

**MARYLAND REAL ESTATE  
COMMISSION**

v.

**NENG-HUA GUO,**

**Respondent**

**and**

**CLAIM OF SALLY DICARLO  
AGAINST THE REAL ESTATE  
COMMISSION GUARANTY FUND**

\* **BEFORE THE MARYLAND  
REAL ESTATE COMMISSION**

\* **COMPLAINT NO.: 2008-RE-509**

\* **OAH NO.: DLR-REC-24-10-  
08571**

\* \* \* \* \*

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission (the "Commission") based on a complaint and guaranty fund claim filed by Sally DiCarlo (the "Complainant") against Neng-Hua Guo, the Respondent real estate licensee (the "Respondent"). Upon a review and investigation, the Commission determined that a hearing should be held with regard to administrative charges and the guaranty fund claim. The Commission issued a Statement of Charges and Order for Hearing on or about February 1, 2010 (incorporated by reference herein). This matter was previously scheduled for a hearing at the Office of Administrative Hearings, but the case was withdrawn as a result of the parties' consent to the entry of this Consent Order as a full and final resolution of this action. **IT IS STIPULATED BY THE PARTIES THAT:**

1) At all relevant times, the Respondent was licensed by the Commission as a real estate broker (Registration No. 502537).

2) The charges against the Respondent arose from a residential contract of sale, dated on or about November 29, 2007, between Phuong Le, buyer, and Sally DiCarlo, seller, for the property at 10104 Godspeed Drive, Ocean City, Maryland. The Respondent acted as the buyer's agent and prepared the contract documents for the transaction.

3) Prior to the transaction, the Respondent had been a salesperson affiliated with United Realty, Inc., however, the Respondent's salesperson's license expired on or about April 18, 2007. The Respondent was a licensed real estate broker at the time of this transaction and was the broker of record for Warneng Enterprise, Inc.

4) The Respondent misrepresented through the contract, contract related documents, and otherwise, that he was a salesperson affiliated with United Realty, Inc.

5) The contract called for the buyer to provide a deposit in the amount of \$5000.00, to be held in escrow by United Realty, Inc. The contract stated that the buyer "has delivered" such deposit to United Realty, Inc. On or about December 8, 2007, the seller and the buyer signed an addendum agreeing to lower the deposit amount to \$1000.00. The buyer had, in fact, not delivered a deposit to United Realty, Inc., therefore, the contract documents prepared by the Respondent misrepresented that the deposit had been delivered.

6) The Respondent failed to collect a deposit from the buyer and failed to submit a deposit to the broker of United Realty, Inc. The Respondent failed to inform the seller that a deposit had not been collected and/or submitted to the broker.

7) After the contract was ratified, the parties entered into various addenda, including addenda extending the buyer's financing contingency. As the transaction proceeded, the Respondent advised the seller that settlement "looked good" and that it would be safe to move her belongings prior to settlement. The Respondent's assurances led the seller to believe that the transaction would proceed to settlement.

8) The settlement did not occur because of the buyer's inability to obtain financing.

9) After the settlement failed, the Respondent falsely informed the seller that the deposit money had been released to the buyer.

10) The Respondent failed to submit the contract and related documents to the broker (or broker's staff) of United Realty, Inc. and the broker was unaware of the transaction until the seller contacted him about the deposit in early February of 2008.

11) The Respondent admits to violations of Md. Ann. Code, Bus. Occ. and Prof. Art., §§17-301(a)(2), 17-322(b)(3), (19), (25), (31), (32), and (33), 17-322(c), and 17-502(a), and Code of Maryland Regulations 09.11.02.01C & D, and 09.11.02.02A, as alleged by the Commission in its Statement of Charges and Order for Hearing.

12) The Respondent agrees to pay the sum of \$6000.00 to the Complainant within 14 days from the date of this Consent Order. Upon receipt of payment in full, the Complainant hereby agrees to dismiss her claim against the guaranty fund in this matter.

13) Based on his violations, the Respondent agrees to pay a total civil penalty in the amount of \$3000.00 to the Commission within 14 days from the date of this Consent Order.

14) In the event that the Respondent fails to make any required payment in accordance

with this Consent Order, he hereby agrees and consents that his Maryland broker's license (Registration no. 502537) shall be immediately and automatically suspended until such time as all required payments are made. Further, in the event that the Respondent fails to comply with the terms of this Consent Order in any manner, the Commission reserves the right to commence further disciplinary proceedings and impose further sanctions.

15) The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Md. Ann. Code, Bus. Occ. and Prof. Article, §17-101 et seq., and regulations of the Commission in future transactions.

16) The Respondent hereby waives any and all rights of appeal pursuant to this matter or any action of the Commission in accordance with this Consent Order.

BASED ON THE STIPULATIONS OF THE PARTIES, IT IS THIS 5<sup>th</sup> day of October, 2010, BY THE MARYLAND REAL ESTATE COMMISSION,

**ORDERED** that the Respondent has violated Md. Ann. Code, Bus. Occ. and Prof. Art., §§17-301(a)(2), 17-322(b)(3), (19), (25), (31), (32), and (33), 17-322(c), and 17-502(a), and Code of Maryland Regulations 09.11.02.01C & D, and 09.11.02.02A;

**AND IT IS FURTHER ORDERED** that the Respondent shall pay the amount of \$6000.00 to the Complainant, Sally DiCarlo, within 14 days from the date of this Consent Order,

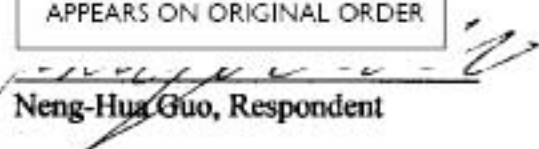
**AND IT IS FURTHER ORDERED** that the Respondent shall pay a civil penalty in the amount of \$3000.00 to the Commission within 14 days from the date of this Consent

Order;

**AND IT IS FURTHER ORDERED** that this matter shall be resolved in accordance with the terms of this Consent Order and that the same shall be reflected among the records of the Maryland Real Estate Commission;

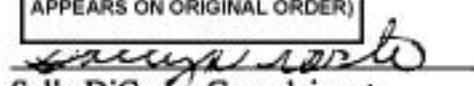
**AND IT IS FURTHER ORDERED** that this Consent Order shall constitute a Final Order of the Maryland Real Estate Commission.

RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

  
Neng-Hua Guo, Respondent

9-16-2010  
Date

CLAIMANT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

  
Sally DiCarlo, Complainant

9-28-2010  
Date

COMMISSIONER'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

  
Maryland Real Estate Commission

10/5/10  
Date