

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 2018-RE-131

V.

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BRENDA DOOLEY
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 Eddie and Marie Barnes ("Complainants"). Based on the complaint and an investigation the Commission issued a Statement of Charges and Order for Hearing dated February 20, 2019, against the Respondent Real Estate Salesperson, Brenda Dooley, license registration number 643794, and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges. To resolve this matter without a formal hearing, the Commission and the Respondent have 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. 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. The Respondent's license is currently terminated since September 7, 2018.
2. The Respondent was working for her son's property management company, including handling the home of the Complainants. When the tenants moved out, the Respondent posted a "For Rent" sign at the property listing herself as the agent, without the permission of the Complainants. The Respondent also failed to return a key to the home and a key to the post office box.
3. The Respondent admits that she has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §§17-322(b)(25) and (33) and COMAR 09.11.02.01C and 09.11.02.03C which provide:

**§17-322. Denials, reprimands, suspensions, revocations, and penalties—
Grounds.**

(b) *Grounds.*—Subject to the hearing provisions of §17-324 of this subtitle, the Commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent or improper dealing;

(33) violates any regulation adopted under this title or any provision of the code of ethics.

Code of Maryland Regulations

09.11.02

.01 Relations to the Public

C. The licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the commission charged with regulating the practices of brokers, associate brokers, and salespersons in this State.

.03 Relations to fellow licensees

C. Signs giving notice of property for sale, rent, lease, or exchange may not be placed on any property without the owner's prior consent.

4. The Respondent consents to the entry of an Order finding that she has committed the above violations and, as penalty, she agrees to a reprimand and a civil penalty of One Thousand Dollars (\$1,000.00). The civil penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement.

5. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing before the Office of Administrative Hearings on the charges, the making of Findings of Fact and Conclusions of Law by an administrative law judge, any and all further proceedings before the Commission and any rights to appeal from this Consent Order.

6. The parties agree to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 2018-RE-131, that it shall constitute a Final Order of the Commission, and shall be enforceable as such.

7. The Respondent shall abide by the provisions of the Maryland Real Estate Brokers Act and applicable regulations with regard to all relevant future activities.

8. The Respondent enters into this Consent Order freely, knowingly, and voluntarily, and with the opportunity to seek advice of counsel.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 13th DAY OF JUNE, 2019 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED, that the Respondent has violated BOP §§17-322(b)(25) and (33) and COMAR 09.11.02.01C and 09.11.02.03C; and it is further

ORDERED, that based on the violations, the Respondent be and hereby is reprimanded; and it is further

ORDERED, that based on the violations, the Respondent is assessed a civil penalty of One Thousand Dollars (\$1,000.00) for the violation, which amount is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED, that the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: MICHAEL KASNIC
Executive Director

AGREED:

SIGNATURE ON FILE

BRENDA DOOLEY
Respondent

June 10, 2019
DATE