

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**MARYLAND REAL ESTATE  
COMMISSION**

\*

\* **CASE NO. 2010-RE-245**

**v.**

\* **OAH NO. DLR-REC-21-11-14652**

**CLEMENT O. SHEKONI**

\*

**Respondent**

\*

\* \* \* \* \*

**OPINION AND FINAL ORDER**

This matter came before the Commission for argument on Exceptions filed by the Respondent, Clement O. Shekoni, to the Proposed Order of January 30, 2012. On November 28, 2011, Administrative Law Judge Richard O'Connor ("ALJ") filed a Recommended Decision and Recommended Order in which he recommended that the license of Respondent, Clement O. Shekoni, be suspended for thirty (30) days by the Maryland Real Estate Commission ("Commission") and that the Respondent be required to pay a \$2,000.00 civil penalty for violating Sections 17-322(b) (4), (25), (32) and (33), and Section 17-532 (c) (1) (iv) of the Business Occupations and Professions Article, ("Bus. Occ. & Prof. Art."), Annotated Code of Maryland and Code of Maryland Regulations ("COMAR") 09.11.02.01C. and H., COMAR 09.11.02.02A and COMAR 09.11.01.12..

On January 30, 2012, the Commission issued a Proposed Order that affirmed the ALJ's Findings of Fact; affirmed the ALJ's Conclusions of Law; and amended the ALJ's Recommended Order. In its Proposed Order, the Commission ordered that: 1) The Respondent, Clement O. Shekoni, violated Md. Bus. Occ. & Prof. Art., §§17-322 (b) (4),

(25), (32), and (33); § 17-532 (c) (1) (iv) and COMAR 09.11.01.12, 09.11.02.01C. and H. and 09.11.02.02A; and that the Respondent did not violate COMAR 09.11.01.07; 2) All real estate licenses held by the Respondent, Clement O. Shekoni, be and hereby are suspended for thirty days; 3) The Respondent, Clement O. Shekoni, be assessed a civil penalty in the amount of \$2,000.00 which shall be paid within thirty (30) days of the date of the Proposed Order; 4) All real estate licenses held by the Respondent, Clement O. Shekoni, shall be suspended if the civil penalty is not paid in full within the 30-day time period, and that this suspension is in addition to, and not in lieu of, the disciplinary suspension; and 5) The records and publications of the Maryland Real Estate Commission reflect that decision.

The Respondent, Clement O. Shekoni, filed Exceptions on or about February 20, 2011.

A hearing was held by a panel of the Commission consisting of Commissioners Nicholas D'Ambrosia, Marla S. Johnson and Juan Munoz, on June 20, 2012. Peter Martin, Assistant Attorney General, represented the Commission. The Respondent, Clement O. Shekoni, did not appear for the hearing despite proper notice. The proceedings were electronically recorded.

#### **SUMMARY OF THE EVIDENCE**

On behalf of the Commission, three exhibits, as well as the Office of Administrative Hearings' file containing exhibits which were introduced at the hearing before the ALJ, were entered into evidence. A transcript of the ALJ's hearing was not provided by the Respondent.

## PRELIMINARY MATTERS

On January 30, 2012 the Commission forwarded a letter enclosing a copy of the Commission's Proposed Order in this case to the Respondent, Clement O. Shekoni, at Eagle Real Estate Services LLC, 3311 Toledo Terrace, Ste. B203, Hyattsville, MD 20782. The Respondent responded to this correspondence by filing Exceptions to the Proposed Order on or about February 20, 2012. The letter requesting an Exceptions's hearing as well as the envelope in which the Respondent mailed his Exceptions indicated his return address to be Eagle Real Estate Services LLC, 3311 Toledo Terrace, Ste. B203, Hyattsville, MD 20782. On March 13, 2012, the Commission forwarded a letter to the Respondent, at the same address as the January 30, 2012 letter which the Respondent had also indicated was his return address on his February 20, 2012 correspondence to the Commission, informing him that:

“ The Maryland Real Estate Commission has scheduled an oral argument hearing on your Exceptions, dated February 20, 2012, to the Commission's Proposed Order for Wednesday, June 20, 2012, at 1:30 p.m. The hearing will take place at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, Maryland 21202.

. . .

If the party who has filed Exceptions fails to appear within fifteen minutes of the scheduled time for the hearing, its Exceptions will be dismissed.”

The Respondent did not appear on June 20, 2012 for the scheduled hearing on his Exceptions. The Commission waited until 1:47 p.m. before commencing the hearing in Mr. Shekoni's absence. Assistant Attorney General Martin moved that Mr. Shekoni's Exceptions be dismissed due to his failure to appear for the Exceptions' hearing within fifteen minutes of the time scheduled for the hearing. Due to Mr. Shekoni's failure to appear for the scheduled hearing on his Exceptions, despite proper notice of the hearing,

and, in accordance with Code of Maryland Regulations ("COMAR") 09.11.03.01F, which provides that:

"The panel may dismiss an appeal without holding a hearing if the person who filed exceptions to the proposed order fails to appear at the scheduled time after receiving proper notice."

the Commission dismissed Mr. Shekoni's Exceptions.

### CONCLUSIONS OF LAW

The Exceptions filed by the Respondent, Clement O. Shekoni, on or about February 20, 2012 having been dismissed in accordance with COMAR 09.11.03.01F, the Commission concludes, as a matter of law, that the Proposed Order of the Commission of January 30, 2012 shall be deemed the Final Order of the Commission.

### ORDER

It is this 21st day of August, 2012, by the Maryland Real Estate Commission, **ORDERED:**

1. That the Commission's Proposed Order of January 30, 2012 shall be deemed the Final Order of the Commission in this matter; and
2. That the records and publications of the Maryland Real Estate Commission reflect this decision.

### MARYLAND REAL ESTATE COMMISSION

SIGNATURE ON FILE

By:

*for M. S. Johnson*

Note: A judicial review of this Final Order may be sought in the Circuit Court of Maryland in which the Appellant resides or has his/her principal place of business, or in the Circuit Court for Baltimore City. A petition for judicial review must be filed with the court within 30 days after the mailing of this Order.