

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

V.

**RICHARD E. GATCHELL
Hill & Co. Realtors
2 Village Square, Suite 255
Village of Cross Keys
Baltimore, Maryland 21210**

Case No: 321-RE-2011

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by the Commission. Based on the complaint and an administrative review, the Commission determined that administrative charges against the Respondent, real estate broker, Richard E. Gatchell, affiliated with Hill & Co. Realtors, license registration number, 01-15250 ("Respondent"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the respondent have agreed to enter into this Consent Order 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, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Hill & Co. Realtors, as a broker, license registration number 01-15250.
3. On March 14, 2011, the Respondent learned for the first time that Ms. Godine's license was not renewed in 2010. On that same date, Ms. Godine was notified her license was expired when she received notice of this complaint filed by the Commission. The Respondent and Ms. Godine were advised by notice of the Complaint that Ms. Godine could no longer provide real estate brokerage services without a valid and current license.
4. On March 16, 2011 the Respondent responded to the complaint by stating " that Ms. Godine fully intended to renew her license but inadvertently failed to follow through with the payment process."

5. The Commission has concluded that Respondent has violated 17-322 (b) (27) and 17-320 (a) (2) and (c) of the Business Occupations and Professions Article, Maryland Annotate Code, for allowing a salesperson to provide real estate brokerage services after her license expired and for failing to ensure that the license was renewed in a timely manner and properly displayed in the real estate office.
6. The Respondent admits that by failing to properly supervise his salesperson he has violated 17-322 (b) (27) and 17-320 (a) (2) and (c) of the Business Occupations and Professions Article of the Maryland Annotated Code which provides:

**Section 17-322
Business Occupations and Professions Article
Maryland Annotated Code**

(b) (27) violated § 17-320 (c) of this subtitle by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker;

**Section 17-320
Business Occupations and Professions Article
Maryland Annotated Code**

(a) (2) A real estate broker may not provide real estate brokerage services through any other individual unless the individual is licensed as an associate real estate broker or real estate salesperson to provide real estate brokerage services on behalf of the real estate broker.

(c) (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.

7. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, 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.
8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 321-RE-2011.

BASED ON THESE STIPULATIONS, IT IS THIS 12th DAY OF May, 2011 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated 17-322 (b) (27) and 17-320 (a) (2) and (c) of the Business Occupations and Professions Article of the Maryland Annotated Code for allowing a salesperson to provide real estate brokerage services after her license expired and for failing to ensure that the license was renewed in a timely manner and properly displayed in the real estate office.

ORDERED that the Respondent is assessed a total civil penalty of \$500.00 in connection with the violations; and it is further

ORDERED that should the Respondent fail to pay the civil penalty within the 30 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of Section 17-601 (b) of the Business Occupations and Professions Article, Maryland Annotated Code.

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By:

[Signature]
Executive Director

AGREED:

April 21, 2011
Date

SIGNATURE ON FILE

[Signature]
Richard E. Gatchell, Respondent