

MARYLAND REAL ESTATE COMMISSION \*

BEFORE THE

\* MARYLAND REAL

v.

\* ESTATE COMMISSION

THEODORE TEPPER,

\* COMPLAINT NO.: 2006-RE-367

Respondent

\*

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\* \* \* \* \*

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Linda Bogard against Theodore Tepper (“Respondent”). Based on that complaint, the Commission determined that charges against the Respondent were appropriate and that a hearing on those charges should be held. This matter was scheduled for a hearing at the Office of Administrative Hearings on August 28, 2009, but the hearing was withdrawn by the Commission to allow for this resolution to occur. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 06-RE-367 (as to the administrative charges against Respondent Tepper).

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent was licensed as a real estate salesperson (License No. 05-514597) at the time of the events at issue and was affiliated with Re/Max Realty Services.
2. The Respondent’s license expired on January 21, 2009 and has not been renewed.

3. This complaint arose out of a sales contract between Linda Bogard, buyer, and William Kurstin, personal representative of the estate of David L. Kurstin and seller, for 13462 Villadest Drive, Highland, Maryland.

4. In November, 2005, Ms. Bogard viewed the property with the Respondent, then affiliated with Re/Max Realty Services and acting as the listing agent.

5. Ms. Bogard did not make an offer and returned to her residence in Florida.

6. On or about November 15, 2005, the Respondent faxed a copy of a contract to Ms. Bogard in Florida.

7. Certain sections of the contract were left blank.

8. The Respondent also faxed an agency disclosure form and a Consent for Dual Agency form.

9. In the agency disclosure form, the Respondent indicated that he was acting as a dual agent, and, in the Consent for Dual Agency form, that Re/Max Realty Services was acting as dual agent representing the seller and the buyer.

10. It was improper for the Respondent to indicate that he was acting as dual agent.

11. On or about November 16, 2005, Ms. Bogard returned the contract to the Respondent and included a sales price of \$475,000.00.

12. On or about November 25, 2005, Ms. Bogard returned to Maryland for the home inspection.

13. Ms. Bogard requested a "clean" copy of the contract, which the Respondent provided.

14. The contract price had been countered to \$480,000.00.

15. On an attached Addendum, the name of Ted Spenadel of Help-U-Sell had been added as buyer's agent.

16. Ms. Bogard was unaware of Mr. Spenadel; she believed the Respondent had inadvertently included pages from another contract; and she placed lines through the sections mentioning Mr. Spenadel and Help-U-Sell.

17. The Respondent did not provide any type of agency disclosure form concerning Mr. Spenadel to Ms. Bogard.

18. Ms. Bogard had no contact with Mr. Spenadel during the course of this transaction, including through settlement.

19. She was not made aware that an administrative fee of \$245.00 would be charged to her at settlement.

20. Numerous repairs were to be performed at the property, and the Respondent was involved in arranging some of those repairs.

21. Some of those repairs were to be covered by the contract and related documents, but all repairs were not clearly defined by the Respondent in the contract and related documents.

22. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and having had the opportunity to seek the advice of counsel.

23. By entering into this Consent Order, the Respondent expressly waives the right to any hearing or further proceeding to which he may be entitled in this matter and any rights to appeal from this Consent Order.

24. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 *et seq.*, and regulations of the Commission in future real estate transactions, should he again become licensed.

BASED ON THESE STIPULATIONS, IT IS, THIS 17<sup>th</sup> day of August 2009, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that Respondent Theodore Tepper has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-322(b)(6),(30), and (32), 17-530(b) and (c), and 17-532(c)(1)(iv), (vi) and (vii), as well as Code of Maryland Regulations 09.11.02.01H, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$1,500.00, which amount is payable to the Commission within thirty days of the date this Order is signed by the Commission, and it is further

ORDERED, that, if the civil penalty is not paid within that 30-day period, the Commission may return this case to the Office of Administrative Hearings to (re)schedule a hearing on the charges against the Respondent, and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this

Consent Order

Theodore Tepper  
THEODORE TEPPER

J. Nicholas D'Ambrosia 8/17/09  
COMMISSIONER  
MARYLAND REAL ESTATE COMMISSION

August 10, 2009  
Date