

MARYLAND REAL ESTATE
COMMISSION

v.

JERRY FERGUSON

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BEFORE THE
MARYLAND REAL
ESTATE COMMISSION
MREC Complaint No.:
2018-RE-579

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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 Donald Gossage (“Complainant”). Based on the complaint, the Commission determined that administrative charges against Jerry Ferguson, the Respondent Real Estate Associate Broker (“Respondent”), license registration number 03-527802, are appropriate and that an administrative hearing on those charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings (“OAH”). The OAH scheduled a hearing for May 18, 2021.

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. Respondent Jerry Ferguson is currently licensed by the Commission as a Real Estate Associate Broker and holds license registration number 03-527802. 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 April 8, 2017, Complainant submitted a Sales Contract offer to purchase property located at 430 Lemley Drive, located in Oakland, Maryland (the "Property"). At that time, Respondent was licensed as a real estate broker in the state of Maryland.

3. It is alleged that Brian Homburg, a Maryland licensed real estate salesperson, was acting as the buyer's agent for the Complainant with respect to the Property and the above-referenced offer and was, at all times relevant, subject to reasonable and adequate supervision by the Respondent. It is alleged that Mr. Homburg did not submit the Complainant's offer in a timely manner, and it is further alleged that Complainant was not able to purchase a Property as a direct result of the untimely submission of the Complainant's offer by Mr. Homburg.

4. Respondent admits that he has violated COMAR 09.11.05.02, as alleged by the Commission in its Statement of Charges and Order for Hearing, which is attached hereto as Exhibit A and incorporated by reference fully herein.

5. The Respondent, by entering into this Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and the makings of Finding of Fact and Conclusions of Law, 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 Respondent consents to the entry of an Order that his conduct violated

COMAR 09.11.05.02 and he agrees to a reprimand on his license and to pay a civil penalty in the amount of \$2,500.00 within thirty (30) days of execution of this Consent Order and Settling Agreement.

7. If the Respondent does not pay the civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 03-527802 will be automatically suspended until the fine is paid.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 2nd
DAY OF September, 2021 **BY THE MARYLAND REAL ESTATE**
COMMISSION:

ORDERED, that the Respondent's conduct violated COMAR 09.11.05.02; and it is further

ORDERED, that the Respondent receives a REPRIMAND on his license and must pay a civil penalty of \$2,500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

ORDERED, that if the Respondent does not pay the civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 03-527802 will be automatically suspended until the payment is made; and it is further

ORDERED, that this matter shall be resolved in accordance with the terms of this Consent Order, and that the same shall be reflected among the records of the Maryland Real Estate Commission; and it is further

ORDERED, that this Consent Order shall constitute a Final Order of the Maryland Real Estate Commission.

8/9/21
Date

9/2/2021
Date

SIGNATURE ON FILE

Respondent Jerry Ferguson

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: