

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**IN THE MATTER OF THE
APPLICATION OF
MORI E. LANGSHAW, SR. FOR A REAL
ESTATE SALESPERSON LICENSE**

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* **REC CASE NO. 2017-RE-140**
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OPINION AND FINAL ORDER

Mori E. Langshaw, Sr. (Applicant) applied to the Maryland Real Estate Commission (Commission) on or about August 28, 2016 for renewal of a real estate salesperson license. The Applicant included a handwritten letter with his application in which he requested a “hearing on the reinstatement of my original license”. On September 15, 2016, the Commission advised the Applicant that his application was denied because he had previously surrendered his salesperson’s license in Case No. 181-RE-2011. (Commission Exhibit 2.)

A hearing was held by a panel of Commissioners, consisting of Commissioners Jeff Wright, Anne Cooke and James Reeder on January 18, 2017. Hope Sachs, Assistant Attorney General, appeared on behalf of the Commission. The Applicant did not appear for the hearing despite proper notice. The proceedings were electronically recorded.

PRELIMINARY MATTERS

On or about August 28, 2016, the Applicant filed an application for reinstatement and renewal of a real estate salesperson license. By letter dated September 15, 2016, the Commission informed the Applicant that for the reasons cited in that letter, the Commission had determined that his application for reinstatement and renewal of his real estate salesperson license should be denied. (Commission Exhibit 2.) The Applicant was also advised that a hearing had been scheduled for November 16, 2016 at 2:00 p.m. The September 15, 2016 letter was sent by certified and first class mail to the Applicant at the address he provided on his

license application: 11300 Riverview Road, Fort Washington, MD, 20744. An undated certified mail receipt indicates that it was received by the Applicant. The November 16, 2016 hearing was postponed at the Applicant's request and rescheduled for January 18, 2017 at 12:30 p.m.

The Applicant was advised of the new hearing date by letter dated October 19, 2016. (Commission Exhibit 4.) The October 19, 2016 letter was sent by certified and first class mail to the Applicant at the 11300 Riverview Road, Fort Washington, MD, 20744 address. Although it appears that the certified mail receipt was not signed by the Claimant, there is no evidence in the record to show that the first class mail copy of the letter was returned as unclaimed. The October 19, 2016 letter set forth the hearing procedures. Those hearing procedures informed the Applicant of the steps required to request a postponement of a hearing and also informed him that: "If the applicant fails to appear for this hearing within fifteen minutes of the scheduled time, the application will be denied." (Commission Exhibit 4.)

The Commission concludes, based on the above evidence and testimony, that the Applicant failed to appear for the hearing on the Commission's denial of his application for a real estate salesperson license despite proper notice in accordance with the provisions of Code of Maryland Regulations ("COMAR") 09.01.02.07. In accordance with the provisions of COMAR 09.01.02.09, the Commission elected to proceed with the hearing as scheduled in the absence of the Applicant since the Applicant had been served in accordance with COMAR 09.01.02.07 and had failed to obtain a postponement of the hearing.

SUMMARY OF THE EVIDENCE

On behalf of the Commission, nine exhibits were entered into the record.

FINDINGS OF FACT

1. The Applicant obtained an original salesperson's license from the Commission on October 19, 2005.

2. On November 18, 2010, the Commission opened a disciplinary complaint against the Applicant and a related Guaranty Fund claim.

3. On or about May 20, 2011, the Applicant turned in his license as a result of the pending disciplinary complaint.

4. On September 11, 2012, in Commission case number 11-RE-181, the Administrative Law Judge concluded:

[T]he Claimant has proven she is entitled to an award of \$3,717.00 from the Fund. The Respondent agreed to pay the Claimant this amount in a document that was executed on August 1, 2010 . . . I found the Claimant's testimony credible that the Respondent never paid her this amount. The Respondent did not appear at the hearing and therefore was not able to offer any evidence to counter the Claimant's assertion that she was not paid. Although the Respondent told the MREC Investigator that he was not acting as a real estate agent in this matter – but was instead acting as an investor – the Respondent's self-serving statements after the fact do not absolve him of his misconduct at the time of the transaction. He clearly used his role as a licensed real estate agent to encourage the Claimant to sell her house to him. He presented the Claimant with a Real Estate Purchase Agreement that had the following statement on the top: "I understand that Mori Langshaw is a licensed real estate agent in the state of Maryland."

