

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2006-RE-281

V.

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VICKIE J. JOHNSON
BALDUS REAL ESTATE, INC.
P.O. BOX 1068
101 E. CHARLES ST.
LAPLATA, MARYLAND 20646
LIC. REG. # 05-597998

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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 Donald T. Penatzer ("Complainant") against Vickie J. Johnson, the Respondent real estate salesperson affiliated with Baldus Real Estate Inc., license registration number 05-597998 ("Respondent"). Based on the complaint, the Commission conducted an investigation. Following the investigation the Commission issued a Statement of Charges and Order for Hearing dated September 17, 2008. This matter was transmitted to the Office of Administrative Hearings ("OAH") for a hearing on the regulatory charges against the Respondent. The OAH scheduled a hearing for April 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 as follows:

1. Pursuant to Code of Maryland Regulations (COMAR) 09.01.03.07, this matter shall be withdrawn from the OAH docket for settlement purposes.
2. 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.
3. The Complainant was the owner of a property known as 4559 Tate Street, White Plains, Maryland which he listed for sale in 2006.

4. On or about November 9, 2005 the Complainant accepted a contract offer to purchase his property from Rodney and Catherine Jones ("the buyers"). The Respondent was the buyers' agent in the transaction.

5. In accordance with the contract of sale, in November 2005, the buyers provided to the Respondent an earnest money deposit check in the amount of \$1000.

6. The Respondent admits that she obtained the trust money from the buyers while providing real estate brokerage services but that she failed to promptly submit the earnest money deposit to the real estate broker on whose behalf she provided the real estate brokerage services. On or about January 3, 2006, the earnest money was on deposit with the broker.

7. The Respondent admits that by failing to promptly submit the earnest money deposit to the real estate broker on whose behalf she provided the real estate brokerage services she has violated Md. Code Ann., Business and Occupations Article, ("BOP") §17-322(b)(22), (31) and (33), §17-502(a) as well as COMAR 09.11.02.02A 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:

(22) fails to account for or to remit promptly any money that comes into the possession of the licensee but belongs to another person

* * *

(31) violates any provision of Subtitle 5 of this title that relates to trust money

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

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§17-502. Handling of trust money.

(a) Submission to brokers by associate brokers and salespersons. An associate real estate broker or a real estate salesperson who obtains trust money while providing real estate brokerage services promptly shall submit the trust money to the real estate broker on whose behalf the associate real estate broker or real estate salesperson provided the real estate brokerage services

**CODE OF MARYLAND REGULATIONS
TITLE 09 DEPARTMENT OF LABOR, LICENSING & REGULATION
SUBTITLE 11 REAL ESTATE COMMISSION**

Chapter 02 Code of Ethics

.02 *Relations to the Client*

A. In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary but it does not relieve the licensee from the statutory obligations towards the other parties to the transaction.

8. The Respondent consents to the entry of an Order that her conduct violated BOP §17-322(b) (22), (31) and (33), §17-502(a) as well as COMAR 09.11.02.02A, to the imposition of a **REPRIMAND** against her license registration number 05-597998 and to pay a civil penalty of \$500.00 in connection with the violations within 30 days of the entry of this Consent Order and Settlement Agreement by the Commission.

9. The Respondent further agrees that within 90 days of the entry of this Consent Order and Settlement Agreement by the Commission, she shall complete a 3 clock hour contracts law continuing education course (this course shall be in addition to the continuing education requirements set forth in Md. Code Ann., Business Occupations and Professions Art., §17-315 and COMAR 09.11.06), and she shall submit to the Commission a copy of the certificate of completion for the additional 3 clock hour contracts law course.

10. 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 OAH, 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.

11. The Commission agrees that this Consent Order and Settlement Agreement shall be the full and final resolution of Case No 2006-RE-281.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS
24th DAY OF April, 2009 BY THE MARYLAND REAL
ESTATE COMMISSION:

ORDERED that the Respondent has violated Md. Code Ann., Business Occupations and Professions Article, §17-322(b) (22), (31) and (33), §17-502(a) as well as Code of Maryland Regulations 09.11.02.02A and it is further,

ORDERED that a **REPRIMAND** is imposed against the Respondent's real estate salespersons license registration number 05-597998; and it is further

ORDERED that the Respondent is assessed a civil penalty of \$500.00 for the violations, which amount is payable to the Commission within 30 days of the date of this Consent Order and Settlement Agreement, and it is further

Apr. 16. 2009 1:56PM

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ORDERED that the Respondent shall, within 90 days of the entry of this Consent Order and Settlement Agreement by the Commission, complete a 3 clock hour contracts law continuing education course (this course shall be in addition to the continuing education requirements set forth in Md. Code Ann., Business Occupations and Professions Art., §17-315 and COMAR 09.11.06) and she shall submit to the Commission a copy of the certificate of completion for the additional 3 clock hour contracts law course; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: *Kathleen J. Connelly*

AGREED:

4-16-09
Date

Vickie J. Johnson
Vickie J. Johnson, Respondent