

|                                 |   |                              |
|---------------------------------|---|------------------------------|
| MARYLAND REAL ESTATE COMMISSION | * | BEFORE THE                   |
|                                 |   |                              |
| v.                              | * | MARYLAND REAL                |
|                                 |   |                              |
| JEROME ROLLINS,                 | * | ESTATE COMMISSION            |
|                                 |   |                              |
| Respondent                      | * | COMPLAINT NO.: 2007-RE-036   |
|                                 |   |                              |
| and                             | * | OAH NO.: DLR-REC-24-08-09685 |
|                                 |   |                              |
| CLAIM OF PHILIP TUOHEY          | * |                              |
| AGAINST THE REAL ESTATE         |   |                              |
| COMMISSION GUARANTY FUND        | * |                              |
| * * * * *                       | * |                              |
|                                 |   |                              |

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Philip Tuohey, on behalf of Gale Houses, Inc., against Jerome Rollins, a real estate salesperson, and a Guaranty Fund claim filed by Mr. Tuohey (“Claimant”). Based on that complaint and an investigation, the Commission determined that charges against Mr. Rollins (“Respondent”) were appropriate and that a hearing on those charges and the Guaranty Fund claim should be held. The matter was scheduled for a hearing at the Office of Administrative Hearings on October 16-17, 2008, but the hearing has been withdrawn by the Commission to allow for this resolution to occur. The Commission, the Claimant, and the Respondent consent to the entry of this Order as the resolution of Complaint No. 07-RE-036 as to the administrative charges against Respondent Jerome Rollins and as to the Guaranty Fund claim filed by Mr. Tuohey.

IT IS STIPULATED BY THE PARTIES that:

1. The Respondent was licensed as a real estate salesperson (License No. 05-586821) at all times relevant to this case.
2. At all times relevant to this case, the Respondent was affiliated with Exit First Realty, and he is still affiliated with Exit First Realty.
3. On or about March 25, 2006, Felicite Stanley, buyer, and Gale Houses, Inc. (by Philip Tuohey), seller, entered into a contract of sale for 235 West South Street, Frederick, Maryland.
4. The Respondent was the buyer's agent in this transaction.
5. The contract required the buyer to provide a deposit of \$5,000.00, to be held in escrow by Exit First Realty.
6. The buyer provided a check dated March 24, 2006, in the amount of \$5,000.00, to the Respondent.
7. The Respondent did not submit that check to his broker (or the broker's administrative staff) until on or about April 18, 2006.
8. The Respondent did not timely inform the seller and/or the listing agent that he waited that time period to submit the deposit check to his broker or the reasons for waiting.
9. The Respondent did not obtain a written agreement from the seller and/or the listing agent concerning the delay in submitting the check to his broker.
10. The check was not deposited into the escrow account of Exit First Realty until on or about April 20, 2006.
11. On or about April 28, 2006, the Respondent became aware that the check was returned for insufficient funds.

12. The Respondent did not timely inform the seller and/or the listing agent that the check had returned.

13. The Respondent did not obtain a written agreement from the seller and/or the listing agent concerning the delay in depositing the check.

14. Under the terms of the contract, settlement was to occur on or before April 27, 2006.

15. At the buyer's request, the settlement date was extended to May 18, 2006.

16. The Respondent did not obtain a written agreement from the seller and/or the listing agent concerning that extension.

17. The Respondent agrees that he and Edward Haraway, broker of record for Exit First Realty, will pay a total of \$4,000.00 to Philip Tuohey, on behalf of Gale Houses, Inc., no later than 15 days from the date this Consent Order is signed by the Commission and a separate Mutual Release is signed by Philip Tuohey.

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

19. By entering this Consent Order, the Respondent expressly waives the right to any hearing or further proceedings to which he may be entitled in this matter and any rights to appeal from the Consent Order.

20. 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 19<sup>th</sup> day of November, 2008, BY THE  
MARYLAND REAL ESTATE COMMISSION,

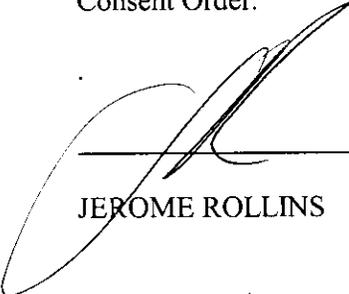
ORDERED that Respondent Jerome Rollins has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-320(b)(22), (25) [as to improper dealings], and (31), and §17-502(a), as well as Code of Maryland Regulations 09.11.02.01H and 09.11.02.02A, and it is further

ORDERED that the Respondent is reprimanded for those violations, and it is further

ORDERED that, if the Respondent fails to comply with Stipulation No. 17 above, the Respondent's license will be automatically suspended until he complies, and it is further

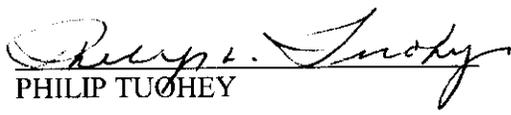
ORDERED that the Commission's records and publications shall reflect the terms of this

Consent Order.

