

MARYLAND REAL ESTATE
COMMISSION

v.

YING CHEN

* BEFORE THE

* MARYLAND REAL

* ESTATE COMMISSION

* CASE NO. 2019-RE-062

* * * * *
CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by J. Nicholas D'Ambrosia ("Complainant"). Based on the complaint, the Commission determined that administrative charges against Ying Chen, the Respondent Real Estate Salesperson ("Respondent"), license registration number 05-593509, are appropriate and that an administrative hearing on those charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings ("OAH"). The OAH scheduled a hearing for November 5, 2020 in Hunt Valley, Maryland.

Prior to the hearing, the Commission and the Respondent 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 Ying Chen is currently licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-593509. 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. The charges against the Respondent arise out of a rental application for 7617 Maryknoll Avenue, Bethesda, MD 20817 (the "Property"). On June 29, 2018, the Respondent received a partially completed residential lease and rental application for the Property. At the time of the transaction, the Respondent was licensed as a salesperson through Long & Foster Real Estate, Inc.

3. The Respondent subsequently gave the rental applicant unaccompanied access to the Property without a properly completed and ratified lease agreement.

4. On June 29, 2018, the Respondent received from the rental applicant a check in the amount of \$5,500.00 for the deposit and first month's rent but did not submit these funds to her brokerage. The Respondent instead deposited the check in her personal account.

5. Business Occupations and Professions Article ("BOP") §§ 17-322(b)(31), (33) provide:

§ 17-322. Denials, reprimands, suspensions, revocations, and penalties - Grounds.

(b) *Grounds.* 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:

(31) violates any provision of Subtitle 5 of this title that relates to trust money;

(33) violates any regulation adopted under this title or any provision of the code of ethics;

6. The Respondent admits that by depositing in her personal account the money received from the rental applicant, and not submitting it to the broker, she was in violation of BOP § 17-502 which provides:

§ 17-502. Handling of trust money.

(a) An associate real estate broker or a real estate salesperson who obtains trust money while providing real estate brokerage services promptly shall submit the trust money to the real estate broker on whose behalf the associate real estate broker or the real estate salesperson provided the real estate brokerage services.

7. The Respondent admits that providing the rental applicant with unaccompanied access to the Property was a violation of Code of Maryland Regulations ("COMAR") 09.11.02.02 which provides:

COMAR 09.11.02.02 Relations to the Client.

A. In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the licensee from the statutory obligations towards the other parties to the transaction.

8. 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.

9. The Respondent consents to the entry of an Order that her conduct violated BOP § 17-502 and COMAR 09.11.02.02, she consents to the imposition of a Reprimand against her license registration number 05-593509 and she agrees to pay a civil penalty of \$2,500.00 for the first violation and \$750.00 for the second. The total \$3,250.00 civil penalty is to be paid within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

10. If the Respondent does not pay the \$3,250.00 civil penalty within the proscribed thirty (30) days, the Respondent's license registration number 05-593509 will be automatically suspended until the payment is made.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 29th DAY OF October, 2020 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated BOP § 17-502 and COMAR 09.11.02.02; and it is further

ORDERED that the Respondent have a Reprimand placed against her license registration number 05-593509; and it is further

ORDERED that the Respondent be assessed a total civil penalty of \$3,500.00 for the violations, which 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 if payment of the civil penalty is not made within thirty (30) days, the Respondent's license registration number 05-593509 will be automatically suspended until the payment is made; and it is further

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

Date

10/29/2020

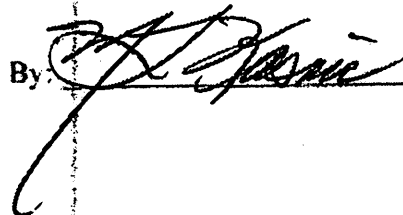
Respondent Ying Chen

MARYLAND REAL ESTATE COMMISSION:

By

Date

29 October 2020



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