

Maryland Real Estate Commission

v.

Marilyn Berger

RESPONDENT

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BEFORE THE

MARYLAND REAL

ESTATE COMMISSION

Agency Case No.: 457 RE 2011

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Consent Order

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of an audit of continuing education hours conducted by the Commission in connection with the 2008 renewal application of Marilyn Berger. As a result of the audit, it was determined that the Respondent did not complete the required hours of continuing education instruction for renewal of license. As a means of resolving this matter, the Commission and the Respondent have agreed to enter into this Consent Order, and agree and stipulate to the following:

1. On 11/01/2007 the Respondent submitted an electronic application for the renewal of a Brokers license for the (2006-2008) renewal period.
2. Pursuant to Section 17-315 of the Business Occupations and Professions Article, Maryland Annotated Code, the Respondent was required to complete 9 hours of continuing education instruction during the two year period preceding the renewal date of 11/01/2007
3. The Respondent failed to complete the required number of hours, but certified on the renewal application dated 11/01/2007, that the continuing education requirement had been fulfilled. The failure to obtain the continuing education hours was in

violation of Section 17-315 of the Business Occupations and Professions Article, Maryland Annotated Code.

- 4. The Respondent agrees that the licensee will complete 9.0 hours of continuing education instruction in the categories enumerated by the Commission in the Checklist attached to this Consent Order and incorporated herewith. Those hours must be in the form of credits from an approved Maryland Provider as defined by COMAR 09.11.06.01. The credits may not be used for any other renewal period, and are above and beyond the requirements for any present or future renewals.**
- 5. As a term and condition of this Consent Order, the Respondent agrees to complete the required continuing education hours stated in Paragraph 4, within sixty (60) days of the date of this Consent Order, and to, upon completion of all of the required hours, provide the Commission with the original certificates verifying completion in accordance with COMAR 09.11.06.04.**
- 6. The Respondent further agrees to pay a fine in the amount of Fifteen Hundred Dollars (\$1500) in connection with the violation of Section 17-315, Business Occupations and Professions Article, Maryland Annotated Code. In addition, the Respondent will pay a fee in the amount of \$100 for the administrative costs associated with this matter. The fee and fine are to be paid within 10 days of the date of this Consent Order.**
- 7. The Respondent waives the right to an investigation of the violation, the issuance of charges, and a formal hearing in this matter.**
- 8. The Respondent agrees that all licenses held by the Respondent will automatically be suspended by the Commission, without a hearing, if the Respondent fails to**

comply with the terms of this Consent Order. The Respondent further agrees that the suspension of license will continue until the Respondent evidences compliance.

9. The Respondent and the Commission understand that this Consent Order will serve as the Final Order in this matter and be a part of the Respondent's licensing record maintained by the Commission. The Commission's records and publications will reflect the terms of the Consent Order.

WHEREFORE, based on these stipulations and agreements, it is hereby this

24th day of May, 2011, ORDERED by the Commission:

- I. That the Respondent has been found to have violated Section 17-315 of the Business Occupations and Professions Article, Maryland Annotated Code.
- II. That the Respondent shall complete 9.0 hours of continuing education in the categories enumerated in the Checklist attached to and incorporated with this Consent Order. The hours must be completed within sixty (60) days of the date of this Consent Order.
- III. That upon completion of the hours, but no later than sixty (60) days from the date of this Consent Order, the Respondent shall provide the Commission with all of the original certificates of completion for the continuing education hours required.
- IV. That the Respondent shall pay a fee of \$100 in connection with the administration of this matter, and a fine of \$1500.00 in connection with the violation within 10 days of the date of this Consent Order.
- V. That in the event the terms and conditions of this Consent Order are not met by the Respondent within the time described, the Commission will immediately suspend all real estate licenses held by the Respondent, without a hearing on the suspension.

The suspension will continue until such time as the Respondent evidences compliance with the terms of this Consent Order.

VI. That the records of the Commission shall reflect that this matter was resolved by execution of this Consent Order.

SIGNATURE ON FILE

Marilyn Berger
Respondent

SIGNATURE ON FILE

Katherine F. Connelly
Executive Director
Maryland Real Estate Commission