

**MARYLAND REAL ESTATE
COMMISSION**

v.

**KRISTEN M. CURTIS,
Respondent**

**BEFORE THE
MARYLAND REAL
ESTATE COMMISSION
CASE NO. 477-RE-2022**

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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 Nicole and Finis Johnson ("Complainant") against Kristen Curtis ("Respondent"), a licensed real estate salesperson. Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing, and transmitted this matter to the Office of Administrative Hearings for a hearing. To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement ("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 PARTIES AGREE AND STIPULATE THAT:

1. The Respondent is a licensed real estate salesperson currently affiliated with Berkshire Hathaway HomeServices PenFed Realty,¹ license registration number 05-656558. 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 Respondent enters into this Consent Order in the spirit of conciliation and cooperation and in an effort to avoid litigation. Neither this Consent Order nor the Respondent's consent to a final order of the Commission pursuant to this agreement shall constitute an admission by the Respondent of a violation of the Maryland Real Estate Broker's Act ("Act") (codified at Title 17 of the Business Occupations and Professions Article ("BOP")). By entering into this Consent Order, the Respondent does not admit the truth of any facts or any of the characterizations of the Respondent's conduct set forth herein. Had this matter proceeded to an evidentiary hearing on the merits, the Commission would have offered evidence proving the following:

¹ In January 2022, the Respondent was affiliated with Re/Max Community.

- a. On or about, January 15, 2022, the Respondent met with Nicole Johnson to discuss Nicole and Finish Johnson's ("the Johnsons") requirements to purchase a home. Mr. Johnson was not present at the meeting. At the January 15, 2022 meeting, the Respondent presented a Broker's VIP Client Real Estate Investor Program ("REIP") document to Ms. Johnson. The REIP document contained language regarding payment of real estate salesperson commissions. The Respondent represented that the REIP document was informational and only presented it to Ms. Johnson. The REIP document was never presented nor explained to Mr. Johnson. Although Ms. Johnson signed the REIP document, she did not fill out the document completely and Mr. Johnson never signed the document.
- b. On January 17, 2022, Nicole and Finis Johnson ("the Johnsons") executed a new construction contract ("contract") for a property known as 7721 Woodlawn Avenue, Pasadena, MD 21122 ("the Property").
- c. When the Johnsons received a mortgage loan estimate on or about January 21, 2022, the estimate included a VIP Buyer Fee of \$5,987. The VIP Buyer Fee of \$5,987 was calculated based on a formula in the REIP document that the Johnsons did not collectively agree to.

3. Based on the facts described above, the Commission alleged in the Statement of Charges and Order for Hearing issued in this matter that the Respondent violated the Act at BOP §§17-322(b)(32) and 17-530(f)(5), which provide:

§17-322. Denials, reprimands, suspensions, revocations, and penalties – Grounds.

(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:

(32) violates any other provision of this title;

§17-530. Disclosure of relationship with lessor, seller, buyer, or lessee.

(f) The written disclosure shall explain:

(5) the need for an agreement with a seller's agent, buyer's agent, or dual agent to be in writing and to include the duties and obligations of the agent, how and by whom the agent will be compensated, and any fee-sharing arrangements with other agents;

4. Without admitting that Respondent committed the violations alleged herein, and while understanding that the evidence against the Respondent and in order to avoid a hearing on the allegations, the Respondent stipulates for purposes of this proceeding that she has violated the Act as the Commission as alleged.

5. The Respondent consents to the entry of an Order that she has violated the Act at BOP §§17-322(b)(32) and 17-530(f)(5). As a penalty for the violations the Respondent agrees to pay a civil monetary penalty of \$1,600.00 within 30 days of this Consent Order and Settlement Agreement.

6. Should the Respondent fail to pay the civil penalty of \$1,600.00 within 30 days of this Consent Order, the Respondent agrees that the Respondent's real estate license registration number 05-656558, and any other real estate licenses that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as payment is made.

7. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to an administrative hearing before the Office of Administrative Hearings, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, any further proceedings before the Commission, and any rights to appeal from this Consent Order and Settlement Agreement.

8. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 477-RE-2022.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 3rd DAY OF September, 2024 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §§17-322(b)(32) and 17-530(f)(5), it is further,

ORDERED that based on the violations, the Respondent shall pay a civil monetary penalty in the amount of \$1,600.00, and it is further

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

BY ORDER OF THE MARYLAND REAL ESTATE COMMISSION

9/3/24
DATE


SCOTT LEDERER, EXECUTIVE DIRECTOR

AGREED:



**KRISTEN M. CURTIS,
RESPONDENT**

DATE 8.19.2024