

THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE	*	BEFORE YVETTE N. DIAMOND,
COMMISSION	*	ADMINISTRATIVE LAW JUDGE
V.	*	OF THE MARYLAND OFFICE OF
THOMAS F. PIPER	*	ADMINISTRATIVE HEARINGS
RESPONDENT	*	OAH No: DLR-REC-21-08-32507
	*	REC CASE NO: 2005-RE-182
* * * * *	*	* * * * *

PROPOSED ORDER

The Findings of Fact, Conclusions of Law and Recommended Order of the Administrative Law Judge dated June 23, 2009, having been received, read and considered, it is, by the Maryland Real Estate Commission, this 15th day of July , 2009,

ORDERED,

- A. That the Findings of Fact in the Recommended Decision be, and hereby are, AFFIRMED;
- B. That the Conclusions of Law in the Recommended Decision be, and hereby are, APPROVED;
- C. That the Recommended Order in the Recommended Decision be, and hereby is, ADOPTED;

and,

D. That the records, files and documents of the Maryland State Real Estate Commission reflect this decision.

MARYLAND STATE REAL ESTATE COMMISSION

7/16/09
Date

By: Anne S. Cooke
Anne S. Cooke, Commissioner 

**MARYLAND REAL ESTATE
COMMISSION**

v.

THOMAS F. PIPER

*** BEFORE YVETTE N. DIAMOND,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE OF
* ADMINISTRATIVE HEARINGS
* OAH CASE NO.: DLR-REC-21-08-32507
* REC COMPLAINT NO.: 2005-RE-182**

*** * * * ***

PROPOSED DECISION

**STATEMENT OF THE CASE
ISSUES
SUMMARY OF THE EVIDENCE
FINDINGS OF FACT
DISCUSSION
CONCLUSIONS OF LAW
RECOMMENDED ORDER**

STATEMENT OF THE CASE

On November 8, 2004, Eileen F. Piper (“Complainant”) filed a complaint with the Maryland Real Estate Commission (“REC” or “Commission”), an administrative unit of the Department of Labor, Licensing and Regulation (“DLLR”), against Thomas F. Piper (“Respondent”), a real estate salesperson. On July 29, 2008, the REC issued a Statement of Charges and Order for Hearing against the Respondent.

On April 7, 2009, a hearing was held before Yvette N. Diamond, Administrative Law Judge, at the Office of Administrative Hearings (“OAH”), 11101 Gilroy Road, Hunt Valley, Maryland 21031. Md. Code Ann., Bus. Occ. & Prof. § 17-324 (2004). Peter Martin, Assistant Attorney General, represented the REC. The Respondent appeared at the hearing and represented himself.

Procedure in the case is governed by the Administrative Procedure Act, the procedures for DLLR hearings delegated to the OAH, and the Rules of Procedure of the OAH. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2004 & Supp. 2008); COMAR 09.01.03; and COMAR 28.02.01.

ISSUES

1. Did the Respondent engage in the business of real estate without a license, in violation of Section 17-301(a) of the Business Occupations and Professions Article?

2. Did the Respondent fraudulently or deceptively obtain or attempt to obtain a license, in violation of Section 17-322(b)(1) of the Business Occupations and Professions Article?¹

3. Did the Respondent engage in conduct that demonstrates bad faith, incompetency, or untrustworthiness, or that constitutes dishonest, fraudulent, or improper dealings, in violation of Section 17-322(b)(25) of the Business Occupations and Professions Article?

4. Did the Respondent violate any other provision of this Article, in violation of Section 17-322(b)(32) of the Business Occupations and Professions Article?

5. Did the Respondent violate COMAR 09.11.02.01C and F by failing to protect the public against fraud, misrepresentation, or unethical practices, in violation of Section 17-322(b)(33) of the Business Occupations and Professions Article?

6. If the Respondent committed any of the violations set forth above, what sanctions are appropriate under Section 17-322(c) of the Business Occupations and Professions Article?

¹ The current version of Section 17-322 is found in the 2008 supplement to the Business Occupations and Professions Article.

