

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE COMMISSION *

v.

* CASE NUMBER 2008-RE-717 674 CB

LARRY WASSON *

Respondent

* * * * *

FINAL ORDER

LARRY WASSON, Respondent, a licensed salesperson, upon request of the Maryland Real Estate Commission, failed to provide certificates of attendance for mandated Continuing Education courses for the 2006 renewal of his license. He failed to submit a certificate of attendance for the required three hour ethics course, the required three hour legislative update course and the one and a half hour fair housing course. The Respondent was notified of the failure to submit the required certificate and told that a fine in an amount up to \$5,000 could be imposed for this violation of Sections 17-314(e)(4) , Business Occupations and Professions Article, (“BOP” Article), *Annotated Code of Maryland*. He requested a hearing before the Commission.

A hearing was held on September 29, 2008, before a panel of three members of the Commission. Mr. Wasson represented himself before the panel. Steven Long, Assistant Executive Director testified on behalf of the Commission. The proceedings were electronically recorded.

FINDINGS OF FACT

From the testimony and exhibits presented, with an opportunity to observe the demeanor of the witnesses, the Real Estate Commission finds the relevant facts to be these:

1. LARRY WASSON submitted an electronic application for renewal of his associate broker's license on June 1, 2006. On the application he indicated that he had met the continuing education requirements for license renewal. Based on this representation, his license was renewed.

2. Pursuant to § 17-315, BOP Article, *Annotated Code of Maryland*, Mr. Wasson was required to complete seven and one half hours of continuing education instruction in three specific subject areas during the two-year period preceding his 2006 license renewal. A three hour course in ethics "that includes the Maryland Code of Ethics and a discussion of the practices of flipping and predatory lending" was required, a three hour course in Maryland Legislative Updates was required and a one and a half hour course in fair housing was required, Section 17-315(b)(2)(ii) (iii) (iv).

3. In response to the request of the Commission, set forth in a letter dated August 30, 2007, Mr. Wasson failed to furnish copies of the continuing education certificates related to the 2006 renewal to the Commission. The request to Mr. Wasson was part of a random audit of licensee compliance with continuing education requirements.

3. Mr. Wasson failed to submit a certificate for the required legislative update class, the required fair housing class and the required ethics class, but had certified on the renewal application that he had fulfilled all continuing education requirements.

4. At the hearing, Mr. Long and Mr. Wasson testified under oath. Mr. Long testified to the following:

Mr. Wasson was notified by mail, on August 30, 2007, that he had been randomly selected to be an audit candidate for the audit of the 2006 renewal period. He was required to obtain seven and one half hours of continuing education in three specific subject areas for the 2006 renewal period. Mr. Wasson testified that he was sure that he completed the classes but could not provide the required certificates of attendance. Mr. Wasson provided to the panel a certificate of completion for the Maryland Code of Ethics, Predatory Lending and Flipping class, the Fair Housing class and the Legislative Update class, that he attended after he was notified of the audit.

DISCUSSION

In this case, there is no question that Mr. Wasson violated §17-314(e)(4) , BOP Article, *Annotated Code of Maryland*. The question is what penalty should be imposed for that violation. Section 17-322(c) provides that the Commission may reprimand a licensee or suspend or revoke the license, and it may assess a civil penalty, not exceeding \$5,000 for each violation.

Section 17-322(c)(2) directs the Commission to consider four factors in determining the penalty that should be imposed for a violation. The first factor is the seriousness of the violation. The Commission relies upon an applicant to voluntarily comply with the requirements of §17-315 to complete specified continuing education courses during each licensing period and to truthfully report those credits when filing an on-line application for license renewal. The Commission considers a licensee's failure to comply with the requirement that he provide to the Commission proof of attendance of required continuing education to be a serious violation. There was no indication of harm to the public or of any previous violations by the licensee, the third and fourth factors to be considered.

For these reasons, the Commissioners believe that a \$1,500 civil penalty is appropriate.

CONCLUSIONS OF LAW

The Real Estate Commission reaches the following conclusions of law:

1. LARRY WASSON was licensed as a salesperson on June 1, 2006 and renewed his license that day. He indicated on the on-line application that he had fulfilled the continuing education requirements for renewal.
2. Failure to provide to the Commission upon demand, proof of attendance for the required continuing education classes is a violation of §17-314 (e) (4).
4. After evaluating the statutory factors to be considered in assessing a penalty, the Commission concludes that a fine of \$1,500.00 is appropriate and just.

ORDER

In consideration of the Findings of Fact and Conclusions of Law, it is, by the Maryland Real Estate Commission, this 29th day of October, 2008,

ORDERED

- A. That the licensee, LARRY WASSON, pay a civil penalty of \$1500.00 and an administrative reinstatement fee of \$100.00 to the Commission; the fee and fine to be paid within 30 days of the date of this order.
- B. If the penalty and administrative reinstatement fee are not paid within thirty days of this order becoming final, all real estate licenses held by the Respondent will be suspended until such time as the penalty and administrative reinstatement fee are paid.
- C. That the records, files and documents of the Real Estate Commission reflect this decision.

MARYLAND REAL ESTATE COMMISSION

J. Nicholas D'Ambrosia, Member
By: ~~Katherine J. Connelly~~
Katherine J. Connelly
Executive Director

Note: A judicial review of this Final Order may be sought in the Circuit Court of Maryland in the county in which the licensee resides or has his principal place of business, or in the Circuit Court for Baltimore City. A petition for judicial review must be filed with the court within 30 days after the mailing of this Order.