

BEFORE THE MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF THE CLAIM \*  
OF SEON IM KIM AGAINST THE \*  
MARYLAND REAL ESTATE \*  
COMMISSION GUARANTY FUND \*  
RESP: HYONG JIN-OH \*  
LICENSE NO: 587699 \*

Case No. 2009-RE-062 G.F.

\*\*\*\*\*

PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant has established a valid claim against the Maryland Real Estate Commission Guaranty Fund. It has been established that the Respondent had the Claimant pay \$1,300.00 to him for a home inspection to be performed. There was no evidence that such inspection was performed.

Accordingly, the Respondent misrepresented that the inspection would be performed. The Claimant is, therefore, entitled to reimbursement under The Annotated Code of Maryland, Business Occupations and Professions Article, Title 17, Section 407. It has further been established that, as a result of the actions by the Respondent in accepting funds for a home inspection but no evidence that one was ever performed, the Claimant has sustained an actual loss in the amount of One Thousand Three Hundred Dollars and zero cents (\$1,300.00).

The Commission determined that the remaining claim as filed by the claimant was not compensable under the Guaranty Fund. The remaining funds paid to the Respondent for window repair/siding replacement cannot be considered by the Commission, as these are services that do not constitute actual loss.

Accordingly, the Commission hereby awards the Claimant \$1300.00, from the Maryland Real Estate Commission Guaranty Fund, and Orders that:

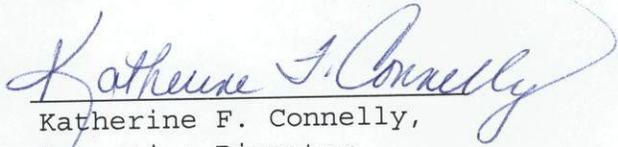
1. Pursuant to Business Occupations and Professions Article 17, Section 412(a) any real estate licenses held by the Respondent are suspended and the Respondent is ineligible for any real estate license until the Respondent has repaid any money paid from the Real Estate Guaranty Fund pursuant to this Order, under Code of Maryland Regulations 09.11.01.23A, with 12% annual interest.
  
2. The records and publications of the Maryland Real Estate Commission reflect this decision.
  
3. This decision is a proposed decision only and may be challenged by either the Claimant or the Respondent. If either party disagrees with this Proposed Order they may request a hearing before the Commission. Any request must be in writing addressed to the Executive Director signed below, Maryland Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202 and must be received within thirty (30) days of receipt of this decision. If neither party files a request for hearing, this proposed decision will become final at the end of the thirty (30) day period.

\_\_\_\_\_  
Date

2/22/10

MARYLAND STATE  
REAL ESTATE COMMISSION

By:

  
Katherine F. Connelly,  
Executive Director