

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

V.

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CASE NO. 14-RE-497

LORENZO LYNCH
TRISTAR REALTY INC
1600 ELTON ROAD
SILVER SPRING, MD 20903
Lic. Reg. No. 05-655261

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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 Lorenzo Lynch, the Respondent real estate salesperson, license registration number 05-655261 ("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. The OAH scheduled a hearing for February 1, 2016 at 10:00 a.m. at the OAH in Kensington, 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 first became licensed by the Commission as a real estate salesperson, license registration number 05-655261, affiliated with broker Exit Realty Enterprises located in Silver Spring, Maryland on November 10, 2015. The real estate broker of record for Exit Realty Enterprises is Vincent Ekuban, license registration number 01-597280 ("Mr. Ekuban"). On or about August 30, 2016 the Respondent transferred his affiliation to broker Tristar Realty, Inc. His current license will expire November 10, 2017.

3. The Respondent 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.

4. After becoming licensed by the District of Columbia as a real estate salesperson but before becoming licensed by the Commission, the Respondent provided real estate brokerage services on behalf of Mr. Ekuban to the Complainant in Maryland.

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 the Respondent for approximately 20 years and knew he worked as a real estate salesperson. Due to the Respondent's association with Mr. Ekuban the Complainant believed the Respondent was licensed as a real estate salesperson by the Commission.

6. Beginning in September 2012 the Respondent accompanied the Complainant to view numerous homes located in Montgomery County, Maryland and in Prince George's County, Maryland. The Respondent was not then a Maryland licensed real estate salesperson, associate broker, or broker and 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 Complainant became interested in viewing a property known as 3111 Chapel View Drive, Beltsville, Maryland ("the property"). The Respondent obtained access to the cypher code necessary to unlock the lockbox holding the key for the property and the Respondent used the key to gain access to the property for himself and the Complainant. The Respondent was not then a Maryland licensed real estate salesperson, associate broker, or broker and no other Maryland licensed real estate salesperson, associate broker, or broker was present when the Respondent showed the property to the Complainant.

8. After viewing the property with Respondent, on January 27, 2013 the Complainant made an offer to purchase the property, which the seller ratified on January 30, 2013. Mr. Ekuban's signature appears on the contract documents as the broker of record for Exit Realty Enterprises. However after the contract was ratified, it was the Respondent 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. Settlement on the sale of the property to the Complainant occurred on October 9, 2013 and the Respondent was present at settlement with the Complainant. The Respondent was not then a Maryland licensed real estate salesperson, associate broker, or broker and no other Maryland licensed real estate salesperson, associate broker, or broker acting as buyer's agent on behalf of the Complainant was present at settlement.

9. The Respondent admits that by his acts described above he has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-301(a)(2), which provides:

§17-301. License Required.

(a) *In general.*-

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(2) Except as otherwise provided in this title, an individual shall be licensed by the Commission as an associate real estate broker or a real estate salesperson before the individual, while acting on behalf of a real estate broker, may provide real estate brokerage services in the State.

10. The Respondent consents to the entry of an Order that by his acts described above he violated BOP §17-301(a)(2). The Respondent agrees to pay a civil penalty in the amount of \$1500.00 upon the Respondent's execution of this Consent Order and Settlement Agreement. The Respondent further agrees to take a 3-hour Ethics course, a 3-hour Agency 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.

11. The Respondent agrees that should he fail to pay the \$1500.00 civil penalty and/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 05-655261 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.

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

13. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 14-RE-497.

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

ORDERED that the Respondent has violated BOP §17-301; and it is further,

ORDERED that based on the violations, the Respondent be assessed a civil penalty of \$1500.00 for the violation, which amount is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that Respondent is to take a 3-hour Ethics course, a 3-hour Agency 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 \$1500.00 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 05-655261 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: SIGNATURE ON FILE

KATHERINE F. CONNELLY
EXECUTIVE DIRECTOR

~~AGREED~~
SIGNATURE ON FILE

Lorenzo Lynch, Respondent

1/27/17
Date