

**MARYLAND REAL ESTATE  
COMMISSION**

v.

**RICHARD GATCHELL,**  
**Respondent**

\* **BEFORE THE MARYLAND**  
\* **REAL ESTATE COMMISSION**  
\*  
\* **COMPLAINT NO.: 2012-RE-219**  
\* **OAH NO.: DLR-REC-24-13-**  
**12600**  
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\* \* \* \* \*

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission (the "Commission") based on a complaint by Ann and Adrian Barbul ("Complainants"), dated November 11, 2011, against Timothy Rodgers, a real estate salesperson associated with Hill & Company. The Respondent, Richard Gatchell, was the broker of record for Hill & Company at the time of the events that formed the basis for the complaint. On or about March 25, 2013, the Commission issued a Statement of Charges and Order for Hearing (incorporated by reference herein) alleging that the Respondent engaged in violations of the Maryland Real Estate Brokers Act in connection with a real estate listing agreement that occurred in or around March of 2011. A hearing was subsequently scheduled before the Office of Administrative Hearings, however, the hearing was withdrawn based on the parties' expressed intent to enter into this Consent Order which shall constitute a full and final resolution of this action.

**IT IS STIPULATED BY THE PARTIES THAT:**

1) The Respondent is currently licensed by the Commission as a real estate broker with registration number 15250, and was licensed as such during all relevant times in this matter.

2) The charges arise out of a listing agreement between the Complainants and Hill & Company, which was fully ratified on March 29, 2011, for 302 Club Road, Baltimore, Maryland (the "Property"). The Property was owned by the Complainants.

3) The listing agent was Paul Dougherty ("Dougherty") whose license was revoked by the Commission on or about June 7, 2011. On or about June 16, 2011, Dougherty was removed as the listing agent in the MRIS system and Timothy Rodgers became the listing agent. Both Dougherty and Rodgers were under the supervision of the Respondent.

4) At the time of the listing, the Respondent was the broker of record for Hill & Company.

5) After Dougherty's license was revoked on or about June 7, 2011, he continued to have contact with the Complainants regarding the prospective sale of the Property up until the first week of October of 2011. The Complainants were not advised, and did not discover, that Dougherty's license had been revoked until they contacted the brokerage around October of 2011.

6) The Respondent was ultimately responsible for ensuring that all parties to the transaction were kept informed as to any change of status of the involved licensees but failed to properly notify the Complainants with regard to Dougherty's loss of his license and

replacement as listing agent.

7) The Respondent admits to violations of Md. Code, Bus. Occ. and Prof. Art. (BOP), §17-322(b)(33) and the Code of Maryland Regulations (“COMAR”) 09.11.05.02A.

8) Based on his violations, the Respondent agrees to pay a civil penalty in the amount of \$3000.00 to the Commission within 7 days of the date of this Consent Order. In addition, the Respondent agrees to take a 3 hour Continuing Professional Education class in “Supervision” which shall be in addition to, and shall not be credited toward, the normal CPE requirements. The Respondent shall furnish documentary evidence of satisfactory completion of the “Supervision” class within 60 days of the date of this Consent Order.

9) The Respondent further agrees to furnish to the Commission within 7 days of the date of this Consent Order a copy of Hill & Company’s policies and procedures manual with provisions relating to the supervision of listing agents in communications and dealings with clients.

10) In the event that the Respondent fails to make the required payment or obtain the required CPE credits, or provide evidence of the completion thereof, in accordance with the terms of this Consent Order, his Maryland real estate license shall be automatically and immediately suspended until such time as the required payment is made or the required training is completed and proof thereof is furnished to the Commission. In addition, if the Respondent fails to comply with the terms of this Consent Order in any respect, the Commission reserves the right to pursue further disciplinary action, including the

rescheduling of this matter for hearing and the imposition of additional sanctions.

11) The Respondent agrees to abide by the Maryland Real Estate Brokers Act, BOP, §17-101 *et seq.*, and regulations of the Commission in all future transactions.

BASED ON THE STIPULATIONS OF THE PARTIES, IT IS THIS 25 day of July, 2013, BY THE MARYLAND REAL ESTATE COMMISSION,

**ORDERED** that the Respondent shall pay a civil penalty to the Commission in the amount of \$3000.00;

**AND IT IS FURTHER ORDERED** that the Respondent shall take a 3 hour Continuing Professional Education class in "Supervision" which shall be in addition to, and shall not be credited toward, the normal CPE requirements;

**AND IT IS FURTHER ORDERED** that the Respondent shall furnish to the Commission within 7 days of the date of this Consent Order a copy of Hill & Company's policies and procedures manual with provisions relating to the supervision of listing agents in communications and dealings with clients;

**AND IT IS FURTHER ORDERED** that this matter shall be resolved in accordance with the terms of this Consent Order 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.

SIGNATURE ON FILE

Richard Gatchell, Respondent

28 JUNE, 2013  
Date

SIGNATURE ON FILE

Maryland Real Estate Commission

7/25/13  
Date

Signature of \_\_\_\_\_

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11/2/13

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