

THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

V.

PAUL KATRIVANOS,
RESPONDENT

* BEFORE CARLTON A. CURRY,
* ADMINISTRATIVE LAW JUDGE,
* OF THE MARYLAND OFFICE OF
* ADMINISTRATIVE HEARINGS
* OAH No: LABOR-REC-21-24-03859
* MREC NO: 319-RE-2022

MARYLAND REAL ESTATE
COMMISSION

V.

DAVID STROH,
RESPONDENT

* BEFORE CARLTON A. CURRY,
* ADMINISTRATIVE LAW JUDGE,
* OF THE MARYLAND OFFICE OF
* ADMNIISTRATIVE HEARINGS
* OAH No: LABOR-REC-21-24-03860
* MREC No.: 319-RE-2022

* * * * *

PROPOSED ORDER

The Findings of Fact, Conclusions of Law and Recommended Order of the Administrative Law Judge dated January 22, 2025, having been received, read and considered, it is, by the Maryland Real Estate Commission, this 19th day of February, 2025, ORDERED,

A. That the Findings of Fact in the Recommended Decision be, and hereby are, ADOPTED;

B. That the Conclusions of Law in the Recommended Decision be, and hereby are, ADOPTED;

C. That the Recommended Order in the Recommended Decision be, and hereby is, ADOPTED;


D. That the records, files and documents of the Maryland State Real Estate Commission reflect this decision.

E. Pursuant to Code of Maryland Regulations (COMAR) 09.01.03.09 those parties adversely affected by this Proposed Order shall have twenty (20) days from the postmark date of the Order to file written exceptions to this Proposed Order. The exceptions should be sent to the Executive Director, Maryland Real Estate Commission, 3rd Floor, 100 South Charles Street, Baltimore, MD 21201. If no written exceptions are filed within the twenty (20) day period, then this Proposed Order becomes final.

F. Once the Proposed Order becomes final, the parties have an additional thirty (30) days in which to file an appeal to the Circuit Court for the Maryland County in which the Appellant resides or has his/her principal place of business, or in the Circuit Court for Baltimore City.

MARYLAND STATE REAL ESTATE COMMISSION

3/3/25
Date

By: 
Donna Horgan, Commissioner **EXECUTIVE DIRECTOR**
sor

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* * * * *

PROPOSED DECISION

STATEMENT OF THE CASE
ISSUES
SUMMARY OF THE EVIDENCE
PROPOSED FINDINGS OF FACT
DISCUSSION
PROPOSED CONCLUSIONS OF LAW
RECOMMENDED ORDER

¹ For purposes of conducting a hearing, this case was consolidated with cases of the following Respondents: Jay Day, Case No. LABOR-REC-21-24-03857 and Amy J. Beall, Case No. LABOR-REC-21-24-03858. A separate decision was issued in those cases.

STATEMENT OF THE CASE

On or about November 1, 2021, Colin Prieser (Complainant) filed a Complaint against Amy J. Beall (Respondent Beall) and David Stroh (Respondent Stroh), real estate salespersons, with the Real Estate Commission (REC) for alleged violations of the Maryland Real Estate Brokers Act (Act), Md. Code Ann., Bus. Occ. & Prof. §§ 17-101 to -702 (2018 & Supp. 2024), and the provisions at Code of Maryland Regulations (COMAR) 09.11.02.02, enacted under the Act.

