

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE

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CASE NO. 61-RE-2024

v.

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MELISSA FITCH

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Respondent

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SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of the Commission conducting a random audit of Melissa Fitch ("Respondent") July 2, 2023 license renewal application to determine if the Respondent met the Commission's Continuing education requirements in accordance with the Maryland Real Estate Broker's Act ("Act"), Md. Code Ann., Bus. Occ. & Prof. ("BOP") §17-315. As a result of the audit, the Commission filed a Complaint against the Respondent and conducted an investigation. To resolve the Complaint, the Commission and the Respondent (collectively "the Parties") have agreed to enter this Settlement Agreement and Consent Order ("Consent Order") to provide for the imposition of disciplinary measures that are fair, equitable, and consistent with the best interest of the people of the State of Maryland. The parties agree and stipulate as follows:

1. At all times relevant, the Commission has had jurisdiction over the subject matter and the Respondent, License Registration Number 05-528350.
2. The Act mandates that "to qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction, as provided in subsection (b) of this section, during the preceding 2-year term." BOP §17-315(a).
3. Under the Act, the 15 clock hours of continuing education instruction must relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerages services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate. BOP §17-315(b)(2)(i).
4. Under the Act, the 15 clock hours of continuing education must include: (1) at least one 3 clock hour course that outlines relevant changes that have occurred in federal, State or local laws and regulations, court cases and industry trends that have an impact on those law and regulations, or any combination of those laws, regulations, court cases, and industry trends; (2) at least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising; (3) at least one 3 clock hour ethics course that includes a discussion of the Maryland Code of Ethics, the practice of flipping, fraudulent real

estate practices, and professionalism as it relates to the Maryland Code of ethics including a discussion relating to conflict resolution and a licensee's duty to respect the public, peers, and property; and (4) at least one 3 clock hour course that includes the principles of real estate brokerage relationships and disclosures. BOP §17-315(b)(2)(ii) – (v).

5. Under the Act continuing education courses may be conducted by: The Maryland Association of Realtors or its member board; the Real Estate Brokers of Baltimore, Inc., any similar professional association; or an educational institution approved by the Commission; and continuing education courses must be taught by a qualified instructor who is experienced in the real estate industry. BOP §17-315(c).

6. The Respondent applied to renew her license on each of the following dates: July 23, 2003; July 24, 2005; June 24, 2007; July 19, 2009; July 14, 2011; July 14, 2013; June 14, 2015; June 27, 2017; May 27, 2019; June 22, 2021, and July 2, 2023. On each renewal application the Respondent submitted to the Commission the Respondent answered "Yes" to the question "Have you completed the CE courses required since your last renewal?" The Commission renewed the Respondent's license based on the Respondent's representations on her renewal applications.

7. The Commission initiated a random audit of the Respondent's July 2, 2023 renewal application to confirm that the Respondent had completed the continuing education requirements and requested that the Respondent provide documentation for the 15 clock hours of continuing education that the Respondent certified completing. To satisfy the audit, the Respondent needed to evidence 15 clock hours of continuing education completed between June 22, 2021 and July 2, 2023.

8. In response to the audit, the Respondent submitted a letter dated July 14, 2023, explaining that "for the past 12-13 years I have not used [license 05-528350] however [I] kept up on classes and renewal dues, etc. The license is currently in a referral status with Metro Referral Associates. My career path moved me into a different direction, out of Real Estate and I have kept the license for several reasons." The Respondent further explained "My current employer holds/provides education courses - enterprise compliance. I have completed well over the required 15 hours of continued education however after reviewing my classes this renewal cycle it appears that I have missed the (Legislative-A) DL/Maryland Legal Update. I have since enrolled for this course through The CE Shop after the renewal I am asking for consideration of the oversight when reviewing my audit." The Respondent also submitted a transcript of the continuing education courses she completed between February 6, 2012 and February 1, 2023.

9. Based upon its review of the information the Respondent submitted in response to the Commission's audit, the Commission determined that the continuing education Respondent completed failed to include any of the coursework BOP §17-315(b)(2)(i) – (v) requires for the renewal of a Maryland real estate salesperson license.

10. On July 25, 2023, the Commission opened a complaint against and commenced an investigation of the Respondent based upon her failure to complete the required 15 clock hours of continuing education before applying to renew her license on each of the following

dates: July 23, 2003; July 24, 2005; June 24, 2007; July 19, 2009; July 14, 2011; July 14, 2013; June 14, 2015; June 27, 2017; May 27, 2019; June 22, 2021, and July 2, 2023.

11. Pursuant to BOP 17-322(b), and subject to the hearing provisions of BOP §17-324, the Commission may deny a license to any applicant, reprimand any licensee or suspend or revoke a license if the applicant or licensee: (32) violates any other provision of this title[.]”

12. The Respondent admits and consents to the entry of an Order by the Commission that she violated BOP §17-322(b)(32) by failing to meet the continuing education requirements in BOP §17-315 prior to renewing her license on July 23, 2003; July 24, 2005; June 24, 2007; July 19, 2009; July 14, 2011; July 14, 2013; June 14, 2015; June 27, 2017; May 27, 2019; June 22, 2021, and July 2, 2023.

