

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

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MREC CASE NO. 17-RE-280

v.

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OAH CASE NO. LABOR-REC-24-19-  
22453

PAUL SLIWKA  
Central Properties of Metropolitan  
Washington  
1354 V. Street NW  
Washington, DC 20009

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**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Jose and Francisca Larios (“Complainants”). Based on the complaint and an investigation the Commission issued a Statement of Charges and Order for Hearing dated July 1, 2019 against the Respondent Real Estate Broker, Paul Sliwka (“Respondent”), license registration number 5834 and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges and Guaranty Fund claim. To resolve this matter without a formal hearing, the Commission and the Respondent have 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. The Respondent is currently licensed by the Commission as a real estate broker. 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. At all relevant times, the Respondent was licensed by the Commission as a real estate sale broker. (Registration No. 5834).
3. The charges against Respondent arose from a purchase contract dated April 20, 2016 (ratified May 11, 2016), for an unimproved lot known as 10900 Patuxent Avenue (the “Property”), located in Glen Dale, Maryland.
4. At the time of this transaction, Rachel Murga was a licensed salesperson affiliated with Respondent’s brokerage firm.



5. The listing for the Property stated that the Property had access to public utilities, and was accessible from public roads when in fact the Property was land-locked.

6. Complainants purchased the Property with the understanding that it had access to the public road and utilities, when in fact it did not.

7. If the Respondent had adequately supervised the actions of Murga, she would not have been permitted to represent the Complainants in the transaction.

8. Had Murga not represented the Complainants in the transaction, the Complainants would not have been placed in the position of having to rely on her representations as to the boundaries of the property and its access to public utilities.

9. The Respondent admits that he has violated Business and Occupations Article, Annotated Code of Maryland (“BOP”) §§ 17-320(c)(1), 17-322(b)(27), (32), (33), as well as and COMAR 09.11.05.02, as alleged by the Commission in its Statement of Charges and Order for Hearing, which is attached hereto as **Exhibit A** and incorporated by reference fully herein.

10. The Respondent agrees to adhere to and abide by the terms and conditions of the Office of Administrative Hearings Settlement agreement executed October 28, 2019 and attached hereto as **Exhibit B** (the “OAH Agreement”), which is adopted and incorporated as if set forth fully herein.

11. In the event that Respondent fails to adhere and abide by the OAH Agreement, he hereby agrees and consents that his Maryland Real Estate Broker’s license (Registration No. 5834) shall be immediately and automatically suspended until such time as he fully complies with the OAH Agreement. Further, in the event that Respondent fails to comply with the terms of this Consent Order in any manner, the Commission reserves the right to commence further disciplinary proceedings and impose further sanctions.

12. The Respondent agrees to abide by the BOP §17-101 et seq., and the regulations of the Commission in future transactions.

13. The Respondent hereby waives any and all rights of appeal pursuant to this matter or any action of the Commission in accordance with this Consent Order.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS** 9<sup>th</sup>  
**DAY OF** January, 2019 **BY THE MARYLAND REAL ESTATE**  
**COMMISSION:**

**ORDERED** that the Respondent’s has violated Business and Occupations Article, Annotated Code of Maryland (“BOP”) §§ 17-320(c)(1), 17-322(b)(27), (32), (33), as well as and COMAR 09.11.05.02, and it is further,

**ORDERED** that this matter shall be resolved in accordance with the terms of this Consent Order and that the same shall be reflected among the records of the Maryland Real Estate Commission.

**ORDERED**, that this Consent Order shall constitute a Final Order of the Maryland Real Estate Commission.

MARYLAND REAL ESTATE COMMISSION:

**SIGNATURE ON FILE**

By: \_\_\_\_\_  
Maryland Real Estate Commission

DATE 9 January 2020

AGREED:

**SIGNATURE ON FILE**

\_\_\_\_\_  
RESPONDENT

DATE 12/30/2019

THE BOARD OF DIRECTORS OF THE COMPANY HAS REVIEWED THE FINANCIAL STATEMENTS OF THE COMPANY FOR THE YEAR ENDED 31.03.2018 AND IS SATISFIED THAT THE FINANCIAL STATEMENTS GIVE A TRUE AND FAIR VIEW OF THE FINANCIAL POSITION OF THE COMPANY AS AT THE BALANCE SHEET DATE AND OF ITS PERFORMANCE AND CASH FLOWS FOR THE YEAR ENDED 31.03.2018.

