

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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CASE NO. 05-RE-361

V.

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NOEL T. WOOD

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And

**IN THE MATTER OF THE CLAIM OF
TERRI CHRISMAN HOLDER AGAINST
THE MARYLAND REAL ESTATE
COMMISSION GUARANTY FUND**

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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 and Guaranty Fund claim filed by Terri Chrisman Holder ("Claimant") against Respondent Noel T. Wood, a real estate salesperson, license registration number 05-99342 ("Respondent"), affiliated with Coldwell Banker Residential Brokerage. Following an investigation of the complaint and Guaranty Fund claim, the Commission issued a Statement of Charges and Order for Hearing dated December 14, 2007. Thereafter, this matter was transmitted to the Office of Administrative Hearings for a hearing on the regulatory charge and the Guaranty Fund claim before an Administrative Law Judge.

At the hearing, the Commission was represented by Jessica B. Kaufman, Assistant Attorney General; the Claimant represented herself; the Respondent was represented by Jason St. John, Esquire and Indira Sharma, Esquire, of Saul Ewing; and the Commission's Guaranty Fund was represented by Eric B. London, Assistant Attorney General.

The hearing was initially scheduled for two days, July 14 and 17, 2008. By agreement of the parties, two additional days were scheduled, September 2 and 22, 2008. After the first two days of the hearing but prior to the record being closed in this matter, the parties agreed to enter into this Consent Order and Settlement Agreement to resolve the administrative charges and the Guaranty Fund claim. The parties agree and stipulate as follows:

1. The Respondent is currently licensed by the Commission as a real estate salesperson affiliated with Coldwell Banker Residential Brokerage, license registration number 05-99342. 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 April 21, 2005, the Claimant filed a complaint and Guaranty Fund claim against the Respondent.

3. Following an investigation of the complaint and Guaranty Fund claim, the Commission issued a Statement of Charges and Order for Hearing dated December 14, 2007 ("Charge Letter"). In the Charge Letter the Commission alleged that the Respondent, by his conduct described therein, had violated Md. Code Ann., Business Occupations and Professions Article, §17-322(b)(4). The Commission also determined that the Claimant is entitled to a hearing on her Guaranty Fund claim.

4. To resolve the complaint and the Guaranty Fund claim, the Respondent agrees to pay to the Claimant, and the Claimant agrees to accept, the sum of \$25,000.00 to be paid no later than ten (10) business days from the execution of this Consent Order and Settlement Agreement by the Maryland Real Estate Commission. The check, which shall be made payable to the Claimant, shall be forwarded by the Respondent or his counsel to Jessica B. Kaufman, Assistant Attorney General, Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Suite 406, Baltimore, Maryland 21202. Upon receipt of the check from the Respondent, the Commission's counsel shall forward the check to the Claimant.

5. The parties agree that upon Claimant's receipt and successful negotiation of the \$25,000.00 check, the Claimant's claim against the Guaranty Fund shall be dismissed with prejudice and Claimant waives any claims and causes of action that have been presented in this claim against Respondent concerning or relating to her purchase of the property known as 44476 Whitestone Place, Tall Timbers, Maryland; the Respondent waives any claims and causes of action against the Claimant that have been presented in this claim concerning or relating to the purchase of the property known as 44476 Whitestone Place, Tall Timbers, Maryland; the Commission shall dismiss the charge alleged in the Charge Letter; and the case shall be withdrawn from the Office of Administrative Hearings docket pursuant to Code of Maryland Regulations 09.01.03.07.

6. The parties further agree that if the Respondent fails to make payment pursuant to paragraph 4 of this Consent Order and Settlement Agreement, the hearing in this matter shall continue on September 2 and 22, 2008 as scheduled.

7. The Respondent enters this Consent Order freely, voluntarily, and knowingly and with the advice of counsel. The Claimant enters this Consent Order freely, voluntarily and knowingly. The Claimant acknowledges that she had the right to consult with counsel of her choosing prior to her execution of this Consent Order.

8. The parties agree that the payment set forth in paragraph 4 above is not to be construed as any admission of liability/responsibility on the part of the Respondent.

9. The Respondent agrees to hold harmless the Claimant for any disclosures made related to closed settlement agreements during these proceedings.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 18th DAY OF August, 2008 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that this matter shall be resolved in accordance with the terms of this Consent Order and Settlement Agreement, and that the same shall be reflected among the records of the Commission.

MARYLAND REAL ESTATE COMMISSION:

By: Katherine J. Connelly, Exec Sec

Agreed:

15 AUGUST 2008

Date

8/13/08

Noel T. Wood

Noel T. Wood, Respondent

Terri Chrisman Holder

Terri Chrisman Holder, Claimant