

MARYLAND REAL ESTATE
COMMISSION

V.

KEELY JOHNSON

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2010-RE-236

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Den-Ray Allen (“Complainant”). Based on the complaint, the Commission determined that administrative charges against Keely Johnson, the Respondent Real Estate Salesperson (“Respondent”), license registration number 05-529081, are appropriate and that an administrative hearing on those charges should be held. A hearing on the charges was scheduled at the Office of Administrative Hearings for January 5, 2011 at 10:00 a.m. in Hunt Valley, Maryland.

Prior to the commencement of 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 as follows:

1. Respondent Keely Johnson is currently licensed by the Commission as a Real Estate Salesperson with Fairfax Realty, Inc., license registration number 05-529081. 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. On or about November 20, 2009, Complainant Den-Ray Allen filed a complaint against the Respondent for a transaction involving the sale of property owned by Complainant known as 2904 Oxon Park Street, Temple Hills, MD. Respondent was the listing agent as party to an Exclusive Right to Sell Residential Brokerage Agreement (“listing agreement”), dated on or about August 31, 2009, between Respondent and Complainant. The property was listed for sale at \$180,000 pursuant to the listing agreement. On one occasion Respondent lowered the price of the property with verbal approval of Complainant. Respondent then lowered the listing price of the property without verbal or written approval of Complainant.

3. The Respondent admits that her conduct violated Business and Occupations Article, Annotated Code of Maryland (“BOP”) §§ 17-322(b)(25) and (33), as well as Code of Maryland Regulations (“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: . . .

* * *

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

* * *

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

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.

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

5. The Respondent consents to the entry of an Order that her conduct violated Business and Occupations Article, Annotated Code of Maryland (“BOP”) §§ 17-322(b)(25) and (33), as well as Code of Maryland Regulations (“COMAR”) 09.11.02.01H, she agrees to attend a

three hour continuing education class on real estate contracts and a three hour continuing education class on real estate law, both within six months of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315, and she agrees to pay a civil penalty of \$500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 31st DAY OF January, 2011 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §§ 17-322(b)(25) and (33), as well as Code of Maryland Regulations ("COMAR") 09.11.02.01H; and it is further

ORDERED that the Respondent must attend a three hour continuing education class on real estate contracts and a three hour continuing education class on real estate law, both within six months of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$500.00 for the violation, which amount is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

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

1/14/11
Date

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

Respondent: Nancy Johnson

MARYLAND REAL ESTATE COMMISSION:

1/31/2011
Date

By:

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

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