

BEFORE THE MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF *
THE CLAIM OF CARYN ALLEN *
AGAINST THE MARYLAND REAL *
ESTATE COMMISSION GUARANTY *
FUND *
RESP: FREDRIC ASHLEY *
LICENSE NO: 01 617831 *

2010-RE-162 GF

PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant, Caryn Allen, has established a valid claim against the Maryland Real Estate Commission Guaranty Fund. It has been established that the Claimant retained the Respondent, Frederic Ashley, to help her sell her home through his brokerage as a short sale. At the time Claimant retained the Respondent, he requested a \$3,500.00 listing fee. The Respondent was a licensed salesperson at the time. The Respondent did not list the property or sell it as represented, and failed to perform any of the duties for which he was retained by the Claimant. The Claimant made numerous attempts to contact the Respondent, without a response from the Respondent. She eventually sought the return of her listing fee, but the Respondent did not respond or return her money even when the Claimant's home went to foreclosure. Further, the Respondent failed to respond to the Commission's investigator regarding the complaint. The Respondent's license expired on November 18, 2009, and he has not applied to renew it.

Wherefore, the Commission believes that the Claimant has established an actual loss due to the misconduct of the Respondent, and is entitled to reimbursement under the Annotated Code of Maryland, Business Occupations and Professions Article, Title 17, Section 404. It has been established that, as a result of the actions by the Respondent, the Claimant sustained an actual loss of Three Thousand Five Hundred Dollars (\$3,500.00). For purposes of these proceedings, the Claimant has agreed to reduce her total claim against the Guaranty Fund to \$3,000 and accept reimbursement in the amount of \$3,000.00 from the Guaranty Fund even though her actual losses may have exceeded that amount.

Wherefore, the Commission hereby awards the Claimant \$3,000.00, from the Maryland Real Estate Commission Guaranty Fund, and Orders that:

1. Pursuant to Business Occupations and Professions Article, Title 17, Section 412(a) any real estate licenses held by the Respondent are suspended and the Respondent is ineligible for any real estate license until the Respondent has repaid any money paid from the Real Estate Guaranty Fund with 12% annual interest pursuant to this Order, under Code of Maryland Regulations 09.11.01.23A;
2. The records and publications of the Maryland Real Estate Commission reflect this decision;
3. This decision of the Commission is a proposed decision only and may be challenged by either the Claimant or the Respondent by filing written exceptions with the Commission. Any exceptions must be in writing, addressed to the Executive Director of the Maryland Real Estate Commission at 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202, and must be received within thirty (30) days of the postmark date of the notice of this Proposed Order. If neither party files

written exceptions, this Proposed Order will become a Final Order of the Commission at the end of the thirty (30) day period. Once it is a Final Order of the Commission, any aggrieved party will have 30 days from the date of the notice of the Final Order to the parties, to file an appeal of the Final Order in the circuit court pursuant to Section 17-329, Business Occupations and Professions Article, Maryland Annotated Code.

_____ Date

6/18/10

MARYLAND
REAL ESTATE COMMISSION

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

By: <

Katherine F. Connelly,
Executive Director

