

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 08-RE-855

V.

VICTORIA DAY
2246 Brookfield Avenue
Baltimore, Maryland 21217
Lic. Reg. 05-585936

*

*

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Cottrell Davis, Jr. ("Complainant") against Respondent Victoria Day, the licensed real estate salesperson, license registration number 05-585936 ("Respondent"). Based on the complaint, the Commission conducted an investigation, and, following its review of the investigation, issued a Statement of Charges and Order for Hearing dated June 16, 2010 alleging that the Respondent has violated provisions of the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Occ. & Prof. Art., Title 17 ("BOP") as well as the Commissions Code of Ethics set forth in the Code of Maryland Regulations 09.11 et. seq. ("COMAR"). This matter was transmitted to the Office of Administrative Hearings ("OAH") for a hearing before an Administrative Law Judge and a hearing was scheduled for January 12, 2011 at the OAH in Hunt Valley, Maryland.

Prior to the hearing, 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. 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 is a licensed real estate salesperson, license registration number 05-585936. In 2008, the Respondent was affiliated with Broker Keller Williams Realty #796. Effective March 5, 2010, the Respondent placed her license on inactive status. The Respondent's current license will expire on March 5, 2012.
3. On or about June 11, 2008, Cottrell Davis, Jr. Complainant, filed a complaint against the Respondent.

4. The Respondent and the Respondent's company MUM, L.L.C. were the owners of a property known as 2019 Etting Street, Baltimore, Maryland.

5. On or about January 31, 2008, the Complainant entered into a contract with the Respondent to purchase the property. The agreed upon settlement date was March 31, 2008.

6. The Complainant and the Respondent also agreed that until the settlement date the Complainant would lease the property from the Respondent.

7. The Respondent prepared the contract documents related to the Etting Street transaction.

8. The Respondent disclosed on the listing and a flyer provided to the Complainant that she was a licensed real estate salesperson who had an ownership interest in the property however the Respondent failed to include with the contract documents a written disclosure form indicating that she was a licensed real estate salesperson who had an ownership interest in the property.

9. The Respondent failed to put into writing the agreement that the Complainant would lease the property from the Respondent until the settlement date.

10. The Respondent admits that her acts and omissions as described in this Consent Order and Settlement Agreement violate the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-322(b) (33) 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 09.11.02.01H

For the protection of all parties with whom the licensee 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. As penalty for the aforementioned violations the Respondent agrees to surrender her real estate salesperson license number 05-585936 to the Commission within 30 days of the date of this Consent Order.

12. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to have an administrative hearing on the charges before an administrative law judge, the making of findings of fact and conclusions of law, any 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.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 18
DAY OF January, 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 the Respondent shall surrender her real estate salesperson license number 05-585936 to the Commission within 30 days of the date of this Consent Order; and it is further

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

MARYLAND REAL ESTATE COMMISSION

By: 1/19/11

[COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER]

AGREED:

January 6, 2011
Date

[RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER]

Victoria Day