

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

V.

**EDWIN S. RIOS
6603 Springcrest Drive
Greenbelt, Maryland 20770**

Case No: 2008-RE-0201 GF

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Malaika Green- Brown ("Complainant"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate salesperson, Edwin S. Rios, previous affiliation with Exit First Realty, license registration number, 05-605237 ("Respondent"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the respondent have agreed to enter into this 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 Commission and the Respondent agree and stipulate as follows:

1. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Exit First Realty, as a salesperson, license registration number 05-605237.
3. The Complainant alleges she retained the Respondent to represent her in the purchase of a home in Clinton, Maryland.
4. It is further alleged by the Complainant that the Respondent failed to provide her with the Property Disclosure/Disclaimer form before her offer was submitted and failed to provide the Buyer's Agency Agreement until three days before settlement was to occur.
5. The Respondent admits that by failing to provide such documentation to the Complainant he has violated COMAR 09.11.02.02 (I) and Section 17-533 (g) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

Title 09 Department of labor, Licensing and Regulation
Subtitle 11 Real Estate Commission
Chapter 02 Code of Ethics
.02 Relations to the Client

(I) Unexcused failure to ensure that a prospective purchaser has the real property disclosure statement or disclaimer statement in hand before the submission of an offer to purchase may be considered a violation of the licensee's obligation to protect and promote the interests of the licensee's client when this failure could result in a contract becoming void or voidable.

Section 17-533
Business Occupations and Professions Article
Maryland Annotated Code

(g) Before the licensee may present an offer to purchase or lease or negotiate the purchase or lease of real estate, the presumed buyer's or lessee's agency must be terminated and the buyer or lessee and the licensee shall enter into a brokerage agreement for that licensee to act as an exclusive buyer's or lessee's agent or as an intra-company agent for the buyer or lessee

6. The Respondent consents to the entry of an Order that his conduct, as described in this Consent Order, violates COMAR 09.11.02.02 (I) and Section 17-533 (g) of the Business Occupations and Professions Article, Maryland Annotated Code and he agrees to pay a civil penalty in the amount of \$250.00 within thirty days (30) from the date of the receiving this Consent Order.
7. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, 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.
8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 2008-RE-0201 GF.

BASED ON THESE STIPULATIONS, IT IS THIS 21st DAY OF September 2010 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated COMAR 09.11.02.02 (I) by failing to provide the Disclaimer/Disclosure form before an offer was presented and Section 17-533 (g) of the Business Occupations and Professions Article,

Maryland Annotated Code for failing to executed a Buyer's Agency Agreement before an offer was presented; and it is further

ORDERED the Respondent will pay a civil penalty in the amount of \$250.00 within sixty (60) days of the execution of this Consent Order.

ORDERED that should the Respondent fail to pay the civil penalty within the 60 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of COMAR 09.11.02.02 (I) and Section 17-533 (g) of the Business Occupations and Professions Article, Maryland Annotated Code.

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

MARYLAND REAL ESTATE COMMISSION:

By: SIGNATURE ON FILE

AGREED:

9/2/10
Date

SIGNATURE ON FILE
Edwin S. Rios , Respondent