Following an investigation, the REC determined that the charges against Respondent Stroh were warranted. Further charges against Paul Katrivanos (Respondent Katrivanos), a licensed real estate broker, were warranted in his role as Respondent Stroh's broker. On January 22, 2024, the REC issued separate Statement of Charges (Charges) against the Respondents Katrivanos and Stroh. The REC charged Respondents Katrivanos and Stroh with violating sections 17-322(b)(4), (25), (27) (32), and (33) of the Business Occupations and Professions Article of the Maryland Code and COMAR 09.11.02.02. Respondent Katrivanos was also charged with violating sections 17-322(b)(27) and section 17-320(c)(1) of the Act in failing to supervise, as a broker, the real estate services provided by Respondent Stroh in his role as agent for the sale of the property located at 6503 Schneider Drive in Middletown, Maryland (Property). The Statement of Charges advised Respondents Katrivanos and Stroh that if the charged violations were established following a hearing, the REC would seek suspension or revocation of any real estate license the Respondents hold, along with a fine of up to \$5,000.00 per violation. Accordingly, the REC ordered a hearing on the Charges and on January 25, 2024, forwarded the case to the Office of Administrative Hearings (OAH) to conduct a hearing. Bus. Occ. & Prof. § 17-409 (2018).

A remote merits hearing scheduled for May 23 and 24, 2024, was postponed due to a scheduling conflict with Paul Flynn, Esquire, counsel for Respondents Beall and Day. A merits hearing was rescheduled for August 27 and 28, 2024. On August 27, 2024, prior to the commencement of the hearing, counsel for Respondents Katrivanos and Stroh, David G. Zumbrunn, II, Esquire indicated that neither he nor his clients received the REC's proposed exhibits. Hope Sachs, Assistant Attorney General, Maryland Department of Labor (Department) representing the REC, forwarded the documents to counsel for all Respondents who jointly requested a postponement, which I granted. Thereafter, I converted the merits hearing to a prehearing conference. On August 30, 2024, I issued a prehearing conference report consolidating the cases for purposes of hearing and scheduled a merits hearing for October 23 and 24, 2024.

On October 23 and 24, 2024, I held a hearing via Webex. Bus. Occ. & Prof. §§ 17-324(a), 17-408(a) (2018); COMAR 28.02.01.20B(1)(b). Ms. Sachs represented the REC on the charged violations of law. Mr. Flynn represented Respondents Beall and Day, who were present. Mr. Zumbrunn represented Respondents Katrivanos and Stroh, who were present.

The contested case provisions of the Administrative Procedure Act, the Department's hearing regulations, the REC's procedural regulations, and the Rules of Procedure of the OAH govern procedure. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2021 & Supp. 2024); COMAR 09.01.03; COMAR 09.11.03; COMAR 28.02.01.

ISSUES

1. Did the Respondents Katrivanos and Stroh violate Section 17-322(b)(4) of the Act by intentionally or negligently failing to disclose to the Complainant a material fact that the Respondents knew or should have known and that related to the Complainant's property?

2. Did the Respondents Katrivanos and Stroh violate Section 17-322(b)(25) of the Act by engaging in conduct that demonstrates bad faith, incompetence, untrustworthiness or constitutes dishonest, fraudulent or improper dealings?

3. Did the Respondents Katrivanos and Stroh violate Section 17-322(b)(27) of the Act by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker?

4. Did the Respondents Katrivanos and Stroh violate Section 17-322(b)(32) and (33) of the Act by violating any regulation adopted under the Act or any provision of COMAR 09.11.02 (the Code of Ethics), including COMAR 09.11.02.02, governing relations to the client?

5. Did the Respondent Katrivanos violate Section 17-320(c)(1) of the Act by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual, including an independent contractor, on behalf of the broker?

6. If so, what is the appropriate sanction for each Respondent?

SUMMARY OF THE EVIDENCE

Exhibits

I admitted the following exhibits offered by the REC:

REC Ex. 1 Notice of Remote Hearing for MREC vs. Amy Beall, dated March 19, 2024

REC Ex. 2 Notice of Remote Hearing for MREC vs. Jay Day, dated March 19, 2024

REC Ex. 3 Notice of Remote Hearing for MREC vs. David Stroh, dated March 19, 2024

REC Ex. 4 Notice of Remote Hearing for MREC vs. Paul Katrivanos, dated March 19, 2024

