

MARYLAND REAL ESTATE
COMMISSION

v.

THURMAN BATTLE

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2015-RE-280

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Tamiko Yancey (“Complainant”). Based on the complaint, the Commission determined that administrative charges against Thurman Battle, the Respondent Real Estate Broker (“Respondent”), license registration numbers 01-5652 and 01-5943, 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 September 30, 2015 at 10:00 a.m. in Hunt Valley, Maryland.

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 Thurman Battle is currently licensed by the Commission as a Real Estate Broker for Exit Bennett Realty and holds license registration numbers 01-5652 and 01-5943. 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 October 17, 2013, Complainant filed a complaint against Takeenya Woodard and Gregory Bennett. Based on this complaint and the subsequent investigation, the Commission filed a formal complaint against the Respondent. Complainant entered into a listing agreement with Takeenya Woodard, a real estate salesperson with Exit Bennett Realty, for the sale of her property located at 7147 Donnell Place, D-1, District Heights, Maryland (the “Property”). Complainant was not satisfied with the real estate brokerage services provided by Takeenya Woodard. Complainant contacted Gregory Bennett who she believed was the Broker of Exit Bennett Realty to discuss the listing of her Property. In fact, the Commission had revoked the license of Gregory Bennett on March 11, 2013.

3. Gregory Bennett gave the file to Susan Bears, his assistant, to handle the listing of Complainant's Property. Susan Bears had been licensed by the Commission as a salesperson until September 29, 2011 but was not licensed at the time of this transaction. Respondent allowed unlicensed individuals (Gregory Bennett and Susan Bears) to provide real estate brokerage services without a license while working through Exit Bennett Realty.

4. The Respondent admits that his conduct violated Business Occupations and Professions Article ("BOP") § 17-320 which provides:

§17-320. Employment of and contractual agreements with salespersons and associate brokers.

(c) *Supervision by real estate broker.* – (1) A real estate broker shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any other individual including an independent contractor, on behalf of the broker.

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 BOP § 17-320, and he agrees to pay a civil penalty of \$2,500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

7. If the Respondent does not pay the \$2,500.00 civil penalty within the proscribed thirty (30) days, the Respondent's license registration numbers 01-5652 and 01-5943 will be automatically suspended until the payment is made.

**BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 13th
DAY OF October, 2015 BY THE MARYLAND REAL ESTATE
COMMISSION:**

ORDERED that the Respondent's conduct violated BOP § 17-320; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$2,500.00 for the violation, which amount is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that if payment of the civil penalty is not made within thirty (30) days, the Respondent's license registration numbers 01-5652 and 01-5943 will be automatically suspended until the payment is made; and it is further

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

SIGNATURE ON FILE

10-13-2015
Date

Respondent Thurman Battle

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

10/15/15
Date

By: [Signature]