

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2021-RE-279

V.

*

CHER CASTILLO,
Respondent,

*

and

*

CLAIM OF KELTON AND LAUREN
BRASWELL AGAINST THE MARYLAND
REAL ESTATE COMMISSION GUARANTY
FUND

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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 and Guaranty Fund claim filed by Kelton and Lauren (“Claimants”) against Respondent, Cher Castillo, license registration number 03-6059 (“Respondent”). Based on the complaint, and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated April 14, 2023 and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges and Guaranty Fund claim. To resolve this matter without a formal hearing, the Commission, the Respondent, and the Claimants (collectively, “the parties”) have agreed to enter into this Consent Order and Settlement Agreement (“Consent Order”) consistent with the best interest of the people of the State of Maryland.

The parties agree and stipulate as follows:

1. The Commission licenses the Respondent as an associate real estate broker affiliated with Mceneaney Associates, Inc., license registration number 03-6059. 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 Claimants made an offer to purchase 14817 Livingston Road, Accokeek, Maryland from Infinity Capital Group, LLC (“seller”) on December 5, 2019, which the seller accepted and ratified on December 8, 2019.
3. The Respondent, who has a business interest in the seller, also served as the listing broker and selling agent for the property.

4. The residential contract of sale included a property inspection contingency. Following the home inspection, the Claimants requested that the seller make certain repairs and the Respondent represented to the Claimants that the seller would make all requested repairs prior to settlement.

5. At or around the time the property was listed for sale, the seller had a new drive-over bridge constructed across a creek that ran through the property to provide driving access to the home but did not obtain required county permits and the county did not inspect the drive-over bridge.

6. The Respondent represented to the Claimants that the drive-over bridge was newly constructed but did not disclose to the Claimants that the seller had not obtained permits or had the county inspect the bridge. After the Claimants settled on the property and moved into the property, the drive-over bridge washed away.

7. The Claimants also began having other problems resulting from incomplete or inadequate repairs made to the property prior to settlement including condensation on various walls resulting from the installation of condenser unit, which was too large and caused mold, as well as water collecting in the basement due to an inoperable sump pump.

8. The Claimants submitted a claim against the Commission's Guaranty Fund based upon the Respondent's acts and omissions as a licensed associate real estate broker described above.

9. To resolve the regulatory charges, the Respondent admits and consents to the entry of an Order that by her acts and omissions described in this Consent Order she has violated Md. Code Ann., Bus. Occ. & Prof. §17-322(b)(33) as well as Code of Maryland Regulations ("COMAR") 09.11.02.02A and accepts the imposition of a REPRIMAND against her license. Md. Code Ann., Bus. Occ. & Prof. §17-322(b)(33) and COMAR 09.11.02.02A provide:

§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
Title 09. Maryland Department of Labor
Subtitle 11. Real Estate Commission
Chapter 02. Code of Ethics
.02 Relations to the Client**

A. In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's

interest is primary, but it does not relieve the licensee from his statutory obligations towards the other parties to the transaction.

10. To resolve the Guaranty Fund claim, the Respondent agrees to pay the Claimants and the Claimants agree to accept from the Respondent the sum of TEN THOUSAND DOLLARS (\$10,000.00) payable by certified or cashier's check no later than September 21, 2023. The Respondent shall deliver the payment to Jessica B. Kaufman, Senior Assistant Attorney General, Office of the Attorney General, Maryland Department of Labor, 1100 N. Eutaw Street, Room 605, Baltimore, Maryland 21201, who shall forward the payment to the Claimants.

11. Should the Respondent fail to make the payment of TEN THOUSAND DOLLARS (\$10,000.00) to the Claimants referenced in paragraph 10 of this Consent Order by September 21, 2023, the Respondent understands and agrees that the Claimants shall be entitled to a hearing on their claim against the Guaranty Fund and that any Commission issued real estate licenses held by the Respondent shall be automatically suspended and continue to be suspended until either the Respondent pays the Claimants in full or the Commission enters a Final Order following a hearing on the Claimant's Guaranty Fund claim.

12. The Respondent enters this Consent Order knowingly, willingly, voluntarily, having had the opportunity to consult with an attorney of her own choosing at her own expense. The Respondent expressly waives the right to an administrative hearing before the Office of Administrative Hearings on the regulatory charges in this matter, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, any further proceedings before the Commission, and any rights to appeal from this Consent Order.

13. The parties agree that the Commission shall withdraw this matter from the Office of Administrative Hearings docket for settlement purposes pursuant to COMAR 09.01.03.07.

14. The parties agree this Consent Order may be signed in counter-parts.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 21st DAY OF August, 2023 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b)(33) and COMAR 09.11.02.02A and it is further,

ORDERED that based on the violations, a **REPRIMAND** shall be placed against the Respondent's license registration number 03-6059; and it is further

ORDERED that the Respondent shall pay to the Claimants the sum of TEN THOUSAND DOLLARS (\$10,000.00) on or before September 21, 2023 by cashier's or certified check payable to the Claimants. The Respondent shall deliver the check to Jessica B. Kaufman, Senior Assistant Attorney General, Office of the Attorney General, Maryland Department of Labor, 1100 N. Eutaw Street, Room 605, Baltimore, Maryland 21201, who shall forward the payment to the Claimants; and it is further

ORDERED that should the Respondent fail to make the payment of TEN THOUSAND DOLLARS (\$10,000.00) to the Claimants referenced in paragraph 10 of this Consent Order by September 21, 2023, the Claimants shall be entitled to a hearing on their claim against the Guaranty Fund and any Commission issued real estate licenses held by the Respondent shall be automatically suspended and continue to be suspended until either: (1) the Respondent pays the Claimants in full pursuant to paragraph 10 of this Consent Order; or (2) the Commission enters a Final Order following a hearing on the Claimant's Guaranty Fund claim.

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

MARYLAND REAL ESTATE COMMISSION:

By: _____
MICHAEL KASNIC
EXECUTIVE DIRECTOR

SIGNATURE ON FILE

AGREED: SIGNATURE ON FILE

DocuSigned by:

Cher Castillo, Respondent

8/21/2023

Date

SIGNATURE ON FILE

Lauren Braswell

08/21/2023

Date

SIGNATURE ON FILE

Kelton Braswell

8-21-2023

Date