

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**IN THE MATTER OF THE  
APPLICATION OF  
RONNIE MOORE FOR A REAL ESTATE  
SALESPERSON LICENSE**

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\* **REC CASE NO. 2015-RE-357**  
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**OPINION AND FINAL ORDER**

Ronnie Moore applied to the Maryland Real Estate Commission (“Commission”) on or about December 26, 2014 for a real estate salesperson license. On February 10, 2015, the Commission advised Mr. Moore that his application was denied because he did not certify on his licensing application nor did he provide any documentary evidence that showed that he had complied with the requirement that he complete at least 15 clock hours of continuing education necessary for license reinstatement and renewal. (Commission Exhibit 5.) The Commission further cited the fact that Mr. Moore’s real estate salesperson license had been revoked in Case No. 500-RE-2008 for violations of Business Occupations and Professions Article, §§17-322(b)(3), (25), (30), (32), and (33), *Annotated Code of Maryland* (“Bus. Occ. & Prof. Art.”). The Commission’s Final Order in that case was affirmed, in an unreported opinion, by the Court of Appeals in *Moore v. Maryland Real Estate Commission*, Case No. 1144, Sept. Term 2012. Specifically, the Commission stated as a basis for denying Mr. Moore’s request for a real estate salesperson license: “You did not provide any documentary or other evidence with your application that shows you now meet the requirements of competence, good character and reputation.” (Commission Exhibit 5.) Mr. Moore subsequently requested the Commission to conduct a hearing to permit him to present evidence in support of his position that his real estate salesperson license should be reinstated and renewed.

A hearing was held by a panel of Commissioners, consisting of Commissioners Karen Baker, J. Nicholas D'Ambrosia and Marla S. Johnson on June 17, 2015. Jessica Berman Kaufman, Assistant Attorney General, appeared on behalf of the Commission. Lucinda Rezek Sands, Administrative Officer II, testified as a witness. The applicant, Ronnie Moore, did not appear for the hearing despite proper notice. The proceedings were electronically recorded.

### **PRELIMINARY MATTERS**

On or about December 26, 2014, the applicant, Ronnie Moore filed an application for reinstatement and renewal of a real estate salesperson license. By letter dated February 10, 2015, the Commission informed Mr. Moore that for the reasons cited in that letter, the Commission had determined that his application for the reinstatement and renewal of his real estate salesperson license should be denied. (Commission Exhibit 5.) Mr. Moore was also advised in that letter of his right to a hearing to appeal the denial of his license application. Mr. Moore requested that a hearing be conducted and by letter dated February 24, 2015, Mr. Moore was advised that a hearing had been scheduled for April 29, 2015 at 1:30 p.m. (Commission's Exhibit 6.) The February 24, 2015 letter was sent to Mr. Moore at the address he provided on his license application: 8624 Vintage Earth Path, Laurel, MD 20723 by certified and first class mail. A certified mail receipt indicates that it was received by Mr. Moore on March 27, 2015. (Commission Exhibit 6.) The April 29, 2015 hearing was postponed at Mr. Moore's request and rescheduled for June 17, 2015 at 1:30 p.m. Mr. Moore was advised of the new hearing date by letter dated April 27, 2015. (Commission's Exhibit 7.) The April 27, 2015 letter was sent to Mr. Moore at the 8624 Vintage Earth Path, Laurel, MD 20723 address. Although the certified mail copy of the letter was unclaimed, Ms. Sands testified that the first class mail copy of the letter was not returned as unclaimed. Attached to the April 27, 2015 letter was a copy of the

Commission's earlier letter of February 24, 2015 which set forth the hearing procedures. Those hearing procedures informed Mr. Moore of the steps required to request a postponement of a hearing and also informed him that: "If you fail to appear for the hearing, within fifteen minutes of its scheduled time, your request for a hearing on the application will be considered withdrawn." (Commission's Exhibit 6.) Ms. Sands also testified that she received a call from Mr. Moore approximately one week before the scheduled hearing during which he inquired about a hearing date and she advised him that the hearing was scheduled for June 17, 2015 at 1:30 p.m. The Commission was also provided with an e-mail sent to Mr. Moore on June 16, 2015, at the e-mail address provided on Mr. Moore's application, by Assistant Attorney General Jessica Kaufman, informing him of the hearing scheduled for June 17, 2015 and attaching a copy of the hearing notice letter of April 27, 2015. (Commission's Exhibit 7.) Ms. Kaufman further testified that she had also left a voice mail for Mr. Moore advising him of the June 17, 2015 hearing.

