

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 006--RE-2023

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V.

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PAUL KATRIVANOS
RE/MAX PLUS
3527 URBANA PIKE
FREDERICK, MARYLAND 21704
LIC. REG. NO. 01-504850
RESPONDENT

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Larry Flickinger (“Complainant”). Based on the complaint and the response thereto received from Respondent Real Estate Broker Paul Karivanos, license registration number 01-504850, a Commission Panel determined it appropriate to bring administrative charges against the Respondent. Before the Commission issued a Statement of Charges and Order for Hearing against the Respondent, the Commission and the Respondent agree to enter into this Consent Order and Settlement Agreement, which provides for the imposition of disciplinary measures which are fair and equitable under these circumstances and are consistent with the best interests of the people of the State of Maryland, to resolve the complaint. The Commission and the Respondent agree and stipulate as follows:

1. At all times relevant to the matters set forth in this Consent Order and Settlement Agreement, the Commission has had jurisdiction over the subject matter and the Respondent.
2. Respondent is licensed as a real estate broker, license registration number 01-504850 and is currently affiliated with Re/Max Plus.
3. The Respondent was a buyer broker in a contract of sale between the complainant and the buyer, Mr. Katrivanos’ client.
4. The contract was ratified on July 15, 2020. On August 18, 2020, the seller signed Unilateral Notice of Termination citing, “Failure to provide written financing approval within 25 days of Contract Acceptance and failure to notify seller prior to settlement.” The seller also signed a Release Agreement for the disbursement of funds to be released to him.
5. According to the Respondent, the buyers were denied financing on August 19, 2020. The seller relisted the property and it sold for higher price than that of the contract. He was advised by his attorney that he could release the funds to buyers.

6. On June 21, 2022, the seller became aware that the deposit had been released to the buyer without his authorization which resulted in the filing of this complaint.

7. The Respondent admits that by his acts and omissions described above he has violated Business and Occupations Article, Annotated Code of Maryland (“BOP”) §17-322(b)(31) and §17-505(a):

§17-322. Denials, Reprimands, suspensions, revocations and penalties

(b) Grounds –

(31) violates any provision of Subtitle 5 of this title that relates to trust money.

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§17-505 Maintenance and disposition of trust money.

(a) Maintenance of account.

A real estate broker shall maintain trust money in an account authorized under this Part 1 of this subtitle until:

- 1. the real estate transaction for which the trust money was entrusted is consummated or terminated;**
- 2. the real estate broker receives proper written instructions from the owner and beneficial owner directing withdrawal or other disposition of the trust money;**
- 3. on an interpleader filed by the real estate broker; a court orders a different disposition; or**
- 4. the owner or beneficial owner of the trust money fails to complete the real estate transaction for which the trust money was entrusted and the real estate broker, in the real estate broker’s sole discretion, decides to distribute the trust money in accordance with subsection (b) of this section.**

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9. The Respondent consents to the entry of an Order by the Commission that they have violated BOP §17-322(b)(31) and §17-505(a).

10. The Respondent agrees he is required to abide by the Maryland Real Estate Broker’s Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-101 et. seq. and the Commission’s regulations in all real estate transactions.

11. The Respondent agrees to pay a civil penalty in the amount of \$2,000.00 for the violations. The total of \$2,000.00 will be paid to the Real Estate Commission within 90 days of the date of the entry of this Consent Order and Settlement Agreement. The Respondent agrees that should they fail to make the payment within ninety (90) days of this Consent Order and Settlement Agreement, the real estate license registration number 01-504850 shall be automatically suspended and shall continue to be suspended until the payment is made.

12. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to the issuance of a Statement of Charges and Order for Hearing by the Commission, an administrative hearing on the charges before the Commission or the Office of Administrative Hearings ("OAH"), the making of Findings of Fact and Conclusions of Law by the Commission or an Administrative Law Judge of the OAH, any and all further proceedings before the Commission, and any rights to petition for judicial review of this Consent Order and Settlement Agreement.

13. The Respondent enters into this Consent Order and Settlement Agreement voluntarily, knowingly, and willingly, after having the opportunity to consult with private counsel of her own choosing at his own expense.

14. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 006-RE-2023.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 8th
DAY OF MAY, 2023 **BY THE MARYLAND REAL ESTATE**
COMMISSION:

ORDERED that the Respondent has violated BOP §§17-322(b)(31) and §§17-505(a), and it is further,

ORDERED that the Respondent shall pay to the Commission \$2,000.00 in accordance with paragraph 11 this Consent Order and Settlement Agreement; and it is further

ORDERED that should the Respondent fail to pay the fine in accordance with paragraph 11 this Consent Order and Settlement Agreement, the Respondent's real estate broker's license registration number 01-504850 shall be automatically suspended and shall continue to be suspended until such time as the payment is made; and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this Consent Order and Settlement Agreement.

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: Michael L. Kasnic, Executive Director

AGREED:
SIGNATURE ON FILE

Paul Katrivanos
Respondent

5/6/2023
Date