REC Ex. 5 Statement of Charges and Order for Hearing for MREC vs. Amy Beal, dated January 22, 2024

- REC Ex. 6 Statement of Charges and Order for Hearing for MREC vs. Jay Day, dated January 22, 2024
- REC Ex. 7 Statement of Charges and Order for Hearing for MREC vs. David Stroh, dated January 22, 2024
- REC Ex. 8 Statement of Charges and Order for Hearing for MREC vs. Paul Katrivanos, dated January 22, 2024
- REC Ex. 9 MREC licensing history– Amy Beall, dated May 9, 2024
- REC Ex. 10 MREC licensing history – Jay Day, dated May 9, 2024
- REC Ex. 11 MREC licensing history – David Stroh, dated May 9, 2024
- REC Ex. 12 MREC licensing history – Paul Katrivanos, dated May 9, 2024
- REC Ex. 13 Report of Investigation, MREC No.: 319-RE-2022, Colin Preiser vs. Amy Beall, *et al.*, dated May 12, 2023

I admitted the following exhibits offered by the Respondents Day and Beall:

- D/B Ex. 1 Buyer Hold Harmless Form, undated
- D/B Ex. 2 Contract Documents, including:
- Pre-Settlement Occupancy Agreement, dated July 22, 2021
 - General Addendum, dated July 22, 2021
 - General Addendum, dated August 3, 2021
- D/B Ex. 3 Home Inspection Report, dated July 2, 2021
- D/B Ex. 4 Mark-up Photo from MLS² Listing, undated
- D/B Ex. 5 MLS Link and Photos for the Property, downloaded August 16, 2024
- D/B Ex. 6 Partial Inspection Report, dated July 2, 2021
- D/B Ex. 7 Integrity Imagining Solutions Photograph Policies, undated
- D/B Ex. 8 Plumbing Invoice, dated August 3, 2021
- D/B Ex. 9 Listing History, dated May 21, 2021, through August 11, 2021
- D/B Ex. 10 Integrity Imagining Solutions Photo Request Form, dated June 9, 2021
- D/B Ex. 11 Stephen Carroll Photos, undated

² Multiple Listing Service.

D/B Ex. 12 Not offered³

I admitted the following exhibit offered by Respondent Stroh:

Stroh Ex. 1 - Google Earth Screenshot, undated

Testimony

The REC presented the following witnesses: the Complainant and Kristine Tricario, real estate investigator.

All of the Respondents testified, and Respondents Beall and Day presented the testimony of Stephen Carroll, owner of Integrity Image Solutions, LLC.

PROPOSED FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

1. At all times relevant to the subject of this hearing, the REC licensed Respondent Day as a real estate salesperson.

2. At all times relevant to the subject of this hearing, the REC licensed Respondent Beall as a real estate salesperson.

3. At all times relevant to the subject of this hearing, the REC licensed Respondent Stroh as a real estate salesperson.

4. At all times relevant to the subject of this hearing, the REC licensed Respondent Katrivanos as a real estate broker.

5. At all times relevant to the subject of this hearing, Respondent Katrivanos supervised Respondent Stroh.

6. On or about May 21, 2021, the Property was listed on the MLS listing service as “coming soon.” (D/B Ex. 9, pg. 3). The MLS is an electronic platform utilized by real estate

³ All exhibits marked for identification are retained for purposes of judicial review. COMAR 28.02.01.22C.

professionals to share information about properties for sale and find available listings for prospective buyers.

7. On June 2, 2021, Respondent Day requested Integrity Imaging Solutions, LLC take photographs of the Property. (D/B Ex. 10).

8. The Integrity Imaging Solutions' Photography Policy Terms of Service specifically states: "We will not retouch/edit photos to remove any powerlines, cracks, holes, etc." (D/B Ex. 7, pg. 2).

9. On June 10, 2021, photographs of the Property were uploaded to the MLS.

10. Respondents Day and Beall did not have access to the photographs prior to being uploaded to the MLS. Integrity Imaging Solutions provided a digital file to an administrative component of the brokerage, which uploaded the photographs.