5. On October 17, 2012, the Commission adopted the Recommended Order of the ALJ, which states that the "Respondent shall be ineligible for any Maryland Real Estate Commission license until he reimburses the Fund for the full amount of the award paid to the Claimant by the Fund, plus annual interest of at least ten percent".

6. On or about December 18, 2012 and January 18, 2013, the Commission sent debt collection notices to the Applicant advising him that the Guaranty Fund claim of \$3,717.00 had been paid by the Commission, that he was required to pay this amount in full, and that if he failed to make full reimbursement within 30 days of the receipt of the letter the Commission

would forward the matter to the State Central Collection Unit (CCU) with a request that suit be filed against the Applicant for collection of the debt.

7. On or about February 18, 2013, the Commission sent a letter to CCU requesting that CCU bring suit against the Applicant due to his failure to respond to the Commission's official notification of the incurred debt.

8. CCU's website indicates that, as of December 8, 2016, the Applicant owed a total of \$6,197.82, consisting of \$4,348.89 in principal and \$1,848.93 in interest, and that no payments had been received by CCU on the debt.

9. The Applicant filed an application for reinstatement and renewal of his real estate salesperson license (Application) with the Commission on or about August 28, 2016.

10. On his application, the Applicant answered the following question in the affirmative: "Have you ever had a real estate license denied, suspended or revoked by Maryland or any other state?"

11. The Applicant included a request for a hearing on the reinstatement of his license with his Application.

12. The Commission notified the Applicant by letter dated September 15, 2016 that his Application had been denied due to "surrendering your license in Case No:181-RE-2011" and that a hearing had been set for November 16, 2016.

13. The Applicant notified the Commission by email dated October 17, 2016 that he had received the September 15 letter, was not available on the scheduled hearing date, and wanted to request a new hearing date.

14. The Applicant stated in his email that he could be reached by postal mail at 11300 Riverview Road, Fort Washington, Maryland, 20744.

15. The Commission notified the Applicant by letter dated October 19, 2016 that it had rescheduled the hearing for January 18, 2017 at 12:30 p.m.

16. On January 18, 2017, the Applicant failed to appear and the Commission proceeded with the hearing after waiting until approximately 12:45 p.m. for the Applicant to appear.

DISCUSSION

The Commission finds that there are two bases on which it could deny the Applicant's application for a real estate salesperson license. The first basis is that the Applicant has failed to repay in full the amount paid by the Guaranty Fund (Fund), and the interest due on this amount, as a result of Case No. 181-RE-2011. The Commission is required to immediately suspend the license of a licensee after the Commission orders payment by the Fund based on an act or omission for which the licensee is responsible. Md. Code Ann., Business Occupations and Professions Article (BOP), § 17-412(a). The Commission is precluded from reinstating a license until the individual whose license was suspended repays in full the amount paid by the Fund along with the interest due under BOP § 17-411(a)(2). BOP § 17-412(b). In accordance with these statutory sections, the Commission's order in Case No. 181-RE-2011 stated that "the Respondent shall be ineligible for any Maryland Real Estate Commission license until he reimburses the Fund for the full amount of the award paid to the Claimant by the Fund, plus annual interest of at least ten percent."

The evidence in this case reflects that, as of December 8, 2016, the Applicant owes a total of \$6,197.82, consisting of \$4,348.89 in principal and \$1,848.93 in interest, and that no payments have been received by the Commission or the CCU on the debt. The Commission therefore concludes that the Applicant did not comply with the statutory requirement that he repay in full,

with interest, the amount paid by the Guaranty Fund as a predicate to an application for license reinstatement. Therefore, his application for reinstatement and renewal shall be denied.

