

MARYLAND REAL ESTATE COMMISSION *

BEFORE THE

*

MARYLAND REAL

*

ESTATE COMMISSION

*

v.

*

NANCY WERT,

COMPLAINT NO.: 2007-RE-159

*

Respondent

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Yong Yoon against Nancy Wert (“Respondent”). Based on that complaint, the Commission determined that charges against the Respondent were appropriate and that a hearing on those charges should be held. The matter was scheduled for hearing at the Office of Administrative Hearings on September 29, 2010, but the Commission and the Respondent reached an agreement to resolve the matter. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 07-RE-159.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent was licensed as a real estate salesperson (License No. 05-301135) and was affiliated with Re/Max Realty Centre, Inc. at all relevant times.
2. The Respondent’s license expires January 12, 2011.
3. On or about July 4, 2006, Pamela Thomas, buyer, submitted an offer to purchase 430 Firestone Drive, Silver Spring, Maryland.

4. The Respondent was the buyer's agent in this transaction.
5. On July 4, 2006, the date of the contract offer, the buyer gave to the Respondent an initial deposit check in the amount of \$50,000 ("earnest money").
6. The contract of sale required that the earnest money to be deposited in the escrow account of the Respondent's broker upon ratification of the contract of sale.
7. The contract of sale was ratified on July 6, 2006.
8. The agreed upon settlement date set forth in the contract of sale was August 1, 2006.
9. The Respondent waited to submit the earnest money to her broker for deposit pending the removal of several contingencies from the contract.
10. The earnest money was not deposited into the Respondent's broker escrow account until July 20, 2006.
11. On or about July 31, 2006, the Respondent was notified that the earnest money check had been returned by the bank for insufficient funds.
12. The buyer and seller verbally agreed to reschedule the settlement date to August 3, 2006, and the buyer agreed to bring to settlement a replacement earnest money check.
13. The buyer ultimately failed to go to settlement on the transaction.
14. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.
15. By entering this Consent Order, the Respondent expressly waives the right to any hearing or further proceedings to which she may be entitled in this matter and any rights to appeal from this Consent Order.

16. 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 30th day of Sept, 2010, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent has violated Md. Bus. Occ. & Prof. Code Ann., §17-502(a), and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$3,000.00 for that violation, which amount is payable to the Commission within three months of the date this Order is signed by the Commission, and it is further

ORDERED that, if payment of the civil penalty is not made within three-month period, the Respondent's real estate license shall be automatically suspended until that payment is made, and it is further

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

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

NANCY WERT

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

Commissioner
MARYLAND REAL ESTATE COMMISSION

Sept. 16, 2010
Date