

MARYLAND REAL ESTATE
COMMISSION

V.

THURMAN BATTLE
EXIT ADVANCE REALTY
12624 Quaking Branch Court
Bowie, MD 20720

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2008-RE-389
*

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Sandra and Billy Woods (“Complainants”). Based on the complaint, the Commission determined that administrative charges against Thurman Battle, the Respondent Real Estate Broker (“Respondent”), license registration number 01-5652, 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 22, 2010 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 Advance Realty, license registration number 01-5652. 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 December 17, 2007, Complainants Sandra and Billy Woods filed a complaint against the Respondent. Respondent entered into a listing agreement with Complainants for sale of their home located at 1909 Nova Avenue, Capitol Heights, Maryland (“the Property”). Complainants entered into a contract with buyers for the purchase of the Property on January 4, 2005. The parties went to settlement on February 2, 2005. The Complainants gave the buyers a \$1,245 closing credit but such agreement was never reduced to writing or signed by all parties.

3. The Respondent admits that his conduct violated COMAR 09.11.02.01-H which provides:

CODE OF MARYLAND REGULATIONS

**Title 09 Department of Labor Licensing and Regulation
Subtitle 11 Real Estate Commission
Chapter 02 Code of Ethics**

.01 *Relations to the Client.*

H. For the protection of all parties with whom the licensee deals, the licensee shall see to it that financial obligations and commitments regarding real estate transactions are in writing, expressing the exact agreement of the parties, and that copies of these agreements are placed in the hands of all parties involved within a reasonable time after the agreements are executed.

4. 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.

5. The Respondent consents to the entry of an Order that his conduct violated COMAR 09.11.02.01-H, he agrees to attend two continuing education classes beyond the continuing education requirements found in BOP § 17-315. One class shall be on the subject matter of real estate contracts and one class shall be on the subject matter of agency. Both classes shall be completed within six months of the execution of this Consent Order and Settlement Agreement.

6. If the Respondent does not complete the required class within the proscribed six month period, the Respondent's license registration number 05-591405 will be suspended until such time as the classes are completed.

**BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 6
DAY OF OCTOBER, 2010 BY THE MARYLAND REAL ESTATE
COMMISSION:**

ORDERED that the Respondent's conduct violated COMAR 09.11.02.01-H; and it is further

ORDERED that the Respondent must attend two continuing education classes beyond the continuing education requirements found in BOP § 17-315. One class shall be on the subject matter of real estate contracts and one class shall be on the subject matter of agency. Both classes shall be completed within six months of the execution of this Consent Order and Settlement Agreement; and it is further

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

09-24-10
Date

SIGNATURE ON FILE
Respondent Thurman Battle

MARYLAND REAL ESTATE COMMISSION:

10/6/10
Date

By: SIGNATURE ON FILE