

Hearing No. 216503

Texas Real Estate Commission v. John Richard Hctor Unlicensed	§ § § § § §	Before the Texas Real Estate Commission ("Commission") Sitting in Austin, Travis County, Texas
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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 Hctor ("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.



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 Hctor
[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 Hctor

Dear Mr. Hctor:

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 Hctor
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.

8. Default Notice.

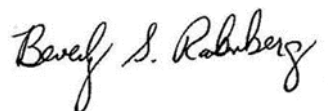
Failure To Submit Written Request For A Hearing

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 Hctor
March 30, 2022
Page 3

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,

A handwritten signature in black ink, reading "Beverly S. Rabenberg". The signature is written in a cursive, flowing style.

Beverly S. Rabenberg
Staff Attorney
TREC Enforcement Division

BSR:rs

Enclosure

SOAH Docket No. _____

Texas Real Estate Commission

v.

John Richard Hocter
Unlicensed§
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§
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§
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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 Hocter ("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.

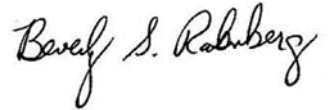
Prayer

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,



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](#)



Tracking Number: 9214 8901 9403 8371 2731 80

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

Shipment Activity	Location	Date & Time
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 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