SUMMARY OF THE EVIDENCE

Exhibits

The REC submitted the following exhibits, which were admitted into evidence:

- REC #1 Notice of Hearing, Statement of Charges, and Order for Hearing, dated July 29, 2008; certified mail returned unclaimed, regular mail not returned
- REC #2 Letter from counsel for REC to Respondent by certified mail, dated March 18, 2009; Notice of Hearing, Statement of Charges, and Order for Hearing, dated July 29, 2008
- REC #3 Affidavit of Katherine F. Connelly, Executive Director, REC, dated March 17, 2009; Licensing History of Respondent under #05-96716 showing license expired on May 16, 2009
- REC #4 Report of Investigation by Jack L. Mull, Jr., dated April 15, 2008, with attachments:
- Complaint and Guaranty Fund Claim, received November 8, 2004
 - Request for Investigation, dated January 14, 2008
 - Last Will and Testament of Albert Brady Piper, Sr., dated June 19, 2001
 - Letter from Complainant to Respondent, dated April 10, 2003
 - Petition for Probate, Bond, Notice of Appointment and Notice to Creditors, and Administrative Probate Order Appointing Respondent as Personal Representative of the Estate of Albert A. Piper, Sr., dated April 15, 2003
 - Petition for Removal of Personal Representative, dated May 12, 2003
 - Response to Petition for Removal of Personal Representative, dated May 29, 2003
 - Regional Sales Contract for 3516 Malec Lane, Bowie, Maryland, dated May 31, 2003
 - Settlement Statement, 3516 Malec Lane, Bowie, Maryland, dated June 4, 2003
 - Order of the Orphan's Court for Prince George's County Removing Respondent and Appointing Complainant as Personal Representative, dated July 31, 2003
 - Complaint, *Complainant v. Respondent and James Matalik*, Circuit Court for Prince George's County, No. CAE06-08859, filed April 25, 2006
 - Judgment, *Complainant v. Respondent and James Matalik*, Circuit Court for Prince George's County, No. CAE06-08859, dated July 25, 2007
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- REC #5 REC licensing printouts regarding Respondent, dated March 21, 2009
- REC #6 REC online real estate license renewal procedures, dated March 24, 2009
- REC #7 Supplement to Report of Investigation by Jack L. Mull, Jr., dated March 23, 2009
- REC #8 Letter from REC, dated March 26, 2009; certified copy of Deposition of Respondent, dated April 12, 2007

The Respondent did not submit any documents into evidence.

Testimony

The Commission presented the testimony of the following witnesses: the Complainant²; Kim A. Hills, a broker and owner of a RE/MAX franchise; Klaus Reichelt, Department of Systems, DLLR; and Jack L. Mull, Jr., an investigator for the REC.

The Respondent testified on his own behalf.

FINDINGS OF FACT

Having considered the evidence presented, I find the following facts by a preponderance of the evidence:

1. At all times relevant to this proceeding, the Respondent did not hold a valid real estate license from the Commission. His Maryland real estate license #05-96716 had expired on May 16, 2003. On May 30, 2003, the Respondent's expired license was transferred to Capital Beltway Realty. On March 21, 2005, the Respondent renewed his license, which expired on May 16, 2005. On May 4, 2005, the Respondent's license was terminated. On August 24, 2005, the Respondent's license was reinstated with RE/MAX Country Properties of Mechanicsville. On May 14, 2007, the Respondent renewed his Maryland real estate license via the internet. On

² The Complainant had medical issues that made it difficult for her to appear in person so she was permitted to testify by telephone pursuant to COMAR 28.02.01.17B.

August 29, 2007, his license was transferred to RE/MAX 100. On February 29, 2008, the Respondent's license was terminated.

2. The Complainant is the Respondent's stepmother.

3. On October 4, 1998, the Complainant married Albert Brady Piper, Sr. ("Albert"), the Respondent's father.

4. Albert owned the property known as 3516 Malec Lane in Bowie, Maryland.

5. Albert permitted the Respondent and his family to live at the Malec Lane property. It was an informal oral understanding by which the Respondent was to pay mortgage payments to a lender and the property taxes.

6. On June 19, 2001, Albert executed a Last Will and Testament ("Will") naming the Complainant as his Personal Representative.

7. On March 22, 2003, Albert died.

8. On the way home from the hospital after Albert's death, the Complainant told the Respondent that Albert had executed a Will in 2001 naming her as Personal Representative, and that she may need his assistance taking care of Albert's affairs.

