

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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V.

*

DONNA BROWN

**Coldwell Banker Residential
Brokerage**

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Case No: 461-RE-2014

**Greenspring Station Falls Concourse
Building**

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10751 Falls Road, Suite 265

Lutherville, Maryland 21093

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Barbara Gilmour (“Complainant”). Based on the complaint, the Commission determined that administrative charges against the Respondent, real estate salesperson, Donna Brown, affiliated with Coldwell Banker Residential Brokerage, license registration number, 05-81761 (“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 jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Coldwell Banker Residential Brokerage as a salesperson, license registration number 05-81761.
3. The Complainant alleges the Respondent gave her buyers the lockbox code to enter the home they were attempting to purchase located at 503 Hickory Lane, Baltimore, Maryland.
4. It is alleged that the sellers agent was driving past the home and noticed that someone was present in the home without a scheduled appointment. When the sellers’ agent entered the home he discovered it was the buyers and their parents

in the home without their agent present. It was at this time that the buyers stated that their agent Ms. Brown gave them the combination on the lockbox to enter the home.

5. That the agent's clients entered the home without having made an appointment through the listing agent to see the property.
6. The Respondent admits that by providing the lockbox code to the buyer she has violated Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

Section 17-322

Business Occupations and Professions Article

Maryland Annotated Code

(b) (25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings;

7. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code and she agrees to pay a civil penalty in the amount of \$250.00 within sixty (60) days of the execution of the Consent Order. Should the Respondent fail to pay the civil penalty within the 60 days after signing the Order, the Commission will suspend all licensees held by 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 violation of Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code
8. 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.
9. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 461-RE-2014.

BASED ON THESE STIPULATIONS, IT IS THIS 14th DAY OF August, 2014 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code for providing the lockbox code to the buyers; and it is further

ORDERED the Respondent has agreed to pay a civil penalty in the amount of \$250.00 and;

ORDERED that should the Respondent fail to pay the civil penalty within the 60 days after signing the Order, the Commission will suspend all licensees held by 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 violation of Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code and;

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

MARYLAND REAL ESTATE COMMISSION:

By: *Katherine F. Lennelly*
9/12/14 *KL*

AGREED:

8/14/14
Date

Donna Brown
DONNA BROWN, Respondent