11. On June 11, 2021, the MLS listing for the Property became "active." (D/B Ex. 9, pg. 2). The active listing included photographs taken by Integrity Imaging Solutions.

12. Respondent Day chose the lead photograph for the listing, which shows the high voltage powerline tower. (D/B Ex. 4, pg. 1).

13. The listing photographs show the high voltage powerline tower and powerlines on or adjacent to the Property. (D/B Exs. 4 and 5).

14. On or about June 16, 2021, the Complainant engaged Respondent Stroh as his buy agent in the purchase of a property in the state of Maryland. The Complainant and his wife lived in Tennessee and were relocating to Maryland.

15. On June 22, 2021, the Complainant expressed interest in the Property and Respondent Stroh conducted a virtual tour of the Property on the same day. During the virtual tour, Respondent Stroh showed the interior and exterior of the Property.

16. During the virtual tour, the Complainant referenced Google images in discussing updates that had been done to the Property since the Google images were taken. The Complainant and Respondent Stroh discussed both street and ariel views of the Property.

17. The Google ariel view of the Property shows a high voltage powerline tower and powerlines. (Stroh Ex. 1).

18. On June 22, 2021, the Complainant made an offer to purchase the property.

19. Also on June 22, 2021, the Complainant entered into a pre-settlement occupancy agreement to occupy the property from July 22, 2021, to the initial settlement date of August 9, 2021. The agreement was extended on two occasions. (D/B Ex. 2).

20. On June 23, 2021, the Complainant contracted to purchase the property for \$525,000.00, inclusive of a \$5,000.00 deposit. (REC Ex. 13, pg. 34).

21. On July 1, 2021, a home inspection of the Property was conducted, with a report issued on July 2, 2021. The report contained photographs that included the high voltage powerline tower and powerlines. (D/B Ex. 3, pgs. 3 and 4).

22. On July 11, 2021, the Complainant visited the Property for the first time. The Complainant contacted Respondent Stroh and expressed disappointment at the size of the high voltage powerline tower and its proximity to the Property. The Complainant also expressed possible health concerns related to the powerlines.

23. On July 16, 2021, Respondent Katrivanos met the Complainant at the Property to provide access to a contractor, as the Complainant was considering alterations to the Property upon settlement.

24. At the July 16, 2021 meeting, Respondent Katrivanos identified himself as Respondent Stroh's broker.

25. On August 2, 2021, the Complainant met with Respondents Katrivanos and Stroh at Respondent Katrivanos' office. The Complainant was unhappy that the high voltage powerline tower was so close to the property, and asked Respondents Katrivanos and Stroh what his options were concerning the Property. Respondent Katrivanos advised the Complainant that he might lose his deposit and face legal action from the seller if he walked away from the transaction. The Complainant was advised to contact an attorney for a full understanding of options and potential consequences.

26. At the August 2, 2021 meeting, the Complainant informed Respondents Katrivanos and Stroh that he believed the listing photographs have been edited to remove the high voltage powerline tower and powerlines. Respondent Katrivanos advised the Complainant to keep the listing photographs of the Property for filing a possible complaint with the REC.

27. On August 11, 2021, the Complainant completed the purchase of the property.

28. On November 1, 2021, The Complainant filed a Complaint with the REC against Respondents Beall and Stroh.

29. As part of the REC investigation Kristine Tricario, real estate investigator, interviewed Stephen Carroll, owner of Integrity Image Solutions.

30. Respondents Day and Beall did not ask Integrity Image Solutions to edit any picture of the Property. (REC Ex. 13, pg. 16).

31. As part of standard business practice, Integrity Imaging Solutions outsources the processing of the digital photographs. Part of the processing of photographs includes enhancements.

32. A blue sky edit is an enhancement in which a layer of color is placed over the original digital image to brighten the sky in a photograph.