13. The Respondent agrees that her license will remain on inactive status through July 24, 2025, the date of its expiration, and the Respondent agrees that she will not seek to reinstate or renew her current Maryland real estate salesperson’s license at any time in the future. Further, the Respondent agrees that she will not submit an application for a new Maryland real estate license at any time in the future.

14. Pursuant to BOP §17-322(c), “Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5000 for each violation.”

15. The Respondent agrees to and consents to the entry of an Order by the Commission requiring that the Respondent pay the Commission a civil monetary penalty in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) by certified check, cashier’s check, or money order made payable to the “Maryland Real Estate Commission” or by electronic payment within sixty (60) days of signing this Consent Order. The Respondent agrees and consents to the entry of an Order by the Commission that should she fail to pay the civil penalty as ordered her license will be automatically suspended and remain suspended through its expiration date.

16. The Respondent agrees and acknowledges that this Consent Order shall constitute the Commission’s Final Order and shall be enforceable as such.

17. By entering this Consent Order, the Respondent waives the right to have the administrative charges reduced to writing, to an administrative hearing before the Commission or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to all other proceedings before the Commission or its designee on this matter, and to all rights to appeal from this Consent Order to any court of competent jurisdiction.

18. The Parties agree that a waiver of any of the rights or duties provided herein must be explicit and in writing, and that any waiver constitutes a one-time waiver on a case-by-case basis and not a waiver of this entire Consent Order or the subject provision(s).

19. The Parties agree that no provision of this Consent Order shall be interpreted for or against any Party by reason that said Party, or their legal representative, drafted all or any part hereof.

20. The Parties agree that this Consent Order represents the final expression of their intent and agreement relating to the subject matter of this Consent Order. The Parties further agree that this Consent Order contains all the terms the Parties agreed to on the subject matter of this Consent Order and intend for this Consent Order to replace all the Parties' previous discussions, understandings, and agreements relating to the subject matter.

21. The Respondent hereby agrees and acknowledges that the Respondent enters this Consent Order knowingly, voluntarily, and intelligently having read this Consent Order in full and after either having consulted with or after having had the opportunity to consult with private counsel.

22. The Parties agree and acknowledge that this Consent Order shall serve as the final resolution of Complaint No. 61-RE-2024, serve as the Final Order in this matter, be a part of the Respondent's record the Commission maintains, and that the Commission's records and publications shall reflect the Consent Order's terms.

13th **BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS**
DAY OF February, 2025, BY THE MARYLAND REAL ESTATE
COMMISSION HEREBY:

ORDERED that the Respondent violated BOP §17-322(b)(32) by failing to meet the continuing education requirements in BOP §17-315 prior to renewing her license on July 23, 2003; July 24, 2005; June 24, 2007; July 19, 2009; July 14, 2011; July 14, 2013; June 14, 2015; June 27, 2017; May 27, 2019; June 22, 2021, and July 2, 2023; and it is further

ORDERED that the Respondent's real estate license shall remain on inactive status through the date of the expiration of the Respondent's license on July 24, 2025; and it is further

ORDERED that the Respondent shall not apply to reinstate or renew her license or apply for a new license at any time after her license expires on July 24, 2025; and it is further

ORDERED that the Respondent shall pay the Commission a civil monetary penalty of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) by certified check, cashier's check, or money order made payable to the "Maryland Real Estate Commission" or by electronic payment within sixty (60) days of signing this Consent Order; and it is further

ORDERED that should the Respondent fail to pay the civil penalty as ordered, the Respondent's real estate salesperson's license will be automatically suspended and remain suspended through its expiration date; and it is further

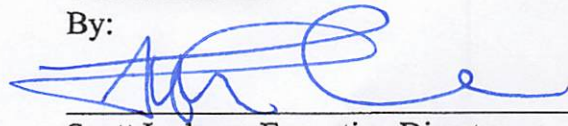
ORDERED that unless otherwise specified in this Consent Order, each provision herein shall remain in effect and enforceable as herein agreed unless the Commission in writing stays, modifies, terminates, or suspends it; and it is further

ORDERED that this Consent Order shall constitute the Commission's Final Order and the Commission may consider this Consent Order and the facts set forth herein in connection with, and in deciding, any subsequent action or proceeding before the Commission, and that this Consent Order may, if relevant, be admitted into evidence in any matter before the Commission, its designee, and/or any court; and it is further

ORDERED that the Commission's records and publications shall reflect that the Respondent and the Commission resolved this matter through this Consent Order.

**MARYLAND REAL ESTATE
COMMISSION**

By:

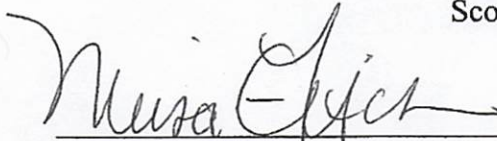


Scott Lederer, Executive Director

AGREED:

02/07/2025

Date



Melissa Fitch, Respondent