

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE \*  
COMMISSION \*  
CASE NO. 15-RE-463  
V. \*  
\*  
JOEL MAHER \*  
COLDWELL BANKER RESIDENTIAL \*  
BROKERAGE \*  
1131 S. SALISBURY BLVD. \*  
SUITE B \*  
SALISBURY, MARYLAND 21801 \*  
Lic. Reg. No. 05-623873 \*  
\* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Thomas Abellera, Complainant ("Mr. Abellera"). Based on the complaint and the Commission's investigation, the Commission issued a Statement of Charges and Order for Hearing dated March 13, 2017 against the Respondent real estate salesperson Joel M. Maher, license registration number 05-623873 ("Respondent") and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges. The OAH has scheduled a contested case hearing for May 2, 2017 at 10:00 a.m. in Hunt Valley, Maryland. To resolve this matter without a formal hearing, the Commission and the Respondent have 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. 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. The Respondent is currently licensed by the Commission as a real estate salesperson affiliated with Coldwell Banker Residential Brokerage, license registration number 05-623873.
3. Mr. Abellera's mother died in April 2012. Before her death Mr. Abellera's mother was the owner of 1707 Tennyson Court, Salisbury, Maryland ("property"). Mr. Abellera who resides in Kansas City, Missouri, is the executor of his mother's estate.
4. In the spring of 2012 Mr. Abellera began coordinating the sale of the property. To that end, Mr. Abellera telephoned Allen & Marshall Auctioneers and

Appraisers, L.L.C. ("auction company") located in Parsonburg, Maryland, about the possibility of auctioning the property. The auction company informed Mr. Abellera that someone would contact him to discuss that matter.

5. The auction company referred Mr. Abellera's call to Respondent who was then affiliated with broker Carl Ortman of Re/Max Premier Properties' Salisbury office.

6. Respondent contacted Mr. Abellera about listing the property for sale. Respondent and Mr. Abellera met at the subject property to discuss a list price but Mr. Abellera decided to delay listing the property until the market conditions improved.

7. In October 2012, Mr. Abellera returned to Maryland from Missouri to again meet with Respondent about listing the property for sale. Following that meeting, Respondent prepared a listing agreement with a list price for the property of \$115,000. Respondent identified the listing broker as Re/Max Premier Properties. Mr. Abellera signed the Re/Max Premier Properties listing agreement on or about November 5, 2012.

8. Respondent failed to provide a copy of the fully executed Re/Max Premier Properties listing agreement to Mr. Abellera.

9. On or about December 13, 2012 Respondent transferred his license affiliation to Coldwell Banker Residential Brokerage, Salisbury branch office ("CBRB").

10. Thereafter, Respondent contacted Mr. Abellera to advise him that Re/Max Premier Properties office was closing and that Respondent had transferred his license affiliation to CBRB. Respondent further represented to Mr. Abellera that because the Re/Max Premier Properties office was closing Respondent was unable to turn in the Re/Max Premier Properties listing agreement to his broker at Re/Max Premier Properties office and, instead, Mr. Abellera would be required to sign a new listing agreement with CBRB, Respondent's new brokerage.

11. Respondent's representation to Mr. Abellera that he was unable to turn in the Re/Max Premier Properties listing agreement to his broker at Re/Max Premier Properties was false because Re/Max Premier Properties did not close its Salisbury office location until July 2013.

12. Respondent prepared a new listing agreement with an effective date of December 24, 2012 and a list price of \$99,000 rather than \$115,000; the listing broker was identified as CBRB, Respondent's new broker.

13. Based on Respondent's representation that he could not turn in the original listing agreement to his broker at the Re/Max Premier Properties office because the Re/Max Premier Properties office was closing, Mr. Abellera signed the new listing agreement with CBRB on or about December 20, 2012.

14. Mr. Maher's conduct constituted bad faith, incompetence, and untrustworthiness, as well as dishonest, fraudulent and/or improper dealings.

15. Based on the above, Respondent admits he is subject to and has violated, Business Occupations and Professions Article, §§17-322(b) (14), (25), and (33) as well as Code of Maryland Regulations (COMAR) 09.11.02.01H and 09.11.02.02A, which provide:

**§17-322 Denials, reprimands, suspensions, revocations, and penalties--Grounds.**

(b) *Grounds.*--Subject to the hearing provisions of §17-324 of this subtitle, the Commission may deny a license to any applicant, reprimand any licensee or suspend or revoke a license if the applicant or licensee:

\* \* \*

(14) for any transaction in which the licensee has served as, or on behalf of a real estate broker fails to furnish promptly to each party to the transaction a copy of:

(i) the listing contract to sell or rent real property;

\* \* \*

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

\* \* \*

(33) violates any regulation adopted under this title or any provide of the code of ethics;

\* \* \*

(c) *Penalty.*—(1) Instead of or in addition to reprimanding a licensee or suspending or revoking a licensed under this section, the Commission may impose a penalty no exceeding \$5000 for each violation.

**CODE OF MARYLAND REGULATIONS  
09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
.11 REAL ESTATE COMMISSION  
.02 CODE OF ETHICS**

**.01 Relations to the Public.**

H. For the protection of all parties with whom he 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.

**.02 Relations to the Client.**

A. In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to

the client's interest is primary, but it does not relieve the licensee from his statutory obligations towards the other parties to the transaction.

16. The Respondent consents to the entry of an Order that he has violated BOP §§17-322(b) (14), (25), and (33) as well as COMAR 09.11.02.01H and 09.11.02.02A. He further consents to the entry of an Order imposing a civil penalty of \$4000 pursuant to BOP §17-322(c).

17. The Respondent agrees to pay the civil penalty by May 26, 2017. The Respondent agrees that should he fail to pay the civil penalty as agreed, his real estate salesperson's license registration number 05-623873 and any other real estate licenses that he holds shall be automatically suspended until such time as the civil penalty is paid in full.

18. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing before the Office of Administrative Hearings on the charges, the making of Findings of Fact and Conclusions of Law by an administrative law judge, any and all further proceedings before the Commission and any rights to appeal from this Consent Order.

19. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 15-RE-463 and this matter shall be withdrawn from the OAH hearing docket pursuant to COMAR 09.01.03.07A.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS**  
1st **DAY OF** May, 2017 **BY THE MARYLAND REAL**  
**ESTATE COMMISSION:**

**ORDERED** that the Respondent's has violated BOP §§17-322(b) (14), (25), and (33) as well as COMAR 09.11.02.01H and 09.11.02.02A; and it is further,

**ORDERED** that based on the violations, the Respondent is assessed a civil penalty of \$4000.00, which amount is payable to the Commission on or before May 26, 2017, and it is further

**ORDERED** that should Respondent fail to pay the civil penalty by May 26, 2017, his real estate salesperson's license registration number 05-623873 and any other real estate licenses he holds shall be automatically suspended until such time as the civil penalty is paid in full; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By

KATHERINE F. CONNELLY  
EXECUTIVE DIRECTOR

AGREED: SIGNATURE ON FILE

JOEL M. MAHER, RESPONDENT

4/28/17  
DATE