

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 08-RE-644

V.

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PATRICIA L. JENNINGS
4808 Riverdale Road
Riverdale, Maryland 20737
Lic. Reg. #05-75792

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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 Virginia Stark against Respondent Patricia Lee Jennings, a licensed real estate salesperson currently affiliated with Re/Max Sails, Inc., Lic. Reg. No. 05-75792 ("Respondent"). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated August 2, 2010 alleging that the Respondent has violated a provision of the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Occ. & Prof. Art., ("BOP") Title 17 and of the Commission's Code of Ethics set forth in the Code of Maryland Regulations ("COMAR") and referred this matter to the Office of Administrative Hearings ("OAH") which scheduled a hearing before an administrative law judge for February 25, 2011 at the OAH in Wheaton, Maryland.

Prior to the scheduled hearing date, 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. The Respondent is licensed by the Commission as a real estate salesperson and is currently affiliated with Re/Max Sails, Inc., license registration number 05-75792. 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. The Respondent was the listing and selling agent on behalf of seller Virginia Stark for a property known as 7402 Alison Street, Hyattsville, Maryland. At the time of the listing agreement and contract of sale the Respondent was affiliated with Long and Foster Real Estate, Inc.

3. On or about October 2, 2007, Ms. Stark entered into a contract of sale with Maria Pena, buyer. The contract of sale called for Ms. Stark to contribute \$20,000.00 at settlement toward the buyer's charges.

4. Settlement took place on October 19, 2007. The HUD-1 Settlement Statement presented to the parties at settlement showed a seller credit of \$10,840.17 and a repair escrow of \$9159.83 totaling \$20,000.00 consistent with the contract of sale. However, the buyer required an additional \$1800.00 in order to complete the settlement.

5. The Respondent and the buyer's agent each agreed to reduce her commission by \$900.00, or \$1800.00 total, so that the buyer could complete the settlement.

6. The Respondent did not prepare a written addendum at settlement reflecting the agreement that resulted in Ms. Stark's seller contribution being increased from \$20,000.00 to \$21,800.00.

7. After the settlement, the settlement agent informed the Respondent that Ms. Stark had been overpaid at settlement in the amount of \$1800.00 and the money needed to be repaid.

8. The settlement agent provided a revised HUD-1 Settlement Statement to Ms. Stark which reflected an \$1800.00 increase to the repair escrow so that the total seller contribution was \$21,800.00.

9. The Respondent collected the \$1800.00 from the Ms. Stark and turned it over to the settlement agent. Because the agreement concerning the \$1800.00 had not been put into writing at settlement, Ms. Stark did not fully understand why she was required to return \$1800.00 to the settlement agent after settlement.

10. The Respondent admits that by failing to prepare a written addendum expressing the exact agreement of the parties regarding the increase to the seller's contribution from \$20,000.00 to \$21,800.00 she has violated section §17-322(b)(33) Business and Occupations Article, Annotated Code of Maryland ("BOP") and Code of Maryland Regulations 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:

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

COMAR 09.11.02.01-H

For the protection of all parties with whom he 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.

11. The Respondent consents to the entry of an Order that she violated BOP §17-322(b)(33) and COMAR 09.11.02.01H and she agrees to pay a civil penalty of \$250.00 in connection with the violation. The penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement.

12. The Respondent further agrees to take a 3-hour contracts course within 60 days of her execution of this Consent Order. The 3-hour contracts course referenced in this Consent Order shall be in addition to, and not substituted for, the continuing education course requirements set forth in BOP §17-315 and COMAR 09.11.06. Respondent shall provide to the Commission a certificate of completion from the instructor of the 3-hour contracts course referenced in this Consent Order.

13. The Respondent further agrees that should she fail to pay the \$250.00 civil penalty upon her execution of this Consent Order or provide to the Commission a certificate of completion from the instructor of the 3 hour contracts course referenced in this Consent Order within 60 days of the Respondent's execution of this Consent Order, the Respondent's license shall be **SUSPENDED** until such time as she complies with the requirements of this Consent Order.

14. 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, 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.

15. The Respondent enters this Consent Order voluntarily, knowingly, willingly and with the advice of counsel.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS
24th **DAY OF** *February*, 2011 **BY THE MARYLAND REAL**
ESTATE COMMISSION:

ORDERED that the Respondent has violated BOP §17-322(b)(33) and COMAR 09.11.02.01H and it is further,

ORDERED that based on her violation, the Respondent is assessed a civil penalty of \$250.00, which is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that the Respondent shall take a 3-hour contracts course within 60 days of her execution of this Consent Order. The 3-hour contracts course referenced in this Consent Order shall be in addition to, and not substituted for, the continuing education course requirements set forth in BOP §17-315 and COMAR 09.11.06. Respondent shall provide to the Commission a certificate of completion from the instructor of the 3-hour contracts course referenced in this Consent Order; and it is further

ORDERED that should the Respondent fail to pay the civil penalty upon her execution of this Consent Order or provide to the Commission a certificate of completion from the instructor of the 3 hour contracts course referenced in this Consent Order within 60 days of her execution of this Consent Order, the Respondent's license shall be **SUSPENDED** until such time as she complies with the requirements of this Consent Order; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: SIGNATURE ON FILE

AGREED:

2-18-2011
Date

SIGNATURE ON FILE
Patricia L. Jennings, Respondent

RECEIVED

FEB 22 2011

OFFICE OF THE
ATTORNEY GENERAL

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