9. Two days after Albert died, the Respondent and one of his brothers came to see the Complainant and asked to make a copy of Albert's Will. The Complainant sent her son, Lawrence Daniel Mathias, to accompany the Respondent and his brother while they made copies of the Will.

10. For nine months, the Respondent lived at the Malec Lane property without paying the mortgage. The Complainant paid \$7,498.25 to bring the mortgage current and avoid foreclosure. She also paid the taxes on the property.

11. On April 10, 2003, the Complainant sent a letter to the Respondent advising him

that she could not find a signed lease authorizing him to live at the Malec Lane property and asked him to furnish her with a copy of any such lease within ten days. The Complainant also gave the Respondent notice to vacate the Malec Lane premises on or before May 10, 2003. She also invited the Respondent to make an offer to purchase the property if he was so inclined.

12. In the interim, the Respondent retained counsel to open an estate for Albert.

13. On April 15, 2003, the Respondent filed a Petition for Administrative Probate with the Register of Wills for Prince George's County representing that Albert died without a will and seeking appointment as personal representative of Albert's estate. He did not file a List of Interested Persons and did not inform the Register of Wills that a spouse survived Albert.

14. On April 15, 2003, the Respondent was appointed personal representative of Albert's estate.

15. In May 2003, counsel for the Complainant attempted to open an estate for Albert, learned that the Respondent had already opened an estate, and that he had himself appointed personal representative by representing that there was no will and that Albert's wife had not stepped forward to administer the estate.

16. On May 12, 2003, the Complainant filed a Petition for Removal of Personal Representative, reciting the Respondent's actions and misrepresentations to the Orphans' Court. She sought to have him removed and herself appointed as personal representative.

17. On May 29, 2003, the Respondent filed a Response to the Petition for Removal of Personal Representative.

18. On May 31, 2003, as personal representative of Albert's estate, the Respondent entered into a contract to sell the Malec Lane property to his brother-in-law, James Matalik, in "AS IS" condition for the sum of \$170,000.00, with the knowledge that he was not authorized to act as personal representative and that there was a pending petition to remove him from that

position. On the contract, the Respondent acted either as listing agent or as a dual agent, and indicated that he was affiliated with Capital Beltway Realty.

19. The Malec Lane property went to settlement on June 4, 2003 pursuant to the above-noted contract for a price well below the value of the property.

20. At settlement, the Respondent received a commission check in the amount of \$16,099.32 on behalf of Capitol Beltway Realty.

21. The Complainant did not know that the Malec Lane property was under contract or that it had been sold until June 16, 2003, when she received a release of lien in the mail.

22. On July 31, 2003, the Respondent was removed as personal representative and the Complainant was appointed to serve in that capacity.

23. On November 8, 2004, the Complainant filed a complaint with the Commission.

24. In the interim, the Respondent went to live in North Carolina and engaged in the real estate business there. On November 1, 2005, he agreed to a suspension of his North Carolina real estate license for one year, which was to be stayed on May 1, 2006 if he completed certain real estate courses. He failed to take two courses on licensing and the North Carolina Commission rules, which resulted in the suspension. He also failed to pay his renewal fees; his license will not be restored in North Carolina until they are paid.

25. On April 25, 2006, the Complainant, in her capacity as Personal Representative of Albert's Estate, filed a Complaint to Set Aside Deed and for Compensatory and Punitive Damages, and for an Accounting in the Circuit Court for Prince George's County against the Respondent and James Matalik, Case No. CAE 06-08859.

26. On May 14, 2007, the Respondent renewed his Maryland real estate license electronically through the internet but did not disclose the North Carolina suspension. Had he responded "yes" to the question inquiring whether his license was suspended or revoked in

another state, the electronic renewal process would have prompted him to contact the Commission directly, thereby preventing completion of the electronic renewal.

27. On July 18, 2007, Kim A. Hills, broker and owner of a RE/MAX franchise, discharged the Respondent from his company because his real estate license had expired and he owed the company money.

28. On July 25, 2007, the Circuit Court for Prince George's County entered judgment in favor of the Complainant as Personal Representative of the Estate of Albert against the Respondent in the sum of \$15,000.00.

