

MARYLAND REAL ESTATE
COMMISSION

v.

HELEN LU

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 15-RE-164
* OAH No.: DLR-REC-21-18-08814

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Lea, Roberto and Claudia Huaman ("Complainants"). Based on the complaint, the Commission determined that administrative charges against Helen Lu, the Respondent real estate broker ("Respondent"), license registration number 01-78819, 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 December 18, 2018 at 10:00 a.m. in Hunt Valley, Maryland.

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 Helen Lu is currently licensed by the Commission as a Real Estate Broker with Best Home Realty and holds license registration number 01-78819. 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. Complainants owned property located at 23203 Frederick Road in Clarksburg, Maryland (the "Property"). Catherine Lee, a real estate salesperson affiliated with Best Home Realty at the time of the transaction, acted as a buyer's agent in a purchase contract ratified on September 27, 2014 for the Property. Catherine Lee presented the purchase contract to the Complainants with a provision stating that a \$10,000 earnest money deposit ("EMD") had been submitted to the Respondent's brokerage for deposit into escrow. The money was never received for depositing into the escrow account of the Respondent's brokerage.

3. On or about October 16, 2014, Complainants filed a complaint against Catherine Lee, based on her representation in the purchase contract that the \$10,000.00 EMD had been deposited into

the brokerage escrow account. During the course of the investigation of the charges against Ms. Lee, the Commission discovered the lack of reasonable and adequate supervision by Respondent. The charges against Respondent are based upon Respondent's failure to supervise the activity of Catherine Lee.

4. The Respondent admits that her conduct violated Business Occupations and Professions Article ("BOP") § 17-320(c)(1) which provides:

§17-320. Employment of and contractual arrangements with salespersons and associate brokers.

(c) Supervision by real estate broker. – (1) A real estate broker shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual, including an independent contractor, on behalf of the broker.

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 her conduct violated BOP § 17-320(c)(1), she consents to the imposition of a Reprimand against her real estate broker license registration number 01-78819 and in addition, she agrees to pay a civil penalty of \$3,000.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

7. If the Respondent does not pay the \$3,000.00 civil penalty within the proscribed thirty (30) days, the Respondent's license registration number 01-78819 will be automatically suspended until the payment is made.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 21 DAY OF December, 2018 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated BOP § 17-320(c)(1); and it is further

ORDERED that the Respondent have a Reprimand placed against her real estate broker license registration number 01-78819; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$3,000.00 for the violation, which amount is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that if payment of the civil penalty is not made within thirty (30) days, the

Respondent's license registration number 01-78819 will be automatically suspended until the payment is made; and it is further

ORDERED that the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent.

12/19/2018
Date

SIGNATURE ON FILE

[Signature]
Respondent Helen Lu

MARYLAND REAL ESTATE COMMISSION:

21 Dec 18
Date

SIGNATURE ON FILE

By: [Signature]