

MARYLAND REAL ESTATE  
COMMISSION

v.

ROSE OGBONNA,

Respondent

\* BEFORE THE MARYLAND  
\* REAL ESTATE COMMISSION  
\* COMPLAINT NO. 2008-RE-518

\*

\* \* \* \* \*

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") based on a complaint filed by Andre Nicholas against Rose Ogbonna ("Respondent"). Based on that complaint, the Commission determined that administrative charges against the Respondent were appropriate and that a hearing on those charges should be held. This matter was scheduled to be heard before an Administrative Law Judge of the Office of Administrative Hearings on June 18-June 19, 2012, but the Commission and the Respondent reached an agreement to resolve the administrative charges prior to the hearing. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 2008-RE-518.

**IT IS STIPULATED BY THE PARTIES that:**

1. The Respondent was licensed as an associate real estate broker (License No. 03-309381) and was affiliated with Fairfax Realty, Inc. at the time of the events at issue.
2. The Respondent is currently licensed as the real estate broker for Citiwide Realtors, Inc. (License No. 01-309381), and her license expires October 19, 2013.
3. On or about February 22, 2007, Joel and Carol Ejekwu buyers, and Juan Johnson, seller, entered into a Residential Contract of Sale ("contract") for 6602 Louise Street, Lanham, Maryland.
4. The Respondent, who represented the buyers, prepared and presented the contract offer.

5. The Respondent was actually a presumed buyers' agent and had not entered into a brokerage agreement prior to presenting the offer to purchase 6602 Louise Street.

6. Yvonne Skinner, a real estate salesperson (then) affiliated with Re/Max Specialists, was the listing agent representing the seller in this transaction.

7. The contract required the buyers to provide a deposit of \$1,000.00.

8. The contract did not specify who would hold the deposit money in escrow.

9. Around the time she wrote the contract, the Respondent provided Ms. Skinner with a business card which showed the Respondent was "Manager/Broker" with Fairfax Realty, Inc.

10. The Respondent, however, was not a "Manager" at that time.

11. The buyers were unable to secure a loan, and the contract did not go to settlement.

12. The Respondent then arranged for the buyers to meet with her and the seller at the seller's property.

13. This meeting took place, and the parties entered into a land installment contract dated on or about April 1, 2007.

14. The Respondent prepared the land installment contract, as well as the settlement documents executed on or about April 1, 2007, and she conducted the settlement at this meeting without a settlement attorney or title company representative.

15. The Respondent was not licensed to conduct this settlement.

16. The listing agent was not at the settlement.

17. The settlement documents prepared by the Respondent indicated that a commission was to be paid to Fairfax Realty, Inc. but not to Re/Max Specialists.

18. There was no signed document in which Ms. Skinner and Re/Max Specialists had agreed to forgo a commission.

19. The settlement documents prepared by the Respondent did not reflect all payments made by the parties.

20. At or around the time of settlement, checks were exchanged; such payments by checks were not listed on the settlement documents prepared by the Respondent; and the Respondent did not prepare any other documents which expressed the agreement of the parties concerning those payments.

21. One of those checks was written on the Respondent's account and made payable to the seller, and the Respondent represented that the payment was made on behalf of the buyers.

22. The Respondent did not prepare or provide a document expressing the parties' agreement concerning that payment.

23. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.

24. By entering into this Consent Order, the Respondent expressly waives the right to any hearing or further proceeding to which she may be entitled in this matter and any rights to appeal from this Consent Order.

25. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article §17-101 *et seq.*, and regulations of the Commission in future real estate transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS 23<sup>rd</sup> day of July, 2012, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent has violated Maryland Annotated Code, Business Occupations and Professions Article, §§ 17-322(b)(19),(25) [as to improper dealings], (32), and (33), and 17-533(g), as well as Code of Maryland Regulations 09.11.02.01C [as to "The licensee shall endeavor to eliminate in the community any practices which could be damaging to the

public or to the dignity and integrity of the real estate profession”], 09.11.01.01H, and 09.11.02.03A, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$7,500.00 for those violations, which amount is payable to the Commission within 30 days of the date on which this Consent Order is executed by the Commission, and it is further

ORDERED that the Respondent complete 3 three-hour courses, one in real estate supervision, one in real estate ethics, and one in real estate laws (over and above statutory and regulatory requirements concerning continuing education) and provide written verification of successful completion to the Commission within 90 days of the date this Order is signed by the Commission, and it is further

ORDERED that, if payment of the civil penalty is not made within that 30-day period and/or if the Respondent fails to provide written verification of the successful completion of the three courses within the 90-day period, the Respondent’s real estate broker’s license shall be automatically suspended until that payment is made and/or the written verification of successful completion is received, and it is further

ORDERED that the Commission’s records and publications shall reflect the terms of this Consent Order.

**SIGNATURE ON FILE**

ROSE OGBONNA

**SIGNATURE ON FILE**

COMMISSIONER,  
MARYLAND REAL ESTATE COMMISSION

7/23/12  
DATE