29. The Respondent never paid the \$15,000.00 judgment.

DISCUSSION

The Commission charged the Respondent with violating Section 17-301(a), Sections 17-322(b)(1), (25), (32) and (33), and Section 17-322(c) of the Business Occupations and Professions Article, as well as COMAR 09.01.02.01C & F. The relevant portions of the law and regulations are as follows:

§17-301- License required.

(a) In general....

(2) Except as otherwise provided in this title, an individual shall be licensed by the Commission as an associate real estate broker or a real estate salesperson before the individual, while acting on behalf of a real estate broker, may provide real estate brokerage services in the State.

§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 licensee if the applicant or licensee:

....

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

....

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

....

(32) violates any other provision of this title;

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

....

COMAR 09.11.02.01, regarding relations to the public, provides in pertinent part:

....

C. 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 practice of brokers, associate brokers, and salespersons in this State.

F. The licensee may not be a party to the naming of a false consideration in any document.

The Commission contended that the Respondent was unlicensed when he listed the Malec Lane property and entered into a real estate contract to sell the property, and that he acted either as the listing agent or as a dual agent in doing so, having fraudulently gained appointment as personal representative of Albert's estate. According to the Commission, the Respondent unlawfully received a commission of over \$16,000.00 from that transaction. The Commission asserted that the Respondent acted fraudulently and deceptively in obtaining a real estate license when he failed to disclose that his license was suspended in North Carolina. The Commission also argued that the Respondent acted unethically and engaged in bad faith when he lied on the petition for probate and had himself appointed personal representative of Albert's estate, knowing that his father had a will and that the Complainant was designated as personal representative in the Will. The Commission sought revocation of the Respondent's license and a civil penalty of \$10,000.00 for the violations.

The Respondent asserted that he never considered his father's marriage to the Complainant to be legal because she had been married several times, always to older men, with the intention of taking their money. The Respondent averred that he did not see Albert's Will until several weeks after he died, denied obtaining copies of the Will two days after his father's death, and asserted that he had a right to act as his father's closest living son. He argued that he rushed to sell the Malec Lane property because he thought it was in foreclosure and was advised to do whatever he could to prevent foreclosure. The Respondent contended that thought he had a valid real estate license at the time he listed the Malec Lane property and went to settlement, and that failing to renew the license was simply an oversight on his part. According to the Respondent, he did not leave the State of Maryland in order to avoid the court proceeding regarding his removal as personal representative of Albert's estate; he was not able to attend the court proceeding on July 31, 2003 because he had taken a job out-of-state.

The uncontroverted evidence supported all of the charges brought by the Commission. The testimony of the Complainant, Hills (RE/MAX), Reichelt (REC electronic license renewals), and Mull (the REC investigator) clearly established the following: The Respondent was unlicensed when he listed the Malec Lane property and entered into a real estate contract to sell the property. The Respondent acted either as the listing agent or as a dual agent in selling the property. The Respondent made fraudulent representations to have himself appointed as personal representative of Albert's estate. The Respondent unlawfully received a commission of over \$16,000.00 from the Malec Lane transaction. The Respondent acted fraudulently and deceptively in obtaining a Maryland real estate license when he failed to disclose that his license was suspended in North Carolina. The Respondent engaged in bad faith and unethical practices when he lied on the petition for probate and had himself appointed personal representative of Albert's estate, knowing that his father had a will and that the Complainant was designated as

personal representative in the Will.

The Complainant testified at length about the course of events that culminated with her filing a complaint with the Commission. Her testimony was extremely detailed and unwavering. Despite the passage of time, the Complainant's recollection of the events was clear. I found her to be very credible and gave great weight to her testimony.

Mr. Mull conducted a very thorough investigation of the complaint. He reviewed the complaint letter and related documents regarding the transaction, including the following: Complaint and Guaranty Fund Claim; Request for Investigation; Last Will and Testament of Albert ; letter from Complainant to Respondent; Petition for Probate, Bond, Notice of Appointment and Notice to Creditors, and Administrative Probate Order Appointing Respondent as Personal Representative of the Albert's Estate; Petition for Removal of Personal Representative; Response to Petition for Removal of Personal Representative; Regional Sales Contract for 3516 Malec Lane, Bowie, Maryland; Settlement Statement; Order of the Orphan's Court for Prince George's County Removing Respondent and Appointing Complainant as Personal Representative; Complaint, *Complainant v. Respondent and James Matalik*, Circuit Court for Prince George's County, No. CAE06-08859; Judgment; checks #37202 and #37211 payable to Complainant; letter from James Matalik to REC; REC licensing records of Respondent; letter from North Carolina REC to REC with licensing records regarding Respondent; checks #4419 and #4420; and letter from Robert Blumenkrantz to REC.

