

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 200-RE-2023

V.

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JOSEPH WATHEN,
Respondent

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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 Marc Carella ("Complainant") against Joseph Wathen ("Respondent"). Based on the Commission's review of the complaint and the Respondent's response thereto, the Commission determined that the complaint alleged facts that establish a prima facie case constituting grounds for disciplinary action under The Maryland Real Estate Broker's Act, Md. Code Ann., Business Occupations and Professions, §17-322 and that the complaint should be referred for investigation. Before the investigation commenced the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement to resolve this matter and 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 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 Commission currently licenses the Respondent as a real estate salesperson affiliated with Re/Max Advantage Realty, license registration number 05-99042.
3. On or about September 30, 2022, the Respondent entered a property known as 700 Avila Court, Davidsonville, Maryland ("property") listed for sale on behalf of property owner Marc Carella.
4. A security camera located in the bedroom of the house showed the Respondent opening the drawers of the bedroom dresser and looking through the drawers. The owner notified his agent of the Respondent's actions.
5. A complaint was filed through the local Association of Realtors which sanctioned the Respondent for his misconduct.
6. According to the Respondent, while he conducted a preview video of the house for an out of state client, he admired the bedroom furniture and opened the dresser drawers to

find the manufacturer's name. The Respondent acknowledges that his actions could be damaging to the public or to the dignity and integrity of the real estate profession.

7. The Respondent admits that he has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-322(b) (33) as well as COMAR 09.11.02.01C, 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 09.11.02.01

C. The licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession.

8. The Respondent consents to the entry of an Order that by the Commission that he has violated BOP §§17-322(b) (33) as well as COMAR 09.11.02.01C. As a penalty for the violations, the Respondent agrees to pay a civil penalty in the amount of \$5,000.00 within 30 days of the date of this Consent Order and Settlement Agreement. Additionally, the Respondent agrees to a 60 day suspension to commence on July 1, 2025 and the issuance of a letter of apology to the complainant.

9. As a penalty for the violations, the Respondent agrees to the entry of an Order by the Commission suspending his license for a period of 60 days from July 1, 2025 through August 30, 2025. Additionally, the Respondent agrees to the entry of an Order by the Commission that Respondent shall pay a civil penalty in the amount of \$5,000.00 within 30 days of the date of this Consent Order and Settlement Agreement. Finally, the Respondent agrees to the entry of an Order by the Commission requiring the Respondent to issue a letter of apology to the Complainant with a copy to be provided to the Commission within 30 days of the date of this Consent Order.

10. Should the Respondent fail to pay the civil penalty of \$5,000.00 in full or provide the Commission a copy of the letter of apology sent to the Complaint as agreed in paragraph 9 of this Consent order and Settlement Agreement, the Respondent agrees that the Respondent's real estate license registration number 05-99042, and any other real estate licenses that the Respondent holds shall continue to suspended after August 30, 2025, and until such time as

Respondent pays the civil penalty of \$5000.00 in full and provides the Commission a copy of the letter of apology sent to the Complainant.

11. The Respondent expressly waives his right to a contested case administrative hearing, the making of Findings of Fact and Conclusions of Law by the Commission or an Administrative Law Judge of the Office of Administrative Hearings, any further proceedings before the Commission, and any rights to petition for judicial review of this Consent Order and Settlement Agreement in a court of competent jurisdiction.

12. The Respondent acknowledges that he had the opportunity to consult with private counsel of the Respondent's choosing at the Respondent's expense to provide advice and counsel about the terms of this Consent Order and Settlement Agreement and the Respondent agrees and acknowledges that he enters this Consent Order knowingly, intelligently, voluntarily, and willingly having read this Consent Order in full and understood its terms.

13. The Respondent acknowledges and agrees that this Consent Order shall constitute the Commission's Final Order with respect to Case No. 200-RE-2023, and that the Commission may consider this Consent Order in connection with, and 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 any court of competent jurisdiction.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 23rd
DAY OF June, **2025 BY THE MARYLAND REAL ESTATE**
COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b) (33) as well as COMAR 09.11.02.01C, it is further,

ORDERED that the Respondent's license shall be **Suspended** for a period of 60 days from July 1, 2025 through August 30, 2025, and it is further

ORDERED that the Respondent shall pay a civil penalty in the amount of \$5,000.00 within 30 days of the date of this Consent Order, and it is further

ORDERED that the Respondent shall issue a letter of apology to the Complainant and provide a copy to the Commission within 30 days of the date of this Consent Order, and it is further

ORDERED that should the Respondent fail to pay the civil penalty of \$5000 and/or provide to the Commission a copy of the letter of apology sent to the Complainant within 30 days of the date of this Consent Order, the Respondent's real estate license registration number 05-99042, and any other real estate licenses that the Respondent holds; shall continue to be suspended after August 30, 2025, and until such time as Respondent has paid the \$5,000.00 civil

penalty in full and provided to the Commission a copy of the letter of apology to the Complainant, and it is further

ORDERED that that this Consent Order shall constitute the Commission's Final Order with respect to Case No. 200-RE-2023, and that the Commission may consider this Consent Order in connection with, and 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 any court of competent jurisdiction, and it is further

ORDERED that the Commission's records and publications reflect the terms of this Consent Order and Settlement Agreement.

MARYLAND REAL ESTATE COMMISSION:

By: 

SCOTT LEDERER
EXECUTIVE DIRECTOR

AGREED:


JOSEPH WATHEN, RESPONDENT

6-17-2025
DATE