

BEFORE THE MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF *
THE CLAIM OF ROBERT & MARIA *
SCHMIDT AGAINST THE MARYLAND *
REAL ESTATE COMMISSION *
GUARANTY FUND * CASE NO: 378-RE-2018
RESP: DUANE FARLEY *
LICENSE NO: 01 48951 *

PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant has established a valid claim against the Maryland Real Estate Commission Guaranty Fund. It has been established that the security deposits and maintenance fee obtained in this transaction was never submitted to Claimant after the lease agreement was terminated. Therefore because of this the Claimant is entitled to reimbursement under The Annotated Code of Maryland, Business Occupations and Professions Article, Title 17, Section 505. It has further been established that, as a result of the actions by the Respondent, the Claimants have sustained actual loss in the amount of Four Thousand Two Hundred Eighty-Seven Dollars and fifty cents (\$4,287.50). Accordingly, the Commission hereby awards the Claimant \$4,287.50, from the Maryland Real Estate Commission Guaranty Fund, and Orders that:

1. Pursuant to Business Occupations and Professions Article 17, Section 412(a) any real estate licenses held by the Respondent are suspended and the Respondent is ineligible for any real estate license until the Respondent has repaid any money paid from the Real Estate Guaranty Fund with 12% annual interest pursuant to this Order, under Code of Maryland Regulations 09.11.01.23A.
2. The records and public records of the Maryland Real Estate

Commission will reflect this decision.

3. This decision is a proposed decision only and may be challenged by either the Claimant or the Respondent. If either party disagrees with this Proposed Order they may file written exceptions with the Commission. Any exceptions must be in writing addressed to the Executive Director signed below, Maryland Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202 and must be received within thirty (30) days of receipt of this decision. If neither party files written exceptions, this proposed decision will become final at the end of the thirty (30) day period, and effective thirty (30) days thereafter.

13 JUNE 2018

Date

MARYLAND STATE
REAL ESTATE COMMISSION

SIGNATURE ON FILE

By:

Michael L. Kasnic,
Executive Director

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