The Commission concludes, based on the above evidence and testimony, that the applicant, Ronnie Moore, failed to appear for the hearing on the Commission's denial of his application for a real estate salesperson license despite proper notice in accordance with the provisions of Code of Maryland Regulations ("COMAR") 09.01.02.07A . In accordance with the provisions of COMAR 09.01.02.09, the Commission elected to proceed with the hearing as scheduled in the absence of Mr. Moore since Mr. Moore had been served in accordance with COMAR 09.01.02.07 and had failed to obtain a postponement of the hearing.

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

On behalf of the Commission, seven exhibits were entered into the record.

## FINDINGS OF FACT

1. The applicant, Ronnie Moore, filed an application for reinstatement and renewal of his real estate salesperson license with the Commission on or about December 26, 2014.
2. On his license application, the applicant did not complete the section requiring him to state whether he had completed the continuing education credits required.
3. In general, to qualify for renewal of a license, an applicant must complete at least 15 clock hours of continuing education instruction during the preceding 2-year term. Bus. Occ. & Prof. Art. §17-315(a).
4. The applicant answered in the affirmative the question: “Have you ever had a real estate license denied, suspended or revoked by Maryland or any other state?”
5. The applicant for a real estate salesperson license must be of good character and reputation. Bus. Occ. and Prof. Art., §17-305(b).
6. The Commission revoked the applicant’s real estate salesperson license in Maryland Real Estate Commission v. Ronnie Moore, Commission case number 2008-RE-500. (Commission Exhibit 3.)
7. In Commission case number 2008-RE-500 the Commission held, at pages 9 through 11 that:

“ . . . . .  
The Respondent’s conduct in regard to the lease to purchase and the Claimant encompassed all of the elements prohibited by § 17-322(b)(25), Bus. Occ. & Prof. Art. – bad faith, incompetence and untrustworthiness and dishonest, fraudulent, and improper dealings. The testimony and evidence presented at the hearing before the ALJ support a conclusion that the Respondent misrepresented the realities of the lease/purchase option for the Property to an inexperienced consumer while doing nothing to protect her interests, in violation of §17-322(b)(3), Bus. Occ. & Prof. Art. The Respondent, whose actions clearly constituted the provision of real estate brokerage services also had an obligation to advise the parties whom he represented. He failed to do so and, thus violated the provisions of §§17-530(b)(1) and 17-322(b)(30), Bus. Occ. & Prof. Art.

The Respondent also violated the provisions of COMAR 09.11.02.01H and § 17-322(b)(33), Bus. Occ. & Prof. Art., by failing to see that financial obligations and commitments regarding the Property were set forth in writing and provided to all parties.

The Respondent made a concerted effort to avoid the statutory obligations imposed on a licensee of the Commission by characterizing his actions as “counseling” and by providing the parties with a document in which he asserted that he was not acting as a “Realtor”. The “Counseling Form of Intent” document can clearly be viewed as an attempt to mislead consumers into believing that he was not providing real estate brokerage services and, therefore, their ability to file complaints with the Commission or to seek an award from the Guaranty Fund would not exist.

The Respondent’s actions also caused substantial harm. The Claimant was induced by the Respondent to pay \$18,000.00 as a non-refundable down payment on property that the Respondent knew she lacked the resources to purchase. The Claimant paid for repairs to the Property that, absent an agreement to the contrary, were the obligation of the owner. Her ability to credit the amounts she paid in repairs to the Property against the purchase price was not protected. She was forced to pay for personal items charged to her credit cards by the Respondent and has been unable to obtain reimbursement for those charges.

The Respondent’s conduct was replete with bad faith....He deliberately misled the Claimant by advising her that she could afford a home that was completely beyond her means. He failed to advise her whom he represented in the transaction and, as a result, the Claimant saw no need to question the purchase price or the reasonableness of the nonrefundable deposit. The Respondent did not account for expenditures related to the Property and charged his personal expenses to the Claimant’s credit cards.”

