

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE COMMISSION

v.

CASE NO. 05-RE-382

CINDY B. SINANAN
FAIRFAX REALTY, INC.
1725 Elton Road
Silver Spring, Maryland 20903
License Reg. #05-531348
Respondent

and

CLAIM OF YAVONNE ENGLISH
CONNOR AGAINST THE REAL ESTATE
COMMISSION GUARANTY FUND

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint and Guaranty Fund claim filed by Yavonne English ("Claimant") against Cindy B. Sinanan, the Respondent real estate salesperson, license registration number 05-531348 ("Respondent"), who is affiliated with Fairfax Realty, Inc. Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated October 1, 2007 and transmitted this matter to the Office of Administrative Hearings (the "OAH") for a hearing on the regulatory charges and the Guaranty Fund claim. The OAH scheduled a hearing for May 27, 2008 at 10:00 a.m. Prior to the hearing, the Commission, the Claimant and the Respondent reached an agreement to fully and finally settle Case No. 2005-RE-382 without a formal hearing.

The parties agree and stipulate as follows:

1. The Respondent is licensed by the Commission as a real estate salesperson license registration number 05-531348 and is affiliated with Fairfax Realty, Inc. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter and the Respondent.

2. The Commission has alleged that the Respondent violated Md. Code Ann., Business Occupations and Professions Art., ("BOP") §17-322(b)(14)(ii), (25), (30) and (33), §17-530 (b) (1) &(2) as well as Code of Maryland Regulations ("COMAR") 09.11.02.01 C & H and 09.11.02.02 A & D based on the conduct of the Respondent described in the attached Statement of Charges and Order for Hearing dated October 1, 2007 ("Charge Letter"). The Commission has also determined that the Claimant is entitled to a hearing on her claim against the Commission's Guaranty Fund.

3. The Respondent admits that she violated BOP §17-530(b) (1) & (2) by failing to provide to the Claimant an Agency Disclosure Form indicating whom the Respondent represented in the transaction referenced in the Charge Letter. The Respondent further admits that she violated COMAR 09.11.02.02D by failing to make known to the Claimant in writing that the Respondent's husband, Earnest Chris Sinanan, also a licensed real estate salesperson, was to be the purchaser of the property in the real estate transaction referenced in the Charge Letter.

4. The Respondent agrees to accept the imposition of a **REPRIMAND** against her license registration number 05-531348 for the aforementioned violations.

5. The Commission agrees to dismiss the allegations in the Charge Letter dated October 1, 2007 that Respondent's conduct violated BOP §17-322(b) (14) (ii), (25) and (30) as well as COMAR 09.11.02.01 C & H and 09.11.02.02 A.

6. The Respondent agrees to pay to the Claimant and the Claimant agrees to accept the sum of \$25,000.00 which is to be paid as follows:

- a. \$12,500.00 is to be paid by May 30, 2008
- b. \$2083.33 is to be paid by July 1, 2008
- c. \$2083.33 is to be paid by August 1, 2008
- d. \$2083.33 is to be paid by September 1, 2008
- e. \$2083.33 is to be paid by October 1, 2008
- f. \$2083.33 is to be paid by November 1, 2008
- g. \$2083.33 is to be paid by December 1, 2008.

The Claimant and the Respondent agree that no interest is due on the aforementioned payments. The Respondent further agrees to sign a Confessed Judgment Promissory Note to be prepared by the Claimant's counsel, Curtis J. Karpel, Esquire.

7. The Claimant agrees to dismiss her claim against the Commission's Guaranty Fund.

8. By entering into the Consent Order, the parties expressly waive the right to an administrative hearing on the charges and the Guaranty Fund claim, to the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge with the OAH, to any and all further proceedings before the Commission and to any rights to appeal from the Commission's Order.

9. This Consent Order may be signed by the parties in counter-parts.

10. The Claimant enters this agreement freely, voluntarily and with the advice of counsel, Curtis J. Karpel, Esq.

11. The Respondent enters this agreement freely, voluntarily and with the advice of counsel, Allan P. Feigelson, Esq.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS
87th **DAY OF *August***, 2008 **BY THE MARYLAND REAL ESTATE COMMISSION:**

ORDERED that the Respondent violated BOP §17-530(b) (1) & (2) by failing to provide to the Claimant an agency disclosure form indicating whom she represented in the real estate transaction referenced in the Charge Letter and that the Respondent violated COMAR 09.11.02.02D by failing to make known to the Claimant in writing that the Respondent's husband, Earnest Chris Sinanan, also a licensed real estate salesperson, was to be the purchaser of the property in the real estate transaction referenced in the Charge Letter; and it is further,

ORDERED that a **REPRIMAND** is imposed against the Respondent's license number 05-531348 for the aforementioned violations; and it is further

ORDERED that the allegations set forth in the Charge Letter dated October 1, 2007 that the Respondent violated BOP §17-322(b)(14)(ii), (25) and (30) as well as COMAR 09.11.02.01C and H and 09.11.02.02A are dismissed; and it is further

ORDERED that the Respondent pay to the Claimant the sum of \$25,000.00 as set forth in paragraph 6 of this Consent Order; and it is further

ORDERED that the Claimant's Guaranty Fund claim is dismissed; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: *Katherine J. Connelly*
Executive Director

AGREED:

Date

July 1, 2008

Date

Cindy B. Sinanan, Respondent

Yvonne English
Yvonne English, Claimant

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS
8/27 DAY OF August, 2008 BY THE MARYLAND REAL
ESTATE COMMISSION:

ORDERED that the Respondent violated BOP §17-530(b) (1) & (2) by failing to provide to the Claimant an agency disclosure form indicating whom she represented in the real estate transaction referenced in the Charge Letter and that the Respondent violated COMAR 09.11.02.02D by failing to make known to the Claimant in writing that the Respondent's husband, Earnest Chris Sinanan, also a licensed real estate salesperson, was to be the purchaser of the property in the real estate transaction referenced in the Charge Letter; and it is further,

ORDERED that a **REPRIMAND** is imposed against the Respondent's license number 05-531348 for the aforementioned violations; and it is further

ORDERED that the allegations set forth in the Charge Letter dated October 1, 2007 that the Respondent violated BOP §17-322(b)(14)(ii), (25) and (30) as well as COMAR 09.11.02.01C and H and 09.11.02.02A are dismissed; and it is further

ORDERED that the Respondent pay to the Claimant the sum of \$25,000.00 as set forth in paragraph 6 of this Consent Order; and it is further

ORDERED that the Claimant's Guaranty Fund claim is dismissed; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: *William J. Connelly*

AGREED:

8/27/08
Date

Cindy B. Sinanan
Cindy B. Sinanan, Respondent

Date

Yavonne English, Claimant