

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 06-RE-208

*

v.

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PAMELA OWENS,
Respondent

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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 Angela Thompson-Smith ("Complainant") against the Respondent real estate salesperson, Pamela Owens, license registration number 05-589099 ("Respondent"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent are appropriate and that an administrative hearing on the charges should be held before an administrative law judge of the Office of Administrative Hearings ("OAH"). This matter was transmitted to the OAH and a hearing was scheduled for July 18, 2008 at the OAH in Hunt Valley, Maryland.

Prior to the hearing, the Commission and the Respondent agreed to enter into this Consent Order which provides 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 as follows:

1. The Respondent is currently licensed by the Commission as a real estate salesperson affiliated with Visions Realty International LLC, license registration number 05-589099. 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 the owner of a property known as 3208 Clavier Place in Clinton, Maryland ("the property") which she listed for sale.
3. The property was subject to yearly front foot fees/deferred water and sewer charges.
4. On or about April 7, 2005, the Respondent accepted the Complainant's contract offer to purchase the property.
5. On or about April 29, 2005, the Complainant settled on the property.

6. In September 2005, the Complainant received a letter from MCE Front Foot Benefit Company advising her about the fees and charges. Prior to receiving the letter, the Complainant was unaware that the property was subject to the fees and charges.

7. The Respondent failed to disclose in writing to the Complainant or her buyer's agent that the property was subject to the yearly front foot fees/deferred water and sewer charges at any time prior to or after settlement.

8. In an Amended Statement of Charges and Order for Hearing dated July 1, 2008, the Commission alleged that based on the conduct described therein, the Respondent violated, and is subject to, Maryland Annotated Code, Business Occupations and Professions Article ("BOP") §§17-322(b)(4), (25), (32) and (33), 17-322(c) and §17-532(c) (1)(iv) as well as Code of Maryland Regulations ("COMAR") 09.11.02.01-C and H and 09.11.02.02A.

9. The Respondent admits, that by failing to disclose in writing to the Complainant or her buyer's agent that the property is subject to the yearly front foot fees/deferred water and sewer charges, she has violated BOP §17-322(b)(33) and COMAR 09.11.02.01H, 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:

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

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(c) *Penalty*--(1) Instead of or in addition to suspending or revoking a license, the commission may impose a penalty not exceeding \$5000.00 for each violation.

**CODE OF MARYLAND REGULATIONS
Title 09 Department of Labor Licensing and Regulation
Subtitle 11 Real Estate Commission
Chapter 02 Code of Ethics
.01 *Relations to the Public***

H. For the protection of all parties with whom the licensee deals, the licensee shall see to it that financial obligations and commitments regarding real estate transactions are in writing, expressing the exact agreement of the parties, and that copies of these agreements are placed in

the hands of all parties involved within a reasonable time after the agreements are executed.

10. The Respondent consents to the entry of an Order that she has violated BOP §17-322(b)(33) and COMAR 09.11.02.01H.

11. In connection with the violation, the Respondent agrees to pay a civil penalty of **\$2500.00**. The civil penalty is to be paid no later than September 30, 2008. Should the Respondent fail to pay the civil penalty by September 30, 2008, the Respondent agrees that her real estate salesperson's license number 05-589099 shall be automatically suspended and shall continue to be suspended until such time as the civil penalty is paid in full.

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 of the Office of Administrative Hearings, any and all further proceedings before the Commission to which the Respondent may be entitled in this matter and any rights of appeal from the Commission's Order.

13. The Commission agrees to accept the Respondent's admission of violation of BOP §17-322(b)(33) and COMAR 09.11.02.01H, payment of the \$2500.00 civil penalty and execution of this Consent Order as the full and final resolution of Complaint 06-RE-208.

14. The Commission further agrees to dismiss the charges that the Respondent has violated BOP §§17-322(b) (4), (25) and (32), 17-322(c) and §17-532(c) (1)(iv) as well as COMAR 09.11.02.01-C and 09.11.02.02A.

August **BASED ON THESE STIPULATIONS, IT IS THIS** *8th* **DAY OF**
COMMISSION:

ORDERED that by failing to disclose in writing to the Complainant or her buyer's agent that the property she owned and was selling was subject to yearly front foot fees/deferred water and sewer charges, the Respondent has violated BOP §17-322(b)(33) and COMAR 09.11.02.01H; and it is further

ORDERED that the Respondent is assessed a civil penalty of \$2500.00 for the violation, which amount is payable to the Commission no later than September 30, 2008; and it is further

ORDERED that should the Respondent fail to pay the civil penalty by September 30, 2008, the Respondent's real estate salesperson's license number 05-589099 shall be automatically suspended and shall continue to be suspended until such time as the civil penalty is paid in full; and it is further

ORDERED that the allegations in the Amended Statement of Charges and Order for Hearing dated July 1, 2008 that the Respondent violated BOP §§17-322(b)(4), (25), (32) and (33), 17-322(c) and §17-532(c) (1)(iv) as well as COMAR 09.11.02.01C and 09.11.02.02A are **DISMISSED**; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: *Katherine J. Connelly*
Executive Director

AGREED:

7/15/08
Date

Pamela Owens
Pamela Owens, Respondent