

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2007-RE-066

V.

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AISHA B. STEPNEY
HAVEN REALTY CENTERS
SUITE 101
7185 OLD ALEXANDRIA FERRY ROAD *
CLINTON, MARYLAND 20735
LICENSE NO. 05-612820

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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 Reginald Stokes, vice president and co-owner of Contemporary Staffing, Inc. ("Complainant") against Respondent Aisha B. Stepney, a licensed real estate salesperson currently affiliated with Haven Realty Centers, license registration number 05-612820 ("Respondent").

Based on the complaint, the Commission conducted an investigation and, following the investigation, the Commission issued a Statement of Charges and Order for Hearing dated October 31, 2008 alleging that the Respondent has violated the Maryland Real Estate Brokers Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-322(b) (25) & (33) as well as Code of Maryland Regulations 09.11.02.01C. The matter was transmitted to the Office of Administrative Hearings ("OAH") which scheduled a hearing on the charges for May 22, 2009 at 10:00 a.m. at the OAH in Hunt Valley, Maryland.

Prior to the hearing, the Commission and the Respondent 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 The Commission and the Respondent agree and stipulate that this matter shall be withdrawn from the OAH docket for settlement purposes pursuant to COMAR 09.01.03.07 and as follows:

1. 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. The Respondent was originally licensed as a real estate salesperson, license registration number 05-612820, effective February 23, 2006 with an expiration date of February 23, 2008 and was then affiliated with Coldwell Banker Residential Brokerage. On June 13, 2006 the Respondent transferred her affiliation to ReMax

Specialists. On November 10, 2006 the Respondent transferred her affiliation to Haven Realty Centers. The Respondent renewed her license effective February 28, 2008 and is currently licensed through February 23, 2010.

3. From April 29, 2005 through May 12, 2006 the Respondent was employed through Contemporary Staffing, Inc. and was assigned to work at the National Park Service in a clerical position. Beginning in February 2006 the Respondent was also working as a real estate salesperson.

4. After becoming licensed by the Commission, while still employed by Contemporary Staffing, Inc., the Respondent along with her husband, Stevie Stepney ("Mr. Stepney"), applied for a mortgage loan through Universal Mortgage in connection with their purchase of a residential property known as 5012 Spearfish Place, Waldorf, Maryland.

5. On the mortgage application, the Respondent and/or Mr. Stepney represented that Mr. Stepney was also employed through Contemporary Staffing, Inc. at the National Park Service. However, Stevie Stepney has never been employed through Contemporary Staffing, Inc. at the National Park Service or in any other capacity.

6. For verification of Mr. Stepney's employment, instructions were given on the mortgage loan application to call the Respondent's direct telephone number at the National Park Service and to ask for Melissa Wells. No one named Melissa Wells has ever been employed through Contemporary Staffing, Inc. at the National Park Service or in any other capacity.

7. The Respondent's employment through Contemporary Staffing, Inc. at the National Park Service was terminated effective May 12, 2006. She was replaced by Allecia Harris ("Ms. Harris") who was assigned the direct telephone number previously assigned to the Respondent.

8. From May 17 through July 30, 2006, Ms. Harris received telephone calls from individuals affiliated with American Mortgage, Universal Mortgage, and Countrywide Homes Loans all of whom were attempting to verify the employment of Mr. Stepney. Each of the callers asked to speak to Melissa Wells. Ms. Harris notified the Complainant, who had been the Respondent's supervisor while she was employed through Contemporary Staffing, Inc., about the calls.

9. On or about July 26, 2006, the Complainant filed a complaint with the Commission against the Respondent alleging that the Respondent had conspired with Mr. Stepney to commit mortgage fraud by falsely representing Mr. Stepney to be an employee of the National Park Service through Contemporary Staffing, Inc.

10. The Respondent admits that by her conduct described in this Consent Order she has violated BOP §17-322(b)(25) & (33) as well as COMAR 09.11.02.01C which provide:

§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:

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent or improper dealing.

* * *

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

COMAR 09.11.02.01-C Code of Ethics, Relation to the Public

The licensee shall protect the public against fraud, misrepresentation or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the Commission charged with regulating the practices of brokers, associate brokers and salespersons in this state.

11. The Respondent consents to the entry of an Order that she has violated BOP §17-322(b) (25) & (33) as well as COMAR 09.11.02.01C. As a penalty for the violations the Respondent agrees to the imposition of a **REPRIMAND** against her license registration number 05-61282, to pay a civil penalty of \$1000 to be paid within 30 days of the Respondent's execution of this Consent Order and Settlement Agreement, and to complete a three hour ethics course (in addition to and not in lieu of the regular continuing education required for the renewal of her license) no later than July 31, 2009.

12. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law by an administrative law judge, 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.

13. The Commission agrees that this Consent Order and Settlement Agreement shall be the full and final resolution of this Case No. 07-RE-0066.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS
20th DAY OF *May*, 2009 BY THE MARYLAND REAL
ESTATE COMMISSION:

ORDERED that the Respondent has violated BOP §17-322(b) (25) & (33) as Well as COMAR 09.11.02.01C; and it is further,

ORDERED that based on the violations a **REPRIMAND** is placed against the Respondent's real estate salesperson's license registration number 05-612820; and it is further

ORDERED that the Respondent is a civil penalty of \$1000 for the violation, which amount is payable to the Commission within 30 days of the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that not later than July 31, 2009, the Respondent shall complete a three hour ethics course (in addition to and not in lieu of the continuing education required for renewal of her license); and it is further

ORDERED that the Commission's records and publications reflect the violation and penalties imposed on the Respondent.

MARYLAND REAL ESTATE COMMISSION:

By: *Katherine J. Connelly, Free Du*
for Anne S. Cooke, Commissioner

AGREED:

Date 5/20/09

[Signature]
Aisha B. Stepney, Respondent