The second basis for the denial of the Applicant's application for a real estate salesperson license is that he does not meet the good character and reputation requirement for licensure. The Maryland Court of Appeals has sanctioned the Commission's reliance on attorney grievance jurisprudence as providing standards that can be applied to real estate licensees. See Joel Pautsch v. Md. Real Estate Commission, 422 Md. 229 (2011). The Court has repeatedly considered the same essential elements in determining whether a disbarred attorney should be reinstated. The Commission finds those elements to be instructive in evaluating whether an applicant for a professional license, such as the real estate salesperson license at issue in this matter, has the good character and reputation necessary for the license to be reinstated and renewed. The Commission has utilized those criteria in making its determination of whether the Applicant's request for a real estate salesperson license should be approved or denied. The essential factors which the Court has considered in determining whether a disbarred attorney should be reinstated are:

- (1) The nature and circumstances of the attorney's misconduct;
- (2) The attorney's subsequent conduct and reformation;
- (3) The attorney's present character; and
- (4) The attorney's present qualifications and competence to practice law.

See In the Matter of Ira C. Cooke for Reinstatement to the Bar of Maryland, 425 Md. 652, 661 (2012) citing In re Braverman, 271 Md. 196, 199-200 (1974), In the Matter of the Reinstatement of Richard C. Murray, 316 Md. 303, 305 (1989) and In re Barton, 273 Md. 377, 381 (1974). See also, In the Matter of the Reinstatement to the Bar of Md. Of Ernest Neal Cory, Jr., 300 Md. 177,

180 (1984); In the Matter of the Reinstatement to the Bar of Md. Of William M. Loker, Jr., 285 Md. 645, 646 (1979); In the Matter of the Reinstatement to the Bar of Md. Of Richard Anthony Barton, 291 Md. 61, 64 (1981); and In the Matter of the Petition for Reinstatement to the Bar of Md. Of Thomas Paul Raimondi and Francis X. Dippel, 285 Md. 607, 609 (1979).

Applying those standards in the instant case, the Commission found in Case Number 2011-RE-181 that the Applicant agreed to pay the claimant \$3,717.00 but never paid her this amount. The Applicant met the claimant through Facebook and offered to buy her property on behalf of a corporate entity, subject to the existing mortgage on the property. The Applicant used the promise that the claimant would receive proceeds in the amount of \$5,000.00 at closing to induce her to sell the property. The Commission also concluded that the Applicant used his role as a licensed real estate agent to encourage the claimant to sell her house to him. Ultimately, the claimant went to settlement, at which time the Applicant informed her that the amount due to her had been reduced from \$5,000.00 to \$3,717.00. The Respondent never paid the claimant this amount. The claimant eventually bought the property back from the corporate entity affiliated with Applicant, at a loss, and proceeded with a short sale.

The Commission concludes that the applicant's conduct was serious and resulted in substantial harm to the claimant. With regard to the other three elements, the Applicant failed to provide any evidence pertaining to these factors. His handwritten note included with the application indicates that he has experienced "years of regret", but there is no other information in the record pertaining to his subsequent conduct and reformation, his present character, or his present qualifications and competence.

Weighing the four factors set forth above, the Commission concludes that the applicant has not shown that he has the good character and reputation which is required in order to have his previously revoked real estate salesperson license reinstated.

CONCLUSIONS OF LAW

Based on the Findings of Fact, and for the reasons set forth in the above Discussion, the Commission concludes that Mori E. Langshaw, Sr. does not currently meet the requirements related to repayment of a Guaranty Fund claim as set forth in BOP § 17-412, nor does he meet the requirements of good character and reputation set forth in BOP § 17-305(b) and is, therefore, ineligible to be granted a real estate salesperson license by the Commission.

ORDER

In consideration of the Findings of Fact and Conclusions of Law, it is this 7th day of March, 2017, by the Maryland Real Estate Commission, **ORDERED** that:

1. The request of Mori E. Langshaw, Sr. for the issuance of a real estate salesperson license is hereby **DENIED**; and
2. The records and publications of the Maryland Real Estate Commission reflect this decision.

MARYLAND REAL ESTATE COMMISSION

SIGNATURE ON FILE

By: _____
Commissioner

NOTE: A judicial review of this Final Order may be sought in the Circuit Court of Maryland in which the Appellant resides or has his principal place of business, or in the Circuit Court for Baltimore City. A petition for judicial review must be filed with the court within 30 days after the mailing of this Order.