

MARYLAND REAL ESTATE
COMMISSION

V.

BARRY LOU HERSHFELD
LANTERN REALTY
6 Huntfield Court
Owings Mills, MD 21117

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2007-RE-444
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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint initiated by the Commission. Based on the complaint, the Commission determined that administrative charges against Barry Lou Hershfeld, the Respondent Real Estate Broker ("Respondent"), license registration number 01-23016, are appropriate and that an administrative hearing on those charges should be held. In an effort to resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement 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. Respondent Barry Lou Hershfeld is currently licensed by the Commission as a Real Estate Broker for Lantern Realty, license registration number 01-23016. Respondent was the Real Estate Broker for Vision Realty Services between January 21, 2005 and September 27, 2007. At all times relevant to the matters set forth in this Consent Order and Settlement Agreement, the Commission has had jurisdiction over the subject matter and the Respondent.

2. In September 2006, Yakenda McGahee acted in the capacity of a licensed real estate salesperson while her license had been terminated and she was not affiliated with Vision Realty Services through the Commission. During this period Ms. McGahee was acting as a buyer's agent on behalf of Vision Realty Services. As broker of record for Vision Realty Services, Respondent knew or should have known of Ms. McGahee's actions.

3. The Respondent admits that his conduct violated § 17-320(a)(2), Business and Occupations Article, Annotated Code of Maryland ("BOP") which provides:

§17-320. Employment of and contractual arrangements with salespersons and associate brokers.

(a) *In general.* – (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.

4. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and 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.

5. The Respondent consents to the entry of an Order that his conduct violated BOP §17-320(a)(2), he agrees to attend a continuing education class on broker supervision within ninety (90) days of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315, and he agrees to pay a civil penalty of \$500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

6. If the Respondent does not complete the required class within the proscribed ninety (90) period, the Respondent's license registration number 01-23016 will be suspended until such time as the class is completed.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 30th
DAY OF August, 2010 BY THE MARYLAND REAL ESTATE
COMMISSION:

ORDERED that the Respondent's conduct violated BOP § 17-320(a)(2); and it is further

ORDERED that the Respondent must attend a continuing education class on broker supervision within ninety (90) days of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$500.00 for the violation, which amount is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

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

8/26/10
Date

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

Respondent ~~Barry Lou Harshfeld~~

MARYLAND REAL ESTATE COMMISSION:

8/30/10
Date

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

By

Executive Director