

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 08-RE-891

V.

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JESSE L. BANKS
RESIDENTIAL RESCUE, INC.
T/A SUMMIT REALTORS
1200 15th Street NW
Washington DC 20005
Lic. Reg. No. 01-4259

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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 Jan Brito (Complainant) against Jesse L. Banks, the Respondent real estate broker of record for Residential Rescue, Inc. trading as Summit Realtors, license registration number 01-4259 (Respondent). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated September 9, 2009 alleging that the Respondent violated provisions of the Maryland Real Estate Brokers Act, Md. Code Ann., Bus. Occ. & Prof. Art., Title 17 (BOP) and the Code of Maryland Regulations (COMAR). This matter was transmitted to the Office of Administrative Hearings (OAH) for a hearing on the administrative charges. The OAH scheduled a hearing for July 27, 2010 at 10:00 a.m. 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. The Respondent is currently licensed by the Commission as a real estate broker with Residential Rescue, Inc. trading as Summit Realtors, license registration numbers 01-4259. 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. On or about June 26, 2008, the Complainant filed a complaint against the Respondent alleging, in part, that the Respondent acted as a dual agent in a transaction between Walter and Cynthia Belshaw, sellers, and Naana Basu, buyer, for 12304 Skylark Lane, Bowie, Maryland, and that it was improper for her, as a broker, to act in such a capacity.

3. The Respondent admits that when acting as a dual agent in the aforementioned transaction that she failed to assign one licensed real estate salesperson or associate real estate broker to act as the intra-company agent on behalf of the seller and another licensed real estate salesperson or associate real estate broker to act as the intra-company agent on behalf of the buyer and that instead she acted as agent for the buyer, conduct which demonstrates incompetency as well as constitutes improper dealings, in violation of BOP §17-322(b)(6) and (25) and 17-530(c) 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:

(6) violates §17-530(c) or (d) of this title;

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent or improper dealings;

17-530. Disclosure of relationship with lessor or seller

(c) *Dual agents—Generally prohibited*—Except as otherwise provided in subsection (d) of this section, a licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson may not act as a dual agent in this State.

(d) *Same—Exception.*—(1) ...

(ii) When acting as a dual agent in a real estate transaction, a real estate broker or a designee of the real estate broker shall assign a licensed associate real estate broker or licensed real estate salesperson affiliated with the real estate broker to act as the intra-company agent on behalf of the seller or lessor and another licensed associate real estate broker or licensed real estate salesperson affiliated with the real estate broker to act as the intra-company agent on behalf of the buyer or lessee.

4. The Respondent consents to the entry of an Order that she has violated BOP §17-322(b)(6) and (25) and §17-530(c) and (d) and she agrees that all real estate licenses issued to her by the Commission, including license registration no. 01-4259, shall be suspended for a period of two weeks (14 days) commencing on the date the Commission executes this Consent Order.

5. 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 by an administrative law judge of the OAH, 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.

6. The Commission agrees to dismiss the allegations in the Statement of Charges and Order for Hearing that the Respondent violated BOP 17-322(b)(4), (32) and (33), §17-532(c)(1)(v) as well as COMAR 09.11.02.01C and 09.11.02.02A.

BASED ON THESE STIPULATIONS, IT IS THIS 27th DAY OF July, 2010 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that by improperly acting as a dual agent in a residential real estate transaction the Respondent has violated BOP §17-322(b)(6) and (25) and §17-530(c) and (d); and it is further,

ORDERED that all real estate licenses issued to the Respondent by the Commission including license registration number 01-4259 are **SUSPENDED** for a period of two weeks from the date of this Order; and it is further

ORDERED that the allegations in the Statement of Charges and Order for Hearing that the Respondent violated BOP 17-322(b)(4), (32) and (33), §17-532(c)(1)(v) as well as COMAR 09.11.02.01C and 09.11.02.02A are **DISMISSED**; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

7/27/10
Date

By: [Signature]
Kat

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

AGREED:
7/23/2010
Date

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

[Signature]
Jesse L. Banks, Respondent