acceptance Scan Report.pdf](#)

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**Tracking Number: 9214 8901 9403 8371 2731 80**

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Hello Texas Comptroller of Public Accounts,

Thank you for using ConnectSuite. Below is your requested email notification.

JOHN RICHARD HOCTOR  
2715 DANIEL AVE  
DALLAS TX 75205-1511

<b>Shipment Activity</b>	<b>Location</b>	<b>Date &amp; Time</b>
ORIGIN ACCEPTANCE	AUSTIN, TX 78701	4/1/2022 8:22:00 PM

Custom 1: 216503.Hoctor

If you have any questions, please email us. [SoftwareSupport@quadient.com](mailto:SoftwareSupport@quadient.com) or call Neopost customer service at 888-267-9381 Monday - Friday 8:00 a.m. - 5:00 p.m. eastern time.

*Sincerely,*

*ConnectSuite Support Team*