

MARYLAND REAL ESTATE
COMMISSION

v.

WILLIAM FELL

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2020-RE-073

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Charles Wargo, Esq. Based on the complaint, the Commission determined that administrative charges against William Fell, the Respondent Real Estate Broker (“Respondent”), license registration number 01-76334, were appropriate and that an administrative hearing on those charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings (“OAH”).

The Commission and the Respondent agree 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. Respondent William Fell was formerly licensed by the Commission as a Real Estate Broker and held license registration number 01-76334. 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. This case arises out of a sales transaction involving a rowhouse located at 2930 E. Baltimore St., Baltimore, MD 21224. The Respondent was a licensed Real Estate Broker at the time of the transaction operating under the brokerage Royal Realty.
3. The Respondent entered into a verbal agreement with the seller, Charles Wargo, Esq., to find a buyer for the property in exchange for a commission of \$10,000. The Respondent did not reduce this agreement to writing or provide to the parties a listing contract to sell the property.
4. Respondent admits that he violated Business Occupations and Professions Article (“BOP”) § 17-322(b)(14), and Code of Maryland Regulations (“COMAR”) 09.11.02.01(H), which provide, in pertinent part:

§ 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

COMAR 09.11.02.01(H) Relations to the Public.

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

5. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and 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.

6. The Respondent consents to the entry of an Order that his conduct violated BOP § 17-322(b)(14) and COMAR 09.11.02.01(H) and agrees to pay a civil penalty of \$2,500.00 for each violation, for a total penalty of \$5,000.00.

7. The Respondent consents to the payment of the \$5,000.00 civil penalty within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

8. If the Respondent does not pay the \$5,000.00 civil penalty within the prescribed thirty (30) days, the Respondent will be ineligible for licensure with the Commission until the payment is

made.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 27 DAY OF MAY, 2022 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated BOP §§ 17-322(b)(14), and COMAR 09.11.02.01(H); and it is further

ORDERED that the Respondent be assessed a total civil penalty of \$5,000.00 for the violations, which is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that if payment of the civil penalty is not made within thirty (30) days, the Respondent will be ineligible for licensure with the Commission until the payment is made; and it is further

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

5-25-22
Date

SIGNATURE ON FILE
Respondent William Fell

5.27.2022
Date

MARYLAND REAL ESTATE COMMISSION:
SIGNATURE ON FILE
By: _____