33. The listing photographs of the Property were enhanced with a blue sky edit by Integrity Image Solutions.

DISCUSSION

THE REGULATORY CHARGES

The Legal Standard

The REC charged the Respondent with violating subsections 17-322(b)(4), b(25), (b)(32), (b)(33), and 17-545 of the Business Occupations Article and subsection 09.11.02.02A of COMAR. Section 17-322 of the Business Occupations Article provides, in pertinent part:

(b) 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:

...
(4) intentionally or negligently fails to disclose to any person with whom the applicant or licensee deals a material fact that the licensee knows or should know and that relates to the property with which the licensee or applicant deals;

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

...
(27) violates § 17-320(c) of this subtitle by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker;

...
(32) violates any other provision of this title;
(33) violates any regulation adopted under this title or any provision of the code of ethics;

....

Bus. Occ. & Prof. § 17-322(b) (Supp. 2024).

Section 17-545(a) of the Business Occupations Article provides that a “team leader shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by members of the team.” Bus. Occ. & Prof. § 17-545 (Supp. 2024).

Section 17-320(c)(1) of the Business Occupations Article provides that a “A real estate broker shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual, including an independent contractor, on behalf of the broker.” Bus. Occ. & Prof. § 17-320 (Supp. 2024).

COMAR 09.11.02.02A requires that “[i]n 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.”

Moreover, regardless of whom the licensed real estate salesperson represents, the licensee has an obligation to disclose any known material facts, or facts that should have been known through a reasonable inspection, regarding the real estate property. *Lopata v. Miller*, 122 Md. App. 94 (1998). “**A fact is material if its existence or nonexistence is a matter to which a reasonable man would attach importance in determining his choice of action in the transaction,** or the maker of the misrepresentation knows that its recipient is likely to regard the fact as important although a reasonable man would not so regard it.” *Maryland Real Estate Comm’n v. Garceau*, 234 Md. App. 324, 357 (2017) (bold in original).

The Burden of Proof

When not otherwise provided by statute or regulation, the standard of proof in a contested case hearing before the OAH is a preponderance of the evidence, and the burden of proof rests on the party making an assertion or a claim. State Gov’t § 10-217 (2021); COMAR 28.02.01.21K. To prove an assertion or a claim by a preponderance of the evidence means to show that it is “more likely so than not so” when all the evidence is considered. *Coleman v. Anne Arundel Cnty. Police Dep’t*, 369 Md. 108, 125 n.16 (2002). In this case, the REC bears the

burden to prove by a preponderance of the evidence that the Respondent committed the violations alleged in the Charges. COMAR 28.02.01.21K(1), (2)(a).

For the reasons that follow, I find that the REC has failed to meet its burden.

The Positions of the Parties

The REC asserted that evidence shows Respondent Katrivanos was negligent in his role as the buyer's broker for failing to ensure that Respondent Stroh showed all material facts of the Property during a virtual tour of the Property, which did not include showing the Complainant powerlines or a high voltage tower in close proximity to the Property. The REC asserted that high voltage powerlines and towers are relevant material facts. As such, the REC maintained that the Respondent Day violated sections 17-322(b)(4), (25), (27), (32), (33) and section 17-320(c)(1) of the Business Occupations and Professions Article of the Maryland Code and COMAR 09.11.02.02 and requested that I impose a reprimand and a fine in the amount of \$3,000.00.

The REC asserted that evidence shows Respondent Stroh was negligent in his role as the buyer's agent in listing for not including powerlines or a high voltage powerline tower during the course of a virtual tour. The REC contended that Respondent Stroh failed to share relevant material facts during the virtual tour. As such, the REC maintained that the Respondent Stroh violated sections 17-322(b)(4), (25), (32), and (33) of the Act and COMAR 09.11.02.02 and requested that I impose a reprimand and a fine in the amount of \$4,500.00.