  
\_\_\_\_\_  
JEROME ROLLINS

  
\_\_\_\_\_  
Katherine J. Connelly, Esq.  
COMMISSIONER  
Anne Cooke  
MARYLAND REAL ESTATE COMMISSION

11/15/08  
Date

  
\_\_\_\_\_  
PHILIP TUOHY

11/17/2008  
Date

**Peter Martin**

---

**From:** "Philip Tuohey" <phil2e@comcast.net>  
**To:** "Richard L. Miller" <rmiller@monmilmag.com>  
**Cc:** "Peter Martin" <pemartin@dldr.state.md.us>  
**Sent:** Tuesday, December 09, 2008 12:40 PM  
**Subject:** RE: Settlement Check Haraway/Rollins/MREC/Gale Houses

Checks totaling \$4,000.00 received today at 12:35PM. Thank you both for your assistance in this matter.

Phil Tuohey

**From:** Richard L. Miller [mailto:rmiller@monmilmag.com]  
**Sent:** Monday, December 08, 2008 1:15 PM  
**To:** 'Philip Tuohey'  
**Cc:** 'Peter Martin'  
**Subject:** RE: Settlement Check Haraway/Rollins/MREC/Gale Houses

I will inform my client. Thank you.

Richard L. Miller, Esq  
MONSHOWER, MILLER & MAGROGAN, LLP  
10451 Twin Rivers Road, Suite 230  
Columbia, MD 21044  
(410) 730-4860 (office)  
(410) 730-1093 (fax)

NOTE: This transmission contains information which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual(s) or recipient(s) named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this e-mail is strictly prohibited. If you have received this transmission in error, please notify the sender identified above. Thank you.

**From:** Philip Tuohey [mailto:phil2e@comcast.net]  
**Sent:** Monday, December 08, 2008 12:50 PM  
**To:** 'Richard L. Miller'; 'Peter Martin'  
**Cc:** 'Monmilmag'  
**Subject:** RE: Settlement Check Haraway/Rollins/MREC/Gale Houses  
**Importance:** High

I will be at 905A Blue Leaf Court tomorrow mid-late morning to receive the check. Thank you.

Phil Tuohey

**From:** Richard L. Miller [mailto:rmiller@monmilmag.com]  
**Sent:** Monday, December 08, 2008 12:03 PM  
**To:** 'Peter Martin'  
**Cc:** phil2e@comcast.net; Monmilmag  
**Subject:** RE: Settlement Check Haraway/Rollins/MREC/Gale Houses

Thanks Peter. I am directing the client to re-issue a check today and send by overnight mail. Mr. Tuohey, will someone be at that address to sign tomorrow mid-late morning?

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**From:** Peter Martin [mailto:pemartin@dllr.state.md.us]  
**Sent:** Monday, December 08, 2008 11:46 AM  
**To:** Richard Miller  
**Subject:** Fw: Settlement Check Haraway/Rollins/MREC/Gale Houses  
**Importance:** High

----- Original Message -----

**From:** Philip Tuohey  
**To:** 'monmilmag'  
**Cc:** Peter Martin, Esq.  
**Sent:** Monday, December 08, 2008 11:36 AM  
**Subject:** Settlement Check Haraway/Rollins/MREC/Gale Houses

Attention Richard L. Miller, Esq.

As requested by Attorney Peter Martin, the following is my mailing address:

Philip N. Tuohey  
905A Blue Leaf Court  
Frederick, MD 21701-9163

Phil Tuohey

**Peter Martin**

---

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**Sent:** Tuesday, December 09, 2008 1:00 PM  
**Subject:** RE: Settlement Check Haraway/Rollins/MREC/Gale Houses (4386.000)

You welcome.

Richard L. Miller, Esq  
MONSHOWER, MILLER & MAGROGAN, LLP  
10451 Twin Rivers Road, Suite 230  
Columbia, MD 21044  
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Philip N. Tuohey  
905A Blue Leaf Court  
Frederick, MD 21701-9163

Phil Tuohey

STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL

DOUGLAS F. GANSLER  
ATTORNEY GENERAL

KATHERINE WINFREE  
CHIEF DEPUTY ATTORNEY GENERAL

JOHN B. HOWARD, JR.  
DEPUTY ATTORNEY GENERAL



ELIZABETH H. TRIMBLE  
PRINCIPAL COUNSEL

JONATHAN R. KRASNOFF  
DEPUTY COUNSEL

SUSAN M. CHERRY  
CHIEF OF LITIGATION

DEPARTMENT OF LABOR, LICENSING AND REGULATION  
500 N. Calvert Street - Suite 406  
Baltimore, Maryland 21202-3651  
(410) 230-6108 - FAX: (410) 333-6503

December 9, 2008

**MEMORANDUM**

**TO:** Katherine F. Connelly, Executive Director,  
Maryland Real Estate Commission

**FROM:** Peter Martin  
Assistant Attorney General *P.M.*

**RE:** Complaint No. 07-RE-036  
*MREC v. Edward Haraway and Jerome Rollins*  
Claim of Philip Tuohey

These cases were resolved by Consent Orders, the originals of which are in the attached file. Mr. Haraway and Mr. Rollins each received a reprimand, and they jointly had to pay a total of \$4,000.00 to Mr Tuohey, the claimant. Mr. Tuohey confirmed to me that he has received the \$4,000.00 check, so the terms of the Consent Order have been satisfied.

Thank you.

**ADVICE OF COUNSEL;  
NOT AN OPINION OF THE ATTORNEY GENERAL**

PM.ch/memo/smistson/verner