

MARYLAND REAL ESTATE COMMISSION *

BEFORE THE

MARYLAND REAL

ESTATE COMMISSION

v.

BEECHER BROWN,

COMPLAINT NO.: 2006-RE-355

Respondent

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") based on a complaint filed by Sheila Soto against Beecher Brown ("Respondent"). Based on that complaint, the Commission determined that charges against the Respondent were appropriate and that a hearing on those charges should be held. The matter was scheduled for hearing at the Office of Administrative Hearings on August 6, 2010, but the Commission withdrew the regulatory charges against the Respondent to allow for this resolution to occur. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 06-RE-355.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent was licensed as a real estate salesperson (License No. 05-530076) at the time of the events at issue and, at that time, was affiliated with Century 21/Associates and Johnson LLC.
2. On or about December 20, 2005, Sheila, Oscar, and Juan Soto, sellers, and Maurice Ojaku, buyer, entered into a Residential Contract of Sale for 5408 67th Avenue, Riverdale, Maryland.

3. The Respondent was the listing agent in this transaction, representing the sellers.
4. Ms. Soto had received an October 20, 2005 notice that the property was subject to a foreclosure sale, with a public auction scheduled for November 7, 2005.
5. Ms. Soto was referred to the Respondent to assist her in the sale of her house.
6. The Respondent entered into a listing agreement with Sheila and Oscar Soto.
7. At the Respondent's recommendation, the Sotos filed bankruptcy, which delayed the foreclosure auction.
8. The contract of sale called for the sellers to make certain repairs.
9. The repairs had not been completed by settlement and, as a result, an Addendum was signed at settlement, in which \$5,000.00 would be placed in escrow to cover repairs.
10. The Respondent advised the sellers that they could use a handyman, or contractor, whom he (the Respondent) used, to perform the repairs.
11. The Respondent stated that the repairs could be done for \$3,500.00.
12. The sellers agreed and gave \$3,500.00 to the Respondent.
13. The Respondent failed to place an agreement in writing concerning the handyman, or contractor, making repairs and payment for the repair work.
14. The handyman, or contractor, engaged by the Respondent was not licensed by the Home Improvement Commission to perform the repair work, which constituted home improvements.
15. The handyman, or contractor, did not complete the repair work in the period set forth in the Addendum signed at settlement.
16. The \$5,000.00 which had been escrowed was, therefore, released to the buyer.

17. Ms. Soto requested that the Respondent return the \$3,500.00 which she had given him to be paid to the handyman, or contractor.

18. The Respondent returned the \$3,500.00 to Ms. Soto in approximately May, 2006.

19. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and with the opportunity to seek the advice of counsel.

20. By entering this Consent Order, the Respondent expressly waives the right to any hearing or further proceedings to which he may be entitled in this matter and any rights to appeal from this consent Order.

21. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 *et seq.*, and regulations of the Commission in future real estate transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS 23rd day of August, 2010, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent is reprimanded for those violations, and it is further

ORDERED that the Respondent is also assessed a total civil penalty of \$500.00 for those violations, which amount is payable to the Commission within thirty days of the date this Order is signed by the Commission, and it is further

ORDERED that, if payment of the civil penalty is not made within that 30-day period, the Respondent's real estate license shall be automatically suspended until that payment is made, and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this

Consent Order.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

BEECHER BROWN

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

by *Brosca*
Katherine Connelly, Esq.
COMMISSIONER
MARYLAND REAL ESTATE COMMISSION

8-5-10
Date