Respondents Katrivanos and Stroh asserted they did not attempt to conceal the high voltage powerline tower or powerlines on the Property during the course of a virtual tour. Respondent Stroh argued that he discussed the tower and powerlines with the Complainant and discussed with the Complainant an ariel view of the Property. Further, the home inspection

report contains photographs where the tower and powerlines are visible, and the Complainant physically visited the Property during the inspection report review timeframe. Moreover, Respondent Katrivanos asserted that he provided proper supervision of Respondent Beall during the transaction.

Analysis

The REC presented the testimony of Ms. Tricario and the Complainant. Ms. Tricario testified that based on the Complaint she interviewed the Complainant, all four Respondents, and Mr. Carroll. Based on her interviews and review of all available information, she drafted a Report of Investigation. (*see* REC Ex. 13).

At the hearing, the Complainant testified that he and his wife were relocating to Maryland from Tennessee and used Google to search for real estate agents in the Frederick, Maryland area. After speaking with Respondent Stroh on June 16, 2022, and based on the home prices in the area, the Complainant went from wanting to rent a home to purchasing a property. (FOF⁴ No. 15). On June 22, 2021, Respondent Stroh sent the Complainant the MLS listing for the Property and conducted a virtual tour of the Property. The Complainant testified that he did not see any high voltage towers or powerlines in the listing and that during the virtual tour, he and Respondent Stroh only discussed powerlines “in the distance.” The Complainant testified that he did look at images of the Property on Google, but denied viewing or discussing an arial view of the property, which clearly showed the high voltage tower and powerlines. (Stroh Ex. 1).

Respondent Stroh testified that he showed the Complainant the tower and the powerlines during the virtual tour, as they were prominent. Additionally, Respondent Stroh testified that he advised the Complainant to access Google Maps to look at the Property and he discussed the images on Google Maps, including the powerlines. Respondent Stroh further testified that when

⁴ Finding of Fact

the Complainant expressed concerns about the high voltage powerlines and tower, Respondent Stroh shared that he grew up near such powerlines. Respondent Stroh testified consistent with Ms. Tricario's report. (REC Ex. 13, pgs. 7-9).

Respondent Katrivanos testified that he first met the Complainant on July 16, 2021, at the Property, so that contractors could have access to the Property as the Complainant was considering modifications after acquiring the property. Respondent Katrivanos testified that he introduced himself as Respondent Stroh's broker and gave the Complainant a business card. (FOF No. 25). In testifying, Respondent Katrivanos stated he always introduces himself as a broker, as it is a source of pride and accomplishment after many years in the real estate profession. During the July 16, 2021 interaction with the Complainant, the Complainant briefly discussed the powerlines and tower as being an eye sore. At a meeting on August 2, 2022, the Complainant was not pleased that the high voltage powerline tower was so close to the Property, and asked Respondents Katrivanos and Stroh what his options were concerning the Property. Respondent Katrivanos testified that he discussed with the Complainant potential options and advised that he seek legal advice. Respondent testified consistent with Mr. Tricario's report. (REC Ex. 13, pgs. 13 through 15).

Having reviewed the record, I do not find the testimony of the Complainant credible that he was unaware of the high voltage powerline tower and powerlines based on the photographs on the MLS listing for the Property. It is acknowledged that the photographs of the Property were enhanced by Integrity Imaging Solutions with a blue sky edit, however, the lead photograph of the MLS listing has a picture of the high voltage powerline tower. (D/B Ex. 4, pg. 1; FOF No. 13). As noted in Ms. Tricario's report, the Complainant acknowledged viewing the photographs of the Property in the MLS listing. (REC. Ex. 13, pg. 3). The Complainant contracted to

purchase the Property for \$525,000.00 after reviewing the MLS listing and a virtual tour. I do not find the Complainant's assertion that he was unaware of the tower and powerline credible.