8. Based upon the Commission’s findings of fact and discussion in Commission case number 2008-RE-500, the Commission concluded that the applicant, Ronnie Moore had violated Bus. Occ. and Prof. Art. §§ 17-322(b)(3), (25), (30), (32) and (33); 17-530(b)(1) and Code of Maryland Regulations (“COMAR”) 09.11.02.01H. Those statutory provisions provide as follows:

“§17-322 (b) 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:

(3) directly or through another person willfully makes a misrepresentation or knowingly makes a false promise;

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

(30) fails to make the disclosure or provide the consent form required by §17-530 of this title;

(32) violates any other provision of this title;

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

§17-530 provides, in pertinent part:

“(b)(1) A licensee who participates in a residential real estate transaction as a seller’s agent, buyer’s agent, or as a cooperating agent shall disclose in writing that the licensee represents the seller or lessor or the buyer or lessee.

(2) The disclosure shall occur not later than the first scheduled face-to-face contact with the seller or lessor or the buyer or lessee.”

COMAR 09.11.02.01 H. provides:

“ For the protection of all parties with whom the licensee deals, the licensee shall see to it that financial obligations and commitments regarding real estate transactions are in writing, expressing the exact agreement of the parties, and that copies of these agreements are placed in the hands of all parties involved within a reasonable time after the agreements are executed.”

9. In Commission case number 2008-RE-500, the Commission ordered, in part, that all real estate licenses held by Ronnie Moore, be revoked. The Commission also ordered that the applicant, Ronnie Moore, be assessed a civil penalty in the amount of Five Thousand Dollars.

The civil penalty has been paid by Mr. Moore.<sup>1</sup>

10. Mr. Moore appealed the decision of the Commission to the Circuit Court for Howard County, which affirmed the determination of the Commission. Mr. Moore then appealed the order of the Circuit Court for Howard County to the Court of Special Appeals of Maryland.

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<sup>1</sup> The Commission also ordered that the Claimant be reimbursed in the amount of \$18,000.00 from the Maryland Real Estate Guaranty Fund and that the applicant, Ronnie Moore, shall be ineligible to hold any licenses issued by the Commission until the Maryland Real Estate Guaranty Fund had been repaid in full, together with annual interest of ten percent. Subsequently, the obligation to repay the Maryland Real Estate Guaranty Fund was discharged in bankruptcy. Therefore, the repayment of that award is no longer an issue before the Commission and was not considered by the Commission in rendering its decision in this case. Neither is the fact of Mr. Moore’s bankruptcy a matter that was considered by the Commission in rendering a decision in this case.

(No. 1144, September Term, 2012.) In an unreported opinion filed on April 4, 2014, the Court of Special Appeals of Maryland affirmed the decision and sanctions imposed by the Commission.

### **DISCUSSION**

There are two bases for the Commission's decision that the application of Ronnie Moore for a real estate salesperson license should be denied. The first basis is Mr. Moore's failure to meet the general requirement that an applicant complete at least 15 clock hours of continuing education instruction during the preceding 2-year term in order to renew a license. Mr. Moore did not respond in the affirmative in the section of the application form which requires an applicant to state whether or not he has completed the required continuing education instruction. Further, Mr. Moore did not appear at the Exceptions' hearing and therefore, did not offer any evidence that he had completed the continuing education required in order to reinstate and renew a real estate salesperson license. The Commission therefore concludes that Mr. Moore did not comply with the continuing education requirement for license reinstatement and renewal as a real estate salesperson and his application for reinstatement and renewal should be denied.

The second basis for the denial of Mr. Moore's application for a real estate salesperson license is that he does not meet the good character and reputation requirement for licensure. The Maryland Court of Appeals has sanctioned the Commission's reliance on attorney grievance jurisprudence as providing standards that can be applied to real estate licensees. See Joel Pautsch v. Md. Real Estate Commission, 422 Md. 229 (2011). The Court has repeatedly considered the same essential elements in determining whether a disbarred attorney should be reinstated. The Commission finds those elements to be instructive in evaluating whether an applicant for a professional license, such as the real estate salesperson license at issue in this

matter, has the good character and reputation necessary for the license to be reinstated and renewed. The Commission has utilized those criteria in making its determination of whether Mr. Moore's request for a real estate salesperson license should be approved or denied. The essential elements which the Court has considered in determining whether a disbarred attorney should be reinstated are:

- (1) The nature and circumstances of the attorney's misconduct;
- (2) The attorney's subsequent conduct and reformation;
- (3) The attorney's present character; and
- (4) The attorney's present qualifications and competence to practice law.

