

FILED

Texas Real Estate Commission
Date: 7/24/2024

Hearing No. 243231 and 244034

In the Matter of Connie Smith Strban (“Respondent”)	§ § § §	Before the Texas Real Estate Commission (“Commission”)
Texas Real Estate Broker License No. 209251	§ §	Sitting In Austin, Travis County, Texas

Agreed Order

Respondent neither admits nor denies the truth of the following Findings of Fact and Conclusions of Law and agrees to the entry of this Order and assessment of an administrative penalty.

Findings of Fact Common to both Counts

1. At all times relevant to this matter, Respondent was a licensed Texas real estate broker and performed brokerage activity as defined under Section 1101.002(1), Texas Occupations Code.
2. Respondent has no prior history of disciplinary action since she was first licensed on January 6, 1987.

Count 1 – 243231: Findings of Fact

3. Respondent acted as intermediary to the buyer and the seller in the sale of a commercial property known as 112 E. Goliad Ave. & 103 S. 2nd St., Crockett, Texas.
4. Respondent did not obtain a Buyer’s representation agreement, or other signed written consent from the buyer to act as an intermediary.
5. Respondent provided the buyer with an “Intermediary Relationship Notice.” An intermediary relationship notice provides notice of appointment and can be used as an opportunity to ratify the original consent, however, without the original consent, this notice alone does not comply with the statutory consent requirements stated in Section 1101.559 of the Texas Real Estate License Act (the “Act”).
6. Respondent now understands that before acting as an intermediary between parties to a real estate transaction, she must obtain written consent of the parties that states the source of any expected compensation to the broker, and specifies in conspicuous bold or underlined print the conduct prohibited under Section 1101.651(d) of the Act.

Count 1 - Conclusions of Law

The acts and omissions on the part of Respondent set out in the Findings of Fact constitute the following violation(s) that are cause for the reprimand of the license subject to this Order pursuant to the specific violation(s) cited below. It is further cause for the assessment of an administrative penalty:

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7. Section 1101.559, Texas Occupations Code, by acting as an intermediary between parties to a real estate transaction without first obtaining written consent from each party for the Respondent to act as an intermediary in the transaction.

Count 2 – 244034: Findings of Fact

8. Respondent acted as intermediary to the landlord and the tenant in the lease of a commercial property known as 1014 E. Loop 304, Crockett, Texas.
9. Respondent had no written agreement with either the landlord or the tenant that addressed the intermediary requirements found in Section 1101.559 of the Act.
10. Respondent now understands that before acting as an intermediary between parties to a real estate transaction, she must obtain written consent of the parties that states the source of any expected compensation to the broker, and specifies in conspicuous bold or underlined print the conduct prohibited under Section 1101.651(d) of the Act.

Conclusions of Law – Count 2

The acts and omissions on the part of Respondent set out in the Findings of Fact constitute the following violation(s) that are cause for the reprimand of the license subject to this Order pursuant to the specific violation(s) cited below. It is further cause for the assessment of an administrative penalty:

11. Section 1101.559, Texas Occupations Code, by acting as an intermediary between parties to a real estate transaction without first obtaining written consent from each party for the Respondent to act as an intermediary in the transaction.

Order

IT IS ORDERED that the license subject to this Order is reprimanded.

IT IS FURTHER ORDERED that Respondent pay an administrative penalty of \$2,000 by cashier's checks or money orders payable to the Texas Real Estate Commission as follows.

1. For 8 payments the sum of \$250 is due on the 1st of each month beginning on or before September 1, 2024 and ending with the final payment due on or before April 1, 2025.
2. Should the 1st day of any month fall on a weekend or legal holiday, the payment is due the next business day.

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3. Any amounts paid by Respondent in excess of the required monthly payments of \$250 go toward the principal amount owed and do not excuse Respondent from making regular monthly payments of at least \$250 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 the license subject to this Order until all of the remaining balance of the administrative penalty is paid in full.

IT IS FURTHER ORDERED that on or before November 1, 2024, Respondent must provide the Commission's Enforcement Division with evidence of Respondent's completion of 30 hours in an agency law course as defined by Section 1101.003(1), Texas Occupations Code from a Commission approved Education Provider. These hours are in addition to the Continuing Education (CE) hours required for the next renewal of the license subject to this Order and cannot be used as qualifying education for another license issued by the Commission. Failure to timely provide evidence of completion of the course as ordered automatically suspends the license subject to this Order until the evidence of the course completion is provided to the Commission's Enforcement Division.

Chelsea Buchholtz

7/24/2024

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

Respondent affirms they are freely joining into this Agreed Order with the above Findings of Fact and Conclusions of Law. Respondent has been afforded all administrative remedies under the law. Respondent has been advised of their rights to a hearing and to be represented by an attorney. Respondent waives these rights and waives all rights to a judicial review of this Order.

7/24/2024
DATED: _____

CONNIE SMITH STRBAN

Connie Smith Strban
Respondent

7/24/2024
DATED: _____

John J. Knopic II

John J. Knopic
Staff Attorney
Texas Real Estate Commission