

FILED

Texas Real Estate Commission

Date: 08/14/2023**Hearing No. 231069****In the Matter of
Lori Lyn Kennemer**§
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§**Before the Texas Real
Estate Commission
("Commission")****Texas Real Estate Sales Agent
License No. 441887****Sitting In Austin,
Travis County, Texas****Agreed Order**

In order to conclude this matter, Lori Lyn Kennemer ("Respondent") neither admits nor denies to the truth of the following Findings of Fact and Conclusions of Law but agrees to the entry of this Order and assessment of an administrative penalty.

Findings of Fact

1. Respondent is a licensed Texas real estate sales agent, was a Texas real estate sales agent at all times relevant to this matter. Respondent's sales agent license is currently current, but inactive.
2. On or about October 10, 2022, in Case No. CR21449 in the 271st District Court of Wise County, Texas, Respondent was convicted of the 3rd degree felony offense Driving While Intoxicated 3rd or More. The Court sentenced Respondent to ten years community supervision. The offense occurred on January 4, 2019.
3. Respondent failed to timely disclose the offense to the Commission.
4. On or about August 16, 2022, Respondent filed an application for renewal of a real estate license with the Commission.
5. Respondent answered "Yes" to the question: "Have you had any instance of entering a plea of guilty or nolo contendere to, have been found guilty of, or been convicted of a felony, regardless of an order granting probation, community supervision, deferred adjudication, or suspending the imposition of sentence that has not previously been reported to the Texas Real Estate Commission? If YES, you must complete the applicable sections of the Background History Form." But Respondent failed to submit the Background History Form.
6. On October 28, 2022, the Commission renewed Respondent's real estate license.
7. Later, in connection with the renewal application, the Commission's Enforcement Division reviewed information that indicated Respondent may have been arrested, convicted, or placed on probation/community supervision, or has charges pending against Respondent.

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8. On or about October 31, 2022, complaint file no. 231069 was opened against Respondent for this matter.
9. On November 2, 2022, a representative of the Commission in writing requested Respondent to provide information related to this complaint ("Requested Information"), Respondent failed to respond.
10. On or about May 30, 2023, the Commission emailed, certified mailed and regular mailed Respondent a Notice of Alleged Violation ("NOAV") indicating Respondent failed to submit the Requested Information.
11. In response to the NOAV, Respondent complied with the Commission's request to submit the Requested Information.
12. Applicant acknowledges and regrets her failure to notify the Commission of her felony conviction and understands that she will have to promptly comply with all future requests.
13. Respondent has no disciplinary history with the Commission since she was first licensed in 1995.

Conclusions of Law

The acts and omissions on the part of Respondent set out in the Findings of Fact constitute the following violations that are cause for the suspension, revocation, or reprimand of Respondent's Texas real estate sale agent license pursuant to the specific statutes cited below and/or Section 1101.656, Texas Occupations Code, and are further cause for the assessment of an administrative penalty against Respondent pursuant to Section 1101.701, Texas Occupations Code:

14. Section 1101.652(a)(1), Texas Occupations Code, by entering a plea of guilty or nolo contendere to or is convicted of a felony or a criminal offense involving fraud and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal, without regard to an order granting community supervision that suspends the imposition of the sentence;
15. 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; and
16. Section 1101.652(a)(7), Texas Occupations Code, by failing to notify the Commission, not later than the 30th day after the date of a final conviction or the entry of a plea of guilty or nolo contendere, that the person has been convicted of or entered a plea of guilty or nolo contendere to a felony or a criminal offense involving fraud.

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Order

IT IS ORDERED that Respondent's Texas real estate sales agent license, if timely renewed, is suspended for nine years and two months, effective August 14, 2023, or until the completion of Respondent's community supervision in Case No. CR21449, whichever occurs first.

IT IS FURTHER ORDERED that beginning August 14, 2023, the suspension is fully probated for nine years and two months ending October 14, 2032, or until the completion of Respondent's community supervision in Case No. CR21449, whichever occurs first, 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 Enforcement Division in completing its investigation of any complaints filed against Respondent.
3. Not later than the 14th day after the date of this Order or the date of any new sponsorship or change in sponsorship, Respondent must submit to the Commission's Enforcement Division a signed verification from Respondent's sponsoring broker that the sponsoring broker has received a copy of this Order and is aware of Respondent's probationary sales agent license and the terms of this Order. A violation of this term automatically suspends Respondent's real estate sales agent license until the signed verification is received.
4. Respondent must comply with all terms and conditions of the community supervision ordered by the court in Case No. CR21449. A violation of the terms and conditions of community supervision automatically revokes the probationary real sales agent license. This license revocation is effective the date of the violation of community supervision.
5. Not later than the 14th day after the date of a violation or change in the terms or conditions of the community supervision ordered by the court in Case No. CR21449, Respondent must submit to the Commission's Enforcement Division a copy of the violation or change. A violation of this term automatically revokes probation and Respondent's real estate sales agent license will be revoked, starting on the effective date of the revocation of probation.
6. Respondent may not be convicted of, or enter a plea of guilty or nolo contendere to, any additional criminal offense (other than a Class C misdemeanor). A violation of this term automatically revokes probation and Respondent's real estate sales agent license is revoked, starting on the effective date of the conviction or plea.

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7. Respondent may not apply for a real estate broker license from the Texas Real Estate Commission during the term of this probationary order.

IT IS FURTHER ORDERED that Respondent pay an administrative penalty of \$1,250 by cashier's checks or money orders payable to the Texas Real Estate Commission as follows.

1. For ten payments, the sum of \$125 is due on the 15th of each month beginning on or before August 15, 2023, and ending with the final payment due on or before May 15, 2024.
2. Should the 15th day of any month fall on a weekend or legal holiday, the payment is due the next business day.
3. Any amounts paid by Respondent in excess of the required monthly payments of \$125 go toward the principal amount owed and do not excuse Respondent from making regular monthly payments of at least \$125 until the total sum is paid in full.
4. Respondent must make all payments set forth above timely and without any grace period or notice from the Commission. Failure to timely pay automatically suspends Respondent's Texas real estate sales agent license until all of the remaining balance of the administrative penalty is paid in full.

IT IS FURTHER ORDERED that a violation of the above terms, other than those that specifically provide for automatic revocation of probation, is, after notice and hearing, grounds to revoke probation and impose the above suspension of Respondent's Texas real estate sales agent license in addition to any additional disciplinary action which may be warranted for a subsequent violation of the Texas Occupations Code.

Chelsea Buchholtz

8/14/2023

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

The undersigned Respondent states and affirms that Respondent enters into this agreed order of Respondent's own free will; that Respondent agrees to the entry of the above Findings of Fact and Conclusions of Law; that Respondent has been afforded all administrative remedies due Respondent under the law by the Texas Real Estate Commission; that Respondent, having been advised of Respondent's right to a hearing and to be represented by an attorney, waives these rights; and that Respondent waives all right to judicial review of this Order.

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DATED: 8/14/2023 _____



Lori Lyn Kennemer
Respondent

DATED: 8/14/2023 _____



Jenny S. Kim
Staff Attorney