See In the Matter of Ira C. Cooke for Reinstatement to the Bar of Maryland, 425 Md. 652, 661 (2012) citing In re Braverman, 271 Md. 196, 199-200 (1974), In the Matter of the Reinstatement of Richard C. Murray, 316 Md. 303, 305 (1989) and In re Barton, 273 Md. 377, 381 (1974). See also, In the Matter of the Reinstatement to the Bar of Md. Of Ernest Neal Cory, Jr., 300 Md. 177, 180 (1984); In the Matter of the Reinstatement to the Bar of Md. Of William M. Loker, Jr., 285 Md. 645, 646 (1979); In the Matter of the Reinstatement to the Bar of Md. Of Richard Anthony Barton, 291 Md. 61, 64 (1981); and In the Matter of the Petition for Reinstatement to the Bar of Md. Of Thomas Paul Raimondi and Francis X. Dippel, 285 Md. 607, 609 (1979).

Applying those standards in the instant case, the Commission found in Case Number 2008-RE-500, that the applicant, Ronnie Moore, engaged in conduct which encompassed bad faith, incompetence and untrustworthiness and dishonest, fraudulent and improper dealings in violation of §17-322(b)(25), Bus. Occ. & Prof. Art. That conduct included deliberately misleading an individual into believing that she could afford a property which was completely beyond her means; failing to account for expenditures related to the property; and charging his



personal expenses to another individual's credit card. His conduct also induced an individual to pay \$18,000.00 as a non-refundable down payment on property which the applicant knew the individual could not afford to purchase. The Commission also concluded that the applicant, Ronnie Moore, misrepresented the realities of a lease/purchase option for property to an inexperienced consumer while doing nothing to protect her interests in violation of §17-322(b)(3), Bus. Occ. & Prof. Art. Mr. Moore was also found to have violated the provisions of §§17-530(b)(1) and 17-322(b)(30), Bus. Occ. & Prof. Art. when he failed in his responsibility to advise the parties whom he represented. The applicant, Ronnie Moore, also violated the provisions of COMAR 09.11.02.01H and §17-322(b)(33), Bus. Occ. & Prof. Art. by failing to see that financial obligations and commitments regarding the property in question were set forth in writing and provided to all parties. (See Findings of Fact 7. and 8. above.) The Commission concludes that the applicant's violations of the Business Occupations and Professions Article, *Annotated Code of Maryland* and COMAR were serious and resulted in substantial harm to an individual to whom he was providing real estate brokerage services.

In regard to the applicant's subsequent conduct and reformation, the only information in the record is the applicant's unsupported assertion that he had completed a graduate law program to familiarize himself with the laws of Maryland.

The applicant failed to submit any written evidence or testimony which would indicate that his present character is different from that evidenced by his conduct in Case Number 2008-RE-500 and that his present character would result in actions in the provision of real estate brokerage services which would protect the public and be in compliance with laws and regulations applicable to the real estate industry.

Finally, as noted above, the applicant has failed to prove that he has completed at least 15 clock hours of continuing education instruction during the preceding 2 year term as is generally required for licensure as a real estate salesperson. He, therefore, is not presently qualified to provide real estate brokerage services.

Weighing the four factors set forth above, the Commission concludes that the applicant has not shown that he has the good character and reputation which is required in order to have his previously revoked real estate salesperson license reinstated and renewed.

### CONCLUSIONS OF LAW

Based on the Findings of Fact, and for the reasons set forth in the above Discussion, the Commission concludes that Ronnie Moore does not currently meet the continuing education requirements set forth in §17-315(a), Bus. Occ. & Prof. Art., nor the requirements of good character and reputation set forth in §17-305(b), Bus Occ. & Prof. Art. and is, therefore, ineligible to be granted a real estate salesperson license by the Commission.

### ORDER

In consideration of the Findings of Fact and Conclusions of Law, it is this 3<sup>rd</sup> day of August, 2015, by the Maryland Real Estate Commission, **ORDERED** that:

1. The request of Ronnie Moore for the issuance of a real estate salesperson license is hereby **DENIED**; and
2. The records and publications of the Maryland Real Estate Commission reflect this decision.

MARYLAND REAL ESTATE COMMISSION

**SIGNATURE ON FILE**

By: \_\_\_\_\_  
Commissioner