

MARYLAND REAL ESTATE
COMMISSION

v.

MARK J. DAVIS

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2019-RE-156

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Matthew and Shannon Kelley ("Complainants"). Based on the complaint, the Commission determined that administrative charges against Mark J. Davis, the Respondent Real Estate Broker ("Respondent"), license registration number 01-643241, are appropriate and that an administrative hearing on those charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings ("OAH"). The OAH scheduled a hearing for January 5 and 6, 2021.

Prior to the hearing, the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement to provide for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interest of the people of the State of Maryland.

The Commission and the Respondent agree and stipulate as follows:

1. Respondent Mark J. Davis is currently licensed by the Commission as a Real Estate Broker and holds license registration number 01-643241. 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. On or about April 3, 2018, Complainants entered into a Sales Contract to purchase property located at 2345 Hearthstone Place, Huntingtown, Maryland (the "Property"). Respondent was licensed as a real estate broker in the state of Maryland. Respondent was the broker for both the seller's and buyers' agent in this transaction.

3. In connection with the transaction to purchase the Property, Complainants allege that Respondent, who drafted the covenants for the property, failed to ensure the salespeople representing the seller and buyers disclose the restrictive covenants to the Complainants. The Complainants subsequently were advised that the Property had restrictive covenants.

4. The Respondent admits that he has violated COMAR 09.11.02.02A, as alleged by the Commission in its Statement of Charges and Order for Hearing, which is attached hereto as **Exhibit A** and incorporated by reference fully herein.

5. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, any and all further proceedings before the Commission to which the Respondent may be entitled in this matter and any rights to appeal from the Commission's Order.

6. The Respondent consents to the entry of an Order that his conduct violated COMAR 09.11.02.02A and agrees to pay a civil penalty in the amount of \$2,500.00 within thirty (30) days of execution of this Consent Order and Settlement Agreement.

7. If the Respondent does not pay the civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 01-643241 will be automatically suspended until the fine is paid.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 6th DAY OF January, 2022 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED, that the Respondent's conduct violated COMAR 09.11.02.02A; and it is further

ORDERED, that the Respondent shall pay a civil penalty of \$2,500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

ORDERED, that if the Respondent does not pay the civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 01-643241 will be automatically suspended until the payment is made; and it is further

ORDERED, that this matter shall be resolved in accordance with the terms of this Consent Order and Settlement Agreement, and that the same shall be reflected among the records of the Maryland Real Estate Commission; and it is further

ORDERED, that this Consent Order shall constitute a Final Order of the Maryland Real Estate Commission.

Jan 3, 2022
Date

SIGNATURE ON FILE
Respondent Mark J. Davis

1/6/2022
Date

MARYLAND REAL ESTATE COMMISSION:

By: **SIGNATURE ON FILE**