

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**MARYLAND REAL ESTATE  
COMMISSION**

\*

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V.

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**DONNELL SPIVEY  
Exit Spivey Professional Realty  
9396 B Baltimore National Pike  
Ellicott City, MD 21042**

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**Case No: 2013-RE-089**

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**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by George Trowbridge ("Complainant"). Based on the complaint and an audit, the Commission has determined that administrative charges against the Respondent, real estate broker, Donnell Spivey, current broker of Exit Spivey Professional Realty, license registration number, 01-79629 ("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 event at issue, broker of Exit Spivey Professional Realty, license registration number 01-79629.
3. It is alleged that the Respondent was the buyer broker in a transaction. The parties agreed to extend settlement and a \$5,000.00 deposit was to be deposited in Respondent's escrow account.
4. It is further alleged that the Respondent did not receive the funds as the buyer had placed a stop payment and respondent failed to disclose this to the buyer's agent or buyer.
5. The Respondent will admit that by failing to notify the parties that the deposit check was returned for insufficient funds, has violated Code of Maryland Regulations, Title 09.11.02.02(A) which provides:

**Code of Maryland Regulations 09  
Department of Labor, Licensing, and Regulation  
Real Estate Commission, Subtitle 11  
Code of Ethics, Chapter 02  
Relations to the Client, 02**

**(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.**

6. The Respondent consents to the entry of an Order that his conduct, as described in this Consent Order, violates COMAR 09.11.02.02(A) of the Code of Maryland Regulations, Real Estate Commission and he agrees to pay a civil penalty in the amount of \$1,500.00 within sixty (60) days of the execution of this Consent Order.
7. 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.
8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 2013-RE-089.

**BASED ON THESE STIPULATIONS, IT IS THIS 5<sup>th</sup> DAY OF August, 2013 BY THE MARYLAND REAL ESTATE COMMISSION.**

**ORDERED** that the Respondent violated Title 09.11.02.02(A) of the Code of Maryland Regulations and it is further

**ORDERED** the Respondent will pay a civil penalty in the amount of a \$1,500.00 within sixty (60) days of the execution of this Consent Order:

**ORDERED** that should the Respondent fail to pay the civil penalty within the 60 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the requirements are made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of the Business Occupations and Professions Article, Maryland Annotated Code in which a \$5,000.00 penalty can be imposed for each violation.

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

**MARYLAND REAL ESTATE COMMISSION:**

By: SIGNATURE ON FILE

**AGREED:**

8/5/12  
Date

SIGNATURE ON FILE  
DONNELL SPIVEY, Respondent