

FILED

Texas Real Estate Commission

Date: 7/14/22Hearing No. 220226**In the Matter of
Tamitha Lynn Chrisman**§
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§**Before the Texas Real
Estate Commission
("Commission")****Texas Real Estate Broker
License No. 672894****Sitting In Austin,
Travis County, Texas****Agreed Order**

In order to conclude this matter, Tamitha Lynn Chrisman ("Respondent") neither admits nor denies the truth of the following Findings of Fact and Conclusions of Law but agrees to the entry of this Order and the 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. On April 25, 2021, Respondent negotiated a contract between Leisure Ventures, LLC ("the Seller") and Elaine Schroeder ("the Buyer") for a 4-plex rental property located on Levi Drive in Victoria, Texas. Respondent indicated in the contract that she was an Intermediary representing both the Seller and the Buyer in the transaction. Respondent had also been managing the property for the Seller.
3. Respondent had no written representation agreement with either the Seller or the Buyer that addressed the intermediary requirements found in Section 1101.559, Texas Occupations Code.
4. Although Respondent had checked the box for Paragraph 4.A. of the contract to indicate that the Addendum Regarding Residential Leases was attached to the contract, Respondent failed to draft the Addendum Regarding Residential Leases for execution by the parties, attach it to the contract, or reference it in Paragraph 22 of the contract as an addendum that was a part of the contract.
5. At the time of contract, one of the tenants was in default and Respondent subsequently completed the eviction of that tenant.
6. Without consulting with the Seller, Respondent expended the Seller's funds on the rental unit that had been vacated by the defaulting tenant.
7. Had Respondent utilized the Addendum Regarding Residential Leases, the issues regarding the condition of the property being sold and proper disposition of the security deposits could have been addressed between the Seller and the Buyer.

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8. Respondent failed to demonstrate transactional competency as required by 22 TAC §531.3(4) when she failed to properly address the lease issues in the contract, failed to consult with the Seller regarding how to proceed once the defaulting tenant had been evicted, and failed to obtain the required written consent to act as an Intermediary.

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 broker 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:

9. 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; and
10. Section 1101.652(b)(1), Texas Occupations Code, by acting negligently or incompetently, while acting as a broker or sales agent.

Order

IT IS ORDERED that Respondent's Texas real estate broker license, is suspended for three months, effective July 29, 2022.

IT IS FURTHER ORDERED that beginning July 29, 2022, the suspension is fully probated for one year ending July 29, 2023, 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 Services Division in completing its investigation of any complaints filed against Respondent.
3. On or before 5:00 p.m., September 29, 2022, Respondent must provide the Commission's Enforcement Division with evidence of Respondent's completion of 30 classroom hours in a contract law course as defined by Section 1101.003(a)(2), 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 provided 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.

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IT IS FURTHER ORDERED that Respondent must pay an administrative penalty of \$1,500 by cashier's check or money order payable to the Texas Real Estate Commission.

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

Chelsea Buchholtz

7/14/2022

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.

7/7/2022

DATED: _____

Tamitha Chrisman

Tamitha Lynn Chrisman
Respondent

7/14/2022

DATED: _____

Beverly S. Rabenberg

Beverly S. Rabenberg
Staff Attorney