

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 2020-RE-186

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v.

*

GUIHONG PENG
Respondent

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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 filed by Timothy Jaecklein and Jodel Jaecklein (“Complainants”) against Guihong Peng (“Respondent”), on September 23, 2019. Based on the complaint and an investigation, the Commission determined that formal administrative charges were warranted. Prior to the issuance of such administrative charges, the Commission and the Respondent (“the Parties”) have agreed to enter into this Consent Order and Settlement Agreement to resolve this matter without formal charges or hearing, and to impose 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, number 05-612788, is currently set to expire on February 28, 2022.
2. The Respondent was representing potential buyers who wished to see the Complainants’ home, located in Timonium, Maryland (“Subject Property”).
3. On or about September 15, 2019, the Respondent provided the lock box code to the home to his clients, who entered and viewed the home outside his presence.
4. The Respondent admits that he has violated Business and Occupations Article §§17-322(b)(25), and (33), as well as Code of Maryland Regulations (“COMAR”) 09.11.02.01C which provide:

Business Occupations 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:

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

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

Code of Maryland Regulations

09.11.02

.01 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.

6. The Respondent consents to the entry of an Order finding that he has committed the above violation and, as penalty, agrees to pay a civil penalty of Two Thousand Dollars (\$2,000.00). The civil penalty is to be paid within thirty (30) days of execution of this Consent Order and Settlement Agreement.

7. The Respondent, by entering into this Consent Order and Settlement Agreement, expressly waives the right to have the charges reduced to writing, 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.

8. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms.

9. The parties agree to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 186-RE-2020, 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 opportunity to obtain advice of counsel.

2nd **BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS DAY OF December, 2020, BY THE MARYLAND REAL ESTATE COMMISSION:**

ORDERED, that the Respondent has violated Business and Occupations Article §§17-322(b), (25), and (33), as well as Code of Maryland Regulations (“COMAR”) 09.11.02.01C; and it is further

ORDERED, that based on the violations, the Respondent is assessed a civil penalty of Two Thousand Dollars (\$2,000.00), which amount is payable to the Commission within thirty (30) days of execution of this Consent Order and Settlement Agreement, and it is further

ORDERED, that if the Respondent fails to comply with the terms of this Consent Order, the Respondent’s license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that the Respondent has evidenced compliance with the Consent Order’s terms; 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: 
MICHAEL KASNIC
Executive Director

AGREED:


GUIHONG PENG
Respondent

11/16/2020
DATE