SIGNATURE ON FILE

SIGNATURE ON FILE

# **EXHIBIT A**

MARYLAND REAL ESTATE COMMISSION

v.

PAUL SLIWKA

Respondent

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BEFORE THE  
MARYLAND REAL  
ESTATE COMMISSION

COMPLAINT NO.: 2017-RE-280

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STATEMENT OF CHARGES AND ORDER FOR HEARING

On or about November 4, 2016, David Asaki, attorney for Jose and Francisca Larios, ("Complainants"), filed a complaint against Rachael Murga, a Real Estate Salesperson associated with Central Properties of Metropolitan Washington ("CPMW"). The Broker of Record for CPMW was, at all times relevant to this case, Paul Sliwka.

It is alleged that as a result of the investigation regarding licensee Rachael Murga, the Maryland Real Estate Commission ("Commission") found evidence of infractions on the part of the Paul Sliwka ("Respondent"). Based on the complaint and subsequent investigation, the Commission determined that charges against the Respondent are warranted. Accordingly, in this Order, the Commission will set forth the charges against the Respondent.

### **Charges Against the Respondent**

The Maryland Real Estate Commission hereby charges the Respondent, Paul Sliwka, with violating the Real Estate Law, Business Occupations and Professions Article §§ 17-101, *et seq.*, Maryland Annotated Code. The specific violations of the law are set forth below. The Respondent is advised that these charges, if established following a hearing, may result in the suspension or revocation of any Real Estate license the Respondent currently holds. In addition, in appropriate cases, the Commission may impose a monetary fine of up to \$5,000 per violation.

The charges against the Respondent arise out of a purchase contract of sale dated April 20, 2016 (ratified on May 11, 2016) for an unimproved lot known as 10900 Patuxent Avenue, located in Glen Dale, Maryland (the "Property"). It is alleged that, at the time of this transaction, real estate agent Rachael Murga was associated with CPMW of which the Respondent was Broker of Record. It is alleged that Rachel Murga acted as both buyer's agent and listing agent in this transaction.

It is alleged that the listing stated that the Property had access to public utilities, and was accessible from public roads when in fact the Property was land-locked. It is further alleged that the Complainants purchased the Property with the understanding that it had access to the public road and utilities, when in fact it did not.

It is alleged that the Respondent failed to oversee this transaction to insure that this type of mistake be avoided. It is further alleged that had the Respondent adequately supervised the actions of the agent, she would not have been permitted to represent the buyers (Complainants) in this transaction.



Based on the above, it is alleged that the Respondent has violated, and is subject to Business Occupations & Professions Article 17-320(c)(1), 17-322(b)(27), (32), (33), as well as Code of Maryland Regulations ("COMAR") 09.11.05.02 which provides:

**§ 17-320. Employment of and contractual arrangements with salespersons and associate brokers.**

(c) *Supervision by real estate broker.* - (1) A real estate broker shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual, including an independent contractor, on behalf of the broker.

**§ 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:

(27) violates § 17-320(c) of this subtitle by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker;

(32) violates any other provision of this title;

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

(c) *Penalty.* - (1) Instead of or in addition to suspending or revoking a license, the Commission may impose a penalty not exceeding \$5,000.00 for each violation.

## **Chapter 02 Supervision**

**Authority: Business Occupation and Professions  
Article, §17-320, Annotated Code of Maryland**

### **.02 Requirement of Supervision.**

A broker shall exercise reasonable and adequate supervision over the activities of the broker's salespersons. The exercise of reasonable and adequate supervision as defined in this chapter may not be construed or deemed to create an employer/employee relationship between the broker and licensed salespersons under the broker's supervision.

As set forth below, the Respondent will be afforded the opportunity for a hearing to answer these charges.

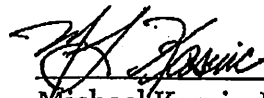
### **Hearing Procedure**

The hearing in this matter includes the charges against the Respondent and will be held before an Administrative Law Judge of the Office of Administrative Hearings. The hearing in this case will be conducted under the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, '17-101 *et seq.*; the Administrative Procedure Act, Maryland Annotated Code, State Government Article '10-201 *et seq.*; regulations of the Office of Administrative Hearings, COMAR 28.02.01 *et seq.*, and Commission and Department regulations, COMAR 09.01.02 and 09.01.03. Specific procedural information is contained in the cover letter accompanying this Statement of Charges and Order for Hearing.

