

MARYLAND REAL ESTATE
COMMISSION

v.

GERMAN ANGELO OJEDA

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2020-RE-396

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by the Commission. Based on the complaint, the Commission determined that administrative charges against German Angelo Ojeda, the Respondent Real Estate Salesperson ("Respondent"), license registration number 05-676665, were 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 September 27, 2021 in Rockville, Maryland.

The Commission and the Respondent agree 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 German Angelo Ojeda is currently licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-676665. 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. This case arises from photographs taken of advertisements issued by the Respondent and another real estate salesperson, both of whom are licensed through Keller Williams Capital Properties.

3. The advertisements did not include a company name, a company telephone number, or licensee name as required by law.

4. Business Occupations and Professions Article ("BOP") § 17-322(b)(32)-(33) provides:

§ 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:

(32) violates any other provision of this title;

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

5. The Respondent admits that the issuance of the advertisements was a violation of BOP §§ 17-527.2(b)(1)-(2) and 17-545(a) which read as follows:

§ 17-527.2 Use of trade names by real estate brokers and salespersons – Advertisements.

(b) A licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker may not advertise unless:

(1) the name or designated name of the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker, as the name or designated name appears on the license certificate and pocket card issued by the Commission, is meaningfully and conspicuously included in the advertisement; and

(2) the name of the business with which the licensed real estate salesperson, licensed real estate broker, or licensed associate real estate broker is affiliated:

(i) is meaningfully and conspicuously included in the advertisement; and

(ii) is the full name of the business and not a logo used by the business.

§ 17-545 Supervision; adherence to rules, practices, and procedures.

(a) *Supervision.* – The team leader shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by members of the team.

6. The Respondent admits that the issuance of the advertisements was also a violation of Code of Maryland Regulations (“COMAR”) 09.11.02.01(G)(2) which reads as

follows:

COMAR 09.11.02.01 Relations to the Public.

G. Advertisement

(2) Effective October 1, 2004, an associate broker or salesperson may not use an individual telephone number or email address in an advertisement, as defined in Business Occupations and Professions Article, §17-527.2(a)(3), Annotated Code of Maryland, unless the identified telephone number of the broker or branch office manager also appears in the advertisement.

7. 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.

8. The Respondent consents to the entry of an Order that his conduct violated BOP §§ 17-527.2(b)(1)-(2), 17-545(a) and COMAR 09.11.02.01(G)(2), and agrees to pay a civil penalty of \$1,000.00.

9. The Respondent consents to the payment of the \$1,000.00 civil penalty within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

10. If the Respondent does not pay the \$1,000.00 civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 05-676665 will be automatically suspended until the payment is made.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 15th DAY OF October, 2021 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated BOP §§ 17-527.2(b)(1)-(2), 17-545(a) and COMAR 09.11.02.01(G)(2); and it is further

ORDERED that the Respondent be assessed a total civil penalty of \$1,000.00 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 05-676665 will be automatically suspended until the payment is made; and it is further

ORDERED that the Commission's records and publications reflect the violations and civil

penalty imposed on the Respondent.

9-24-2021

Date

SIGNATURE ON FILE

Respondent German Angelo Ojeda

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: [Signature]

10/15/2021

Date