A close review of the record further calls into question the veracity of the Complainant's statements. During his interview with Ms. Tricario, the Complainant first indicated that he did not view the Property on Google, but he later acknowledge that he did view the Property on Google Maps. (REC Ex. 13, pgs. 4 and 8). Further, on cross examination concerning the view of Google images of the Property, the Complainant denied viewing the arial view of the Property, but did not give a clear answer as to what he did see when he viewed the Property via Google Maps. In contrast to his prior posture of facing the camera on direct examination, when discussing the Google images and whether he knew he could cancel the sales contract due to the inspection addendum (REC. Ex. 13, pg. 45), the Complainant shifted his body, turning sideways to the camera. The Complainant testified he did not "recall" raising the question of cancellation during the fourteen-day inspection period. Based on his change in demeanor, shifting of his body during cross examination, and the impreciseness of his answers when asked questions regarding Google images and the inspection period, and the abundant documentary evidence before me, I give little weight to the Complainant's testimony.

The REC argued in closing that the issue is whether Respondents Katrivanos and Stroh concealed the high voltage powerline tower and powerlines from the Complainant. I concur. I do find that high voltage powerline towers and powerlines are relevant material facts in a real estate transaction. The REC had the burden of proof to establish that Respondents Katrivanos and Stroh intentionally or negligently failed to disclose a material fact regarding the sale of the Property, i.e., the existence of a high voltage powerline tower and powerlines in close proximity. COMAR 28.02.01.21K(1), (2)(a). The photographs of the Property on the MLS demonstrate

there was no attempt at concealing the high voltage powerline tower and powerlines. Further I found credible the testimony that Respondent Stroh showed and discussed the high voltage powerline tower and powerlines during the virtual tour of the Property. The evidence as presented is insufficient to establish that Respondents Katrivanos and Stroh engaged in conduct that demonstrated bad faith, incompetency, or untrustworthiness or dishonest, fraudulent, or improper dealings. Bus. Occ. & Prof. § 17-322(b)(25) (Supp. 2024). The evidence was also insufficient to establish that Respondents Katrivanos and Stroh intentionally or negligently failed to disclose any material fact related to the Property because the high voltage tower and power lines were visible in the MLS listing of the Property and during the virtual tour. Bus. Occ. & Prof. § 17-322(b)(4). There was no evidence of any other violation of the Act, or any regulation adopted under the Act or the code of ethics. Bus. Occ. & Prof. § 17-322(b)(32), (33). Moreover, there was no showing that Respondent Katrivanos failed to supervise Respondent Stroh as the buyer agent in the sale of the Property. Bus. Occ. & Prof. §17-320(c)(1). Respondents Katrivanos and Stroh therefore did not violate their statutory obligations towards the Complainant. COMAR 09.11.02.02. Accordingly, I find the REC has failed to meet its burden of proof.

I conclude that the Respondents did not violate any of the statutes or the regulation charged, and I need not address sanctions.

PROPOSED CONCLUSIONS OF LAW

I conclude that Respondent Katrivanos did not violate sections 17-322(b)(4), (25), (27), (32), (33) and section 17-320(c)(1) of the Business Occupations and Professions Article of the Maryland Code or COMAR 09.11.02.02.

I conclude that Respondent Stroh did not violate section 17-322(b)(4), (25), (32), and (33) of the Business Occupations and Professions Article of the Maryland Code or COMAR 09.11.02.02.

Consequently, I conclude that the Respondents are not subject to disciplinary sanctions.

RECOMMENDED ORDER

I **RECOMMEND** that the Maryland Real Estate Commission **ORDER**:

1. The Charges against the Respondent Katrivanos be **DISMISSED**; and
2. The Charges against Respondent Stroh be **DISMISSED**; and
3. **ORDER** that the records and publications of the Maryland Real Estate Commission reflect this decision.

January 22, 2025
Date Decision Issued

Carlton A. Curry
Carlton A. Curry
Administrative Law Judge

CAC/kkc
#215747