

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE *
COMMISSION ***

V. *

**RUTH CRISTALDI *
LONG & FOSTER REAL ESTATE *
12345 Wake Forest Road, Suite H *
Clarksville, Maryland 21029 ***

Case No: 07-RE-728 GF

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Thomas V. Rush ("Complainants"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate salesperson, Ruth Cristaldi, affiliated with Long & Foster Real Estate, Inc., license registration number, 05-56174 ("Respondent"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the respondent have agreed to enter into this Consent Order 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. 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 Respondent was, at the time of the events at issue, and is currently licensed by the Commission as a real estate salesperson affiliated with Long & Foster Real Estate, Inc., license registration number 05-56174.
3. On May 18, 2004, the Complainant and his wife signed a listing agreement with Respondent and her brokerage, Long & Foster Real Estate, Inc. to list their home for sale.
4. It is alleged the Respondent misrepresented the value of the home stating the Complainant should list the home low and then raise the price during possible binding negotiations.
5. The Complainant further alleges the Respondent coerced him into accepting one of the two asking price offers and when he declined to accept one of the

offers, he was allegedly threatened by the Respondent. Furthermore, the Respondent refused to counter offer the second offer, therefore, breaching her fiduciary duty which resulted in the Complainant accepting a lower price for his home.

6. The Respondent admits that by failing to counter-offer the second offer as requested by her client, the Complainant has violated COMAR 09.11.02.02 (A) which provides:

**Title 09 Department of Labor, Licensing and Regulation
Subtitle 11 Real Estate Commission
Chapter 02 Code of Ethics**

.02 Relations to the Client

- (A) In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the licensee from the statutory obligations towards the other parties to the transaction.
7. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates COMAR 09.11.02.02 (A) and she agrees to pay a civil penalty in the amount of \$1,000.00.
 8. By entering into this Consent Order, the Respondent, 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.
 9. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 2007-RE-728 GF.

December **BASED ON THESE STIPULATIONS, IT IS THIS 14TH DAY OF 2009 BY THE MARYLAND REAL ESTATE COMMISSION.**

ORDERED that the Respondent violated COMAR 09.11.02.02 (A) by breaching her fiduciary duty to her client; and it is further

ORDERED the Respondent will pay a civil penalty in the amount of \$1,000.00 within thirty (30) days of the execution of this Consent Order.

ORDERED that should the Respondent fail to pay the civil penalty within the 30 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the payment is made and will proceed with charges

against the Respondent and schedule an Administrative Hearing for the violation of COMAR 09.11.02.02 (A).

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

MARYLAND REAL ESTATE COMMISSION:

By: Kathleen J. Connelly
Exec. Dir.

AGREED:

12-7-09
Date

Ruth Cristaldi
Ruth Cristaldi, Respondent