

Hearing No. 220195

**In the Matter of
Chantell Hypolite**

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**Before the Texas Real
Estate Commission
("Commission")**

**Texas Real Estate Broker
License No. 651435**

**Sitting In Austin,
Travis County, Texas**

Agreed Order

In order to conclude this matter, Respondent neither admits nor denies to 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

1. Respondent is a licensed Texas real estate broker, was a Texas real estate broker 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.
2. Respondent acted as intermediary for both buyer and seller, in the sale of a property located at 935 Crestmont Place Loop, Missouri City, Texas ("property").
3. The buyer filed a complaint against Respondent alleging the Respondent did not properly inform them who she represented.
4. Respondent did not obtain a Buyer's representation agreement, or other signed written consent from the buyer to act as intermediary that states the source of any expected compensation to the broker, and specified in conspicuous bold or underlined print the conduct prohibited under section 1101.651(d) of the Texas Real Estate License Act ("Act").
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 in Section 1101.559 of the License 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.
7. Respondent has no prior history of disciplinary action since she was first licensed on February 6, 2015.

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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 is cause for the suspension, revocation, or reprimand of Respondent's Texas real estate Broker license pursuant to the specific statute cited below and/or Section 1101.656, Texas Occupations Code, and is further cause for the assessment of an administrative penalty against Respondent pursuant to Section 1101.701, Texas Occupations Code:

8. 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 Respondent is formally reprimanded for Respondent's actions in this matter.

IT IS FURTHER ORDERED that Respondent must pay an administrative penalty of \$1,000 by cashier's check or money order payable to the Texas Real Estate Commission.

IT IS FURTHER ORDERED that on or before 5:00 p.m., August 1, 2022, 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(a)(1), Texas Occupations Code from a Commission approved Education Provider and that these hours are in addition to the Continuing Education (CE) hours required for the next renewal of Respondent's Texas real estate broker license. Failure to timely provide evidence of completion of the course as ordered automatically suspends Respondent's Texas real estate license until the evidence of the course completion is provided to the Commission's Enforcement Division.

Chelsea Buchholtz

6/1/2022

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: 4/6/2022

Chantell Hypolite

Chantell Hypolite
Respondent

DATED: 6/1/2022

John J. Knopik II for J. Antonio Renteria

J. Antonio Renteria
Staff Attorney
Texas Real Estate Commission