Any questions about the hearing procedures, requests for subpoenas and requests for postponements should be directed to: Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301, (410) 229-4283.

**BY ORDER OF THE MARYLAND REAL ESTATE COMMISSION**

1 July 2019  
Date

  
Michael Kasnic, Executive Director

# **EXHIBIT B**

CT. 12

CASE NAME: MREC v. Rachael Murga and GF claim of Jose and  
Francisca  
CASE NUMBER: 2017-RE-280 Page 1 of 2 Larios

**SETTLEMENT AGREEMENT**

This will confirm the outcome of a settlement conference held in the above-referenced matter on October 28, 2019.

The parties have agreed to the settlement of this case on the terms and conditions listed below which represents the full and final agreement of the parties:

MREC and Rachael Murga hereby agree to  
settlement of all charges brought in the above-  
referenced matter under the following terms:  
Murga shall execute a Consent Order  
agreeing to a \$500 civil penalty to be paid  
within 30 days of today's date, plus a  
reprimand against her MREC salesperson license.  
1) Central Properties, LLC agrees to list the  
sale of the subject lot for a period of 180 days.  
If the subject lot is sold during the listing  
of Rachael Murga

Francisca Larios  
PARTY / REPRESENTATIVE

[Signature]  
PARTY / REPRESENTATIVE

Inasmuch as this matter has been resolved by the parties, the Office of Administrative Hearings considers this matter closed.

[Signature]  
Hypocrites, AAG for MREC GF

Oct 28, 2019  
DATE

Laurel Daniels  
ADMINISTRATIVE LAW JUDGE

[Signature]  
N. Sotolow  
AAG for MREC

ETAL

CASE NAME: MREC V. MURGA AND UF claim of Jose  
FRANCISCA 2/12/05  
CASE NUMBER: 2017-RE-280 Page 2 of 3

**SETTLEMENT AGREEMENT CONTINUATION SHEET**

period, the Claimants shall net \$47,800 from the sale and will bear no cost for Real Estate Commissions that may be earned which will be borne by Central Properties.

2) If the subject lot is not purchased by a third party by May 1, 2020, subject property will be purchased by a limited liability company to be formed by Raula Murga and Paul Sliwka such that Claimants will net \$45,000 from the said purchase.

3) Claimants agree to fully cooperate with Central Properties efforts to sell the subject lot and to obtain an easement for road access during the 180 day sale period.

Francisca Murga  
PARTY / REPRESENTATIVE

*Francisca*

Raula Murga  
PARTY / REPRESENTATIVE

Jose Murga  
Representative, AG for MREC of

Paul Sliwka  
AG for MREC

Page 2 of 3

CASE NAME: MREC v Rachel Morgan, et al; (of claimant) FRANCISCA LATELOS <sup>Jose and</sup>  
CASE NUMBER: 2017 CE 280 Page 3 of 3

**SETTLEMENT AGREEMENT**

This will confirm the outcome of a settlement conference held in the above-referenced matter on \_\_\_\_\_.

The parties have agreed to the settlement of this case on the terms and conditions listed below which represents the full and final agreement of the parties:

- 4) After the transfer of the subject property from the Complainants, the Guaranty fund claim of the Complainants will be dismissed with prejudice.
- 5) MREC and Paul Sliwka hereby agrees to settlement of all charges brought by the above referenced matter under the following terms: Sliwka shall execute a consent order agreeing to a reprimand against his MREC brokers license. ~~THE SAID 180 DAY STATE PERIOD~~ shall terminate ~~on 5/1/2020~~ <sup>May 1, 2020</sup> ~~Paul Sliwka~~

Francisca LATELOS  
PARTY / REPRESENTATIVE J. Morgan

Hope Sachs  
PARTY / REPRESENTATIVE

Inasmuch as this matter has been resolved by the parties, the Office of Administrative Hearings considers this matter closed.

Hope Sachs, AAG for MREC

DATE \_\_\_\_\_

ADMINISTRATIVE LAW JUDGE

Page 3 of 3

OAH FILE

N. Sliwka  
AAG for MREC

OAH-OPER-06 (REV. 10/96)