

Check # 1760
\$1,000.00

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

v.

Complaint No. 2020-RE-005

KOY BANKS

Respondent

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed against Koy Banks ("Respondent") for alleged violations of Maryland Real Estate Brokers Act, Md. Code Ann., Bus. Occ. & Prof. Art., Title 17 (the "Act") in Complaint number 2020-RE-005. To resolve this matter without a formal hearing, the Commission and the Respondent (collectively "Parties") have agreed to enter into this Settlement Agreement and Consent Order ("Consent Order") to provide for the imposition of disciplinary measures that are fair and equitable in these circumstances and that are consistent with the best interests of Maryland's citizens.

THE PARTIES AGREE AND STIPULATE THAT:

1. The Respondent has been licensed by the Commission as an associate real estate broker, license registration number 03-603756, from June 30, 2005 to August 27, 2020, and from May 12, 2021 to present. Additionally, the Respondent was licensed by the Commission as a real estate broker, license registration number 01-5902, from February 14, 2012 to August 27, 2020 and May 12, 2021 to February 14, 2022.

2. 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.

3. On or about September 12, 2019, a complaint was filed against Thomas Vendemia, a real estate salesperson whose license is now expired, and the Respondent with the Commission by Brendan Domotor and Elise Kenty.

4. On September 13, 2019, the Commission sent the Respondent a letter notifying him of the complaint and requesting a response within thirty (30) days. The Respondent failed to provide any written response to the Commission, and the Commission sent a second notice of the complaint on October 16, 2019, and ordered the Respondent to respond within ten (10) days. Still having received no response from the Respondent, an investigator for the Commission contacted the Respondent via email on May 18, 2021. The Respondent replied to the investigator's May 18,

2021 email. The Respondent and the investigator arranged a phone interview for May 21, 2021. The Respondent did not attend the interview scheduled for May 21, 2021, and did not respond to any further calls or messages from the investigator. As of the issuance of charges in this case on September 9, 2022, the Respondent had never responded to the complaint.

3. The Act provides at BOP §17-322 that:

§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:

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

4. Pursuant to regulation adopted by the Commission at Code of Maryland Regulations (“COMAR”) 09.11.01.13:

09.11.01.13 Failure to Respond.

A. If an applicant or licensee receives from the Commission a written communication requesting a response, the applicant or licensee shall respond in writing within 30 days of the date of the mailing.

. . . .
D. Failure to respond as required by this regulation may be considered by the Commission to be a violation of Business Occupations and Professions Article, § 17-322(b), Annotated Code of Maryland.

5. The Respondent agrees and admits that he has violated the Act at BOP §17-322(b)(33) and COMAR 09.11.01.13D.

6. As a result of these violations, the Respondent agrees to the payment of a civil penalty as the final disciplinary action in this case.

7. Pursuant to the Act at BOP §13-322(c)(1), the Commission has the authority to impose a civil penalty of up to \$5,000 for each violation of the Act, however, in consideration of the Respondent’s agreement to the terms of this Consent Order, the Commission will assess, and the Respondent agrees to pay, a total penalty in the amount of \$1,000.00. The total \$1,000.00 penalty amount is to be paid within thirty (30) days of the execution of this Consent Order.

8. If the Respondent does not pay the full \$1,000.00 penalty within thirty (30) days of the execution of this Consent Order, the Respondent's license registration number 03-603756, will be automatically suspended until the payment is made.

9. By entering into this Consent Order the Respondent, in relation to these matters, expressly waives the right to have charges reduced to writing, to administrative hearings before the Commission or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to any and all other proceedings before the Commission or its designee on these matters, and to any rights to appeal from this Consent Order to any court of competent jurisdiction.

10. The Parties agree that a waiver of any of the rights or duties provided herein must be in writing. Any such waiver constitutes a one-time waiver on a case-by-case basis and not a waiver of this entire Consent Order or the subject provision(s) unless otherwise explicitly stated in writing.

11. The Parties intend that this Consent Order represents the final expression of the Parties' intent and agreement between the Parties relating to the subject matter of this Consent Order. The Parties further intend that this Consent Order contains all the terms the Parties agreed to on the subject matter of this Consent Order, and intend for this Consent Order to replace all the Parties' previous discussions, understandings, and agreements relating to the subject matter.

12. The Parties agree that this Consent Order shall be construed in accordance with the laws of Maryland.

13. The Respondent agrees that this Consent Order shall constitute a Final Order of the Commission and shall be enforceable as such.

14. The Respondent agrees that he is knowingly, freely, voluntarily, and intelligently entering this Consent Order after having had the opportunity to consult, or after having actually consulted, with a licensed attorney of his choosing and at his expense.

15. The Respondent and the Commission understand that this Consent Order will serve as the Final Order in complaint number 20-RE-005 and will be a part of the Respondent's licensing record maintained by the Commission, and the Commission's records and publications will reflect the Consent Order's terms.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 15 DAY OF September, 2023 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b)(33) and COMAR 09.11.01.13D, and it is further,

ORDERED that based on the violations, the Respondent be assessed a civil penalty of \$1,000.00 for the violation, which amount is payable to the Commission upon the Respondent's 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.

MARYLAND REAL ESTATE COMMISSION:

By:

SIGNATURE ON FILE

MICHAEL KASNIC
EXECUTIVE DIRECTOR

AGREED:

SIGNATURE ON FILE

KCY BANKS, RESPONDENT

DATE

7/5/2023