

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

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OAH No. LABOR-REC-21-19-33318

v.

\*

AGENCY No. 17-RE-207

\*

KENNETH CROWLEY

\*

Respondent

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\* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission ("Commission") on a complaint filed by Peggy Verbeck on or about November 12, 2016. Based on the complaint and the subsequent investigation, the Commission issued a Statement of Charges and Order for Hearing dated October 3, 2019, against the Respondent Real Estate Broker, Kenneth Crowley, license registration number 01-71370, and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges. 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. The Respondent's license is currently set to expire on April 8, 2021.
2. During all relevant times to this matter, the Respondent was responsible for the supervision of agents/salespersons Patricia A. McInerney and Scott P. McInerney, Jr.
3. Agent Patricia A. McInerney was the listing agent for the sale of Peggy Verbeck's home located in Chesapeake Beach, Maryland, and agent Scott P. McInerney, Jr., represented the alleged purchasers in the transaction.

4. The transaction was to be an all cash deal. Despite repeated requests, no earnest money deposit was collected and the purchasers funds were not verified by either agent.

5. Had the Respondent sufficiently supervised the agents, at least one of them would have verified that the buyers had the necessary funds to complete the transaction.

6. The Respondent admits that he has violated, Business Occupations and Professions Article §§17-322(b)(33), and Code of Maryland Regulations ("COMAR") 09.11.05.02A, which provide:

**Business Occupation and Professions Article**

**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:

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

**Code of Maryland Regulations**

**09.11.05**

**02. Requirement of Supervision.**

A. A broker shall exercise reasonable and adequate supervision over the activities of the broker's salespersons.

7. The Respondent consents to the entry of an Order finding that he has committed the above violations and, as penalty, he agrees to a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00). The civil penalty is to be paid within thirty (30) days of the Commission's execution of this Consent Order and Settlement Agreement.

8. The Respondent, by entering into this 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.

9. The parties agree to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 2017-RE-207 as it pertains to this Respondent,

Kenneth Crowley only, that it shall constitute a Final Order of the Commission, and shall be enforceable as such.

10. The Respondent shall abide by the provisions of the Maryland Real Estate Brokers Act and applicable regulations with regard to all relevant future activities.

11. The Respondent enters into this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS** 4/12  
**DAY OF** March, 2020, **BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED**, that the Respondent has violated BOP Article §§17-322(b)(33) and Code of Maryland Regulations ("COMAR") 09.11.05.02; and it is further

**ORDERED**, that based on the violation, the Respondent is assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) for the violation, which amount is payable to the Commission within thirty (30) days of the Commission's execution of this Consent Order and Settlement Agreement, and it is further

**ORDERED**, that the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent; and it is further

**ORDERED**, that this Consent Order and Settlement Agreement shall constitute a Final Order of the Maryland Real Estate Commission.

MARYLAND REAL ESTATE COMMISSION:

By: **SIGNATURE ON FILE**  
MICHAEL KASNIC  
Executive Director

AGREED:

**SIGNATURE ON FILE**  
KENNETH CROWLEY  
Respondent

2/28/2020  
DATE