

MARYLAND REAL ESTATE  
COMMISSION

v.

FREDY E. DONADO

\* BEFORE THE  
\* MARYLAND REAL  
\* ESTATE COMMISSION  
\* CASE NO. 2019-RE-558

\* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Kira Epstein Begal. Based on the complaint, the Commission determined that administrative charges against Fredy Donado, the Respondent Real Estate Salesperson ("Respondent"), license registration number 05-660123, are 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 OAH scheduled a hearing for February 2, 2023.

Prior to the hearing, the Commission and the Respondent 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 Parties agree that this Consent Order and Settlement Agreement constitutes a full and final settlement of this matter.

The Commission and the Respondent agree and stipulate as follows:

1. Respondent Fredy Donado is licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-660123. 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 residential property located at 417 Hurley Ave., Silver Spring, Maryland ("the Property"). The Respondent was a Real Estate Salesperson with the brokerage that held the listing for the Property.

3. The Complainant in this matter is a licensed Real Estate Salesperson with the Commission who was representing clients in an attempt to purchase the Property. The Complainant initially submitted a purchase contract to the Respondent's brokerage that was not accepted by the owners of the Property. In an attempt to push the transaction through, the Respondent directly contacted the Complainant's clients, the buyers, stating that they may be able to come up with

agreeable terms if the buyers allowed the Respondent to represent them in this transaction. The buyers in turn, contacted the Complainant and informed her of the Respondent's attempt to undermine her relationship with the buyers.

4. Respondent admits that he violated Business Occupations and Professions Article ("BOP") § 17-322(b)(13), (25), (32), (33) and Code of Maryland Regulations ("COMAR") 09.11.02.01(C), 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:

...

(13) solicits a party to a sales contract, lease, or agreement that was negotiated by another to breach the contract, lease, or agreement for the purpose of substituting a new contract, lease, or agreement for which the licensee making the solicitation is either the real estate broker or an associate real estate broker or a real estate salesperson affiliated with the real estate broker;

...

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings;

...

(32) violates any other provision of this title;

...

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

COMAR 09.11.02.01(C) Relations to the Public.

C. The licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the commission charged with regulating the practices of brokers, associate brokers, and salespersons in this State.

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)(13), (25), (32), (33) and COMAR 09.11.02.01(C) and agrees to pay a civil penalty of \$3,000.00.

7. The Respondent consents to the payment of the \$3,000.00 civil penalty within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

8. If the Respondent does not pay the \$3,000.00 civil penalty within the prescribed thirty (30) days, the Respondent's license number 05-660123 will be automatically suspended until the payment is made.

**BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 15<sup>th</sup> DAY OF February, 2023 BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED** that the Respondent's conduct violated BOP §§ 17-322(b)(13), (25), (32), (33) and COMAR 09.11.02.01(C); and it is further

**ORDERED** that the Respondent be assessed a total civil penalty of \$3,000.00 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's license number 05-660123 will be automatically suspended until the payment is made; and it is further

**ORDERED** that this matter shall be resolved in accordance with the terms of this Consent Order and Settlement Agreement, 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 and Settlement Agreement shall constitute a Final Order of the Maryland Real Estate Commission

2/19/23  
Date

SIGNATURE ON FILE  
Respondent ~~Fredy E. Donado~~

2/15/2023  
Date

MARYLAND REAL ESTATE COMMISSION:  
SIGNATURE ON FILE  
By: \_\_\_\_\_