

MARYLAND REAL ESTATE
COMMISSION

v.

BRIAN HOMBERG

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2018-RE-579

* * * * *

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 Brian Homberg, the Respondent Real Estate Salesperson ("Respondent"), license registration number 05-579326, 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 Brian Homberg is currently licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-579326. 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, Respondent submitted a Sales Contract to purchase property located at 430 Lemley Drive, located in Oakland, Maryland (the "Property"). Respondent was licensed as a real estate salesperson in the state of Maryland. Respondent was the buyer's agent representing the Complainant in this transaction.**

- 3. In connection with the transaction to purchase the Property, Respondent further advised complainant that after his submission was reviewed and considered he would be told whether or not his contract was accepted. It is further alleged that Respondent did not submit Complainant's contract offer in a timely manner. It is further alleged that Complainant was not able to purchase the Property as a direct result of the Respondent's inaction.**

- 4. The Respondent admits that he has violated COMAR 09.11.02.02A, 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 the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and the making of Findings 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 09.11.02.02A 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 Settlement Agreement.

7. If the Respondent does not pay the civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 05-579326 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 09.11.02.02A; 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 05-579326 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.

7-30-2021
Date

SIGNATURE ON FILE
[Signature]
Respondent Brian Homberg

MARYLAND REAL ESTATE COMMISSION:

9/2/2021
Date

SIGNATURE ON FILE
By: [Signature]

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