Mr. Mull interviewed the Complainant, Lawrence Mathias (Complainant's son), the Respondent, Albert Piper, Jr. (eldest son of the decedent, Albert), Frances Johnson (North Carolina Commission), Kim Hills (RE/MAX), and Jean Hasson (broker of Capital Beltway Realty). He was unable to reach John Porter, former broker of Capital Beltway Realty. Mr. Mull was also unable to interview James Matalik but obtained a letter from him. He compiled a

very comprehensive report setting forth detailed accounts of each of the interviews, and attaching all relevant documents.

Mr. Mull testified in great detail about his initial investigation and his follow-up investigation. Mr. Mathias confirmed that a few days after Albert died, he accompanied the Respondent and his brother to the Respondent's office, where they made copies of Albert's Will. When questioned by Mr. Mull, the Respondent flatly denied that he had asked the Complainant for the Will and that she had allowed him to take it and make copies. He admitted receiving a commission for the sale of the Malec Lane property. The Respondent also admitted to Mr. Mull that he knew his license had expired when he transferred it to Capital Beltway Realty on May 30, 2003 and insisted that the broker renewed it for him electronically.

When questioned about his electronic license renewal on May 14, 2007, the Respondent told Mr. Mull, "I would assume I did it." When informed that a "yes" answer to whether his license was suspended in another state would have prevented him from completing the renewal online, the Respondent told Mr. Mull, "Well, then the 2007 renewal wasn't done by me" but could not provide the name of anyone who would have done the renewal for him. When Mr. Mull asked Mr. Hills of RE/MAX about the renewal process, Mr. Hills emphatically told him that the realtors are independent contractors, that they are responsible for their own renewals, and that he would not allow anyone on his staff to take care of renewing licenses for the realtors. He was also unaware of the Respondent's license suspension in North Carolina.

At the hearing, Mr. Hills' testimony was consistent with what he told Mr. Mull. Mr. Reichelt testified in detail about the Commission's electronic licensing system and how the software program operates. He explained that the online renewal screens are on the DLLR website under occupational license renewals. Mr. Reichelt stated that if someone answers "no" to the question inquiring as to whether he had a real license that was suspended in another state,

that individual can complete the online renewal process. If the individual answers “yes” to that question, he will receive an error message and the process stops with an instruction to telephone the Commission. Mr. Reichelt also stated that since 1997, realtors could renew their licenses electronically but that it is also possible to do so in writing.

The Respondent’s testimony was fairly consistent with what he told Mr. Mull during the investigation. I found him to be evasive. His explanations and allegations against the Complainant were undocumented and unfounded. I did not find the Respondent to be at all credible and gave no weight to his testimony.

I find that the REC has demonstrated, by a preponderance of the evidence, that the Respondent violated the provisions of Sections 17-301(a) and Sections 17-322(b)(1), (25), (32) and (33) of the Business Occupations and Professions Article, and COMAR 09.01.02.01C & F. Credible evidence established that the Respondent was not licensed when he listed the Malec Lane property, negotiated the contract, and went to settlement on the transaction, demonstrating a violation of Section 17-301(a)(1) of the Business Occupations and Professions Article. He also fraudulently obtained a license from the Commission, knowing that his license was suspended in North Carolina, in violation of Section 17-322(b)(1) of the Business Occupations and Professions Article. It is reasonable to infer that the Respondent lied about the suspension and answered “no” to the questions about suspensions in other states, or the software program would not have allowed him to continue with the renewal. The Respondent also engaged in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings, when he had actual knowledge of his father’s will and the Complainant’s designation as personal representative, but represented in the petition for probate that there was no will, thereby sustaining a violation of Section 17-322(b)(25). He violated Section 17-322(b)(32) of the Business Occupations and Professions Article by taking a

commission and receiving consideration under Section 17-101. The Respondent also violated Section 17-322(b)(33) of the Business Occupations and Professions Article and COMAR 09.11.02.01C & F by lying to have himself appointed personal representative of his father's estate, and by being party to the naming of a false consideration in the real estate contract, thereby failing to protect the public against fraud, misrepresentation, or unethical practices. As a result, he is subject to sanction under Section 17-322(c).

Md. Code Ann., Bus. Occ. & Prof. § 17-322(c)(Supp. 2008) provides for the imposition of monetary penalties and states, in pertinent part, as follows:

(c) *Penalty.* – (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5,000 for each violation.

(2) To determine the amount of the penalty imposed, the Commission shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the licensee; and
- (iv) any history of previous violations by the licensee. ...

The Respondent's history with the Commission is poor. He has a twenty-year record of expired, reinstated, and terminated licenses, and transfers of his license to twenty-three different brokers. His actions in this case were serious and caused significant harm. Indeed, the Respondent's dishonest and fraudulent conduct is indicative of a total absence of good faith in his dealings with the public. The Respondent's actions caused harm to the Complainant, to the public, and to the dignity of the real estate profession.

In urging the imposition of a monetary penalty, the Commission noted that, in addition to the violations, the seriousness, and the harm caused by the violations, the Respondent has not acted in good faith throughout this case. I am inclined to agree. The Respondent's statements during the investigation, his oral responses during the interview, and his testimony at the hearing

were disingenuous and contradicted by the weight of the evidence. The fact that some of the Respondent's fraudulent and deceptive actions occurred outside the business of real estate does exempt him from responsibility or prevent the Commission from considering them in this proceeding. The Commission has jurisdiction over the activities of a real estate salesperson even if those activities are not strictly within the conduct of real estate. *Nelson v. Real Estate Comm'n*, 35 Md. App. 334, 339 (1977). Due to the seriousness of the violation, the cavalier attitude of the Respondent, and the harm suffered in this case, revocation of the Respondent's real estate license and civil penalties are in order. Given the amount of the commission received by the Respondent from selling the Malec Lane property, a penalty of \$10,000.00 is also in order. Consequently, I find that the Commission's recommended sanctions of revocation and a \$10,000.00 civil penalty are appropriate.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the Real Estate Commission demonstrated by a preponderance of the evidence that:

- A. The Respondent engaged in the business of real estate without a license. Md. Code Ann., Bus. Occ. & Prof. §17-301(a).
- B. The Respondent fraudulently or deceptively obtained or attempted to obtain a license. Md. Code Ann., Bus. Occ. & Prof. §17-322(b)(1).
- C. The Respondent engaged in conduct that demonstrates bad faith, incompetency, or untrustworthiness, or that constitutes dishonest, fraudulent, or improper dealings. Md. Code Ann., Bus. Occ. & Prof. §17-322(b)(25).
- D. The Respondent violated other provisions of this Article. Md. Code Ann., Bus. Occ. & Prof. §17-322(b)(32).

E. The Respondent failed to protect the public against fraud, misrepresentation, or unethical practices. Md. Code Ann., Bus. Occ. & Prof. §17-322(b)(33); COMAR 09.11.02.01C & F.

I further conclude that the Respondent is subject to sanction for his conduct, and that revocation of his license and a \$10,000.00 civil penalty are appropriate sanctions. Md. Code Ann., Bus. Occ. & Prof. §17-322(c).

RECOMMENDED ORDER

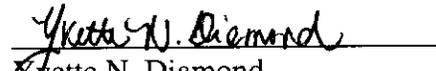
I THEREFORE RECOMMEND that the Maryland Real Estate Commission:

ORDER, that the Respondent's real estate license be revoked;³ and further

ORDER, that the Respondent pay a civil penalty of \$10,000.00; and further

ORDER, that the records and publications of the Commission reflect its final decision.

June 23, 2009
Date Decision Mailed



Yvette N. Diamond
Administrative Law Judge

YND/cmh
#106318

³ Although the Respondent is not currently licensed, a revocation is appropriate should he elect to reapply for a license in Maryland or apply for a real estate license in any other jurisdiction.

MARYLAND REAL ESTATE
COMMISSION

v.

THOMAS F. PIPER

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