

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 14-RE-497

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V.

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VINCENT EKUBAN
EXIT REALTY ENTERPRISES
8701 Georgia Avenue, Suite 509
Silver Spring, Maryland 20910
Lic. Reg. No. 01-597280

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Ursula Scott (“Complainant”) against Vincent Ekuban, the Respondent real estate broker of record for Exit Realty Enterprises, license registration number 01-597280 (“Respondent”). Based upon the complaint and an investigation the Commission issued a Statement of Charges and Order for Hearing dated October 6, 2016 against the Respondent and transmitted this matter to the Office of Administrative Hearings (“OAH”) for a hearing on the regulatory charges and the Complainant’s claim against the Commission’s Guaranty Fund. The OAH scheduled a hearing for February 1, 2016 at 10:00 a.m. at the OAH in Kensington, Maryland. To resolve the regulatory matter brought against the Respondent 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 and has been the real estate broker of record for Exit Realty Enterprises, license registration number 01-597280, since December 23, 2004. His current license will expire December 23, 2018.
3. On or about November 10, 2015, Lorenzo Lynch became licensed by the Commission as a real estate salesperson, license registration number 05-655261, and became formally affiliated with the Respondent’s real estate brokerage. Mr. Lynch previously became licensed in the District of Columbia as a real estate salesperson affiliated with Ghanahaitian Properties L.L.C. effective July 11, 2000 and he continued

to be licensed in the District of Columbia at least through August 31, 2015. After becoming licensed by the District of Columbia as a real estate salesperson but before becoming licensed by the Commission, Mr. Lynch provided real estate brokerage services to the Complainant on behalf of the Respondent.

5. In the summer of 2012, the Complainant became interested in purchasing a home in Maryland for herself and her children. The Complainant has known Mr. Lynch for approximately 20 years and knew he worked as a real estate salesperson. Due to Mr. Lynch's association with the Respondent, the Complainant believed Mr. Lynch was licensed by the Commission as a real estate salesperson affiliated with the Respondent's brokerage.

6. Beginning in September 2012 Mr. Lynch accompanied the Complainant to view numerous homes located in Montgomery County, Maryland and in Prince George's County, Maryland. No other Maryland licensed real estate salesperson, associate broker, or broker was present when the Respondent showed those homes to the Complainant.

7. In January 2013 the Respondent emailed to the Complainant and Mr. Lynch a listing for a property known as 3111 Chapel View Drive, Beltsville, Maryland ("the property"). The Complainant expressed her interest in viewing the property. Mr. Lynch obtained access to the cypher code necessary to unlock the lockbox holding the key for the property and Mr. Lynch used the key to gain access to the property for himself and the Complainant. No other Maryland licensed real estate salesperson, associate broker, or broker was present when Mr. Lynch showed the property to the Complainant.

8. After viewing the property with Mr. Lynch, on January 27, 2013 the Complainant made an offer to purchase the property, which the seller ratified on January 30, 2013. The Respondent's signature appears on the contract documents as the broker of record for Exit Realty Enterprises. However after the contract was ratified, it was Mr. Lynch who communicated with the Complainant's lender, with the listing agent for the property, and others by e-mail to address issues that arose requiring several extensions of the settlement date.

9. Settlement on the sale of the property to the Complainant occurred on October 9, 2013 and Mr. Lynch was present at settlement with the Complainant. No other Maryland licensed real estate salesperson, associate broker, or broker was present to represent the Complainant as her buyer's agent at settlement. Mr. Lynch received a \$500 fee from the Respondent related to the sale of the property.

10. The Respondent admits that by his acts and omissions described above he has violated the following sections of the Maryland Real Estate Broker's Act, Business and Occupations Article, Annotated Code of Maryland ("BOP"), Title 17:

§17-320. Employment of and contractual arrangement 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.

§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:

(27) violates §17-320(c) of this subtitle by failing as a real estate broker to exercise reasonable and adequate supervision over the provision of real estate brokerage services by another individual on behalf of the broker

11. The Respondent consents to the entry of an Order that by his acts and omissions described above he has violated BOP §17-320(c)(1), §17-322(b)(27). The Respondent agrees to pay a civil penalty in the amount of \$2500.00 within fifteen days of the date he executes this Consent Order and Settlement Agreement. The Respondent further agrees to take a 3-hour Ethics course and a 3-hour Broker's Supervision course and to provide to the Commission certificates of completion from the instructors of the courses referenced in this Consent Order and Settlement Agreement within 60 days of his execution of this Consent Order and Settlement Agreement. The courses referenced in this Consent Order and Settlement Agreement shall be in addition to, and not substituted for, the continuing education course requirements set forth in BOP §17-315 and COMAR 09.11.06 that are required for license renewal.

12. The Respondent agrees that should he fail to pay the \$2500.00 civil penalty or to provide to the Commission the certificates of completion from the instructors of the above-referenced courses within the time frames above, the Respondent's license registration number 01-597280 shall be automatically suspended and shall continue to be suspended until such time as he complies with the requirements of this Consent Order and Settlement Agreement.

13. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to an administrative hearing before the Office of Administrative Hearings on the regulatory charges set forth in the Statement of Charges and Order for Hearing dated October 6, 2016 as well as to 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 and Settlement Agreement. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of the regulatory charges set forth in the Statement of Charges and Order for Hearing dated October 6, 2016 brought against the Respondent in Case No. 14-RE-497.

14. The Commission and Respondent agree however that the hearing on the Complainant's Guaranty Fund claim shall proceed as scheduled on February 1, 2017 and that by entering into this Consent Order and Settlement Agreement, with regard to the Guaranty Fund claim only, the Respondent has not waived his right to fully participate in the Guaranty Fund hearing, to present any defenses he may have to the Complainant's Guaranty Fund claim, to the making of Findings of Fact and Conclusions of Law by an administrative law judge of the Office of Administrative Hearings, and any rights to appeal from a Final Order issued by the Commission resulting from the Guaranty Fund hearing.

15. The Respondent acknowledges that he had the right to and did consult with an attorney of his choosing at his expense before entering into the Consent Order and Settlement Agreement.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS
30 **DAY OF** January, **2016** **BY THE MARYLAND REAL**
ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §17-320(c)(1) and §17-322(b) (27); and it is further,

ORDERED that based on the violations, the Respondent be assessed a civil penalty of \$2500.00 for the violations, which amount is payable to the Commission within fifteen days of the date he executes this Consent Order and Settlement Agreement; and it is further

ORDERED that Respondent is to take a 3-hour Ethics course and a 3-hour Broker's Supervision course and to provide to the Commission certificates of completion from the instructors of those courses within 60 days of his execution of this Consent Order and Settlement Agreement. The courses referenced in this Consent Order and Settlement Agreement shall be in addition to, and not substituted for, the continuing education course requirements set forth in BOP §17-315 and COMAR 09.11.06 that are required for license renewal; and it is further

ORDERED that should Respondent fail to pay the \$2500.00 civil penalty or provide to the Commission the certificates of completion from the instructors of the above-referenced courses within the above-referenced time frames, the Respondent's license registration number 01-597280 shall be automatically suspended and shall continue to be suspended until such time as he complies with the requirements of this Consent Order; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: _____

KATHERINE F. CONNELLY
EXECUTIVE DIRECTOR

SIGNATURE ON FILE

AGREED:

SIGNATURE ON FILE

Vincent Ekuban, Respondent

Date

1-31-2017