

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 412--RE-2019

*

V.

*

COLLEEN M. MEISER
ERA MARTIN ASSOCIATES
1000 E. MAIN STREET
SALISBURY, MARYLAND 21804
LIC. REG. NO. 03-500211
RESPONDENT

*

*

*

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Mitchell McPhail ("Complainant"). Based on the complaint and subsequent investigation it was determined that administrative charges against the Respondent are appropriate. Before the Commission issued a Statement of Charges and Order for Hearing against the Respondent, the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement, which provides for the imposition of disciplinary measures which are fair and equitable under these circumstances and are consistent with the best interests of the people of the State of Maryland, to resolve the complaint. The Commission and the Respondent agree and stipulate as follows:

1. At all times relevant the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent is licensed as a real estate associate broker, license registration number 03-500211, and is currently affiliated under real estate brokerage, ERA Martin Associates.
3. The Complainant signed a buyer broker agreement with the Respondent for representation in purchasing a property from March 1, 2018 through July 5, 2018.
4. On March 9, 2018, the Complainant signed a Contract for the purchase of a house located on Ramblin Road in Salisbury, Maryland.
5. The Respondent was the listing agent of the property and failed to provide to the buyer the Agency Disclosure form. The buyer was aware that the agent was the listing agent for this property.

6. According to the listing agreement, the house was built in 1975. The Respondent failed to give the buyer the required Lead Paint Disclosure form.

7. The Respondent acknowledges failing to provide the required forms and admits that by her acts and omissions described above she has violated Business Occupations and Professions Article, Annotated Code of Maryland (“BOP”) §17-322(b)(32) and §17-322(b)(33) and §17-530(d) and 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:

* * *

(32) violates any other provision of this title.

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

§17-530 (d) Disclosure by seller’s agent.

In any residential real estate transaction that does not involve a subagent or buyer’s agent, the seller’s agent shall make the written disclosure to the buyer or lessee required under this section that the seller’s agent represents the seller or lessor.

CODE OF MARYLAND REGULATIONS

09.01.02.01 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 and 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 broker, associate brokers, and salespersons in the State.

8. The Respondent consents to the entry of an Order by the Commission that she has violated BOP §§17-322(b) (32) (33), and 17-530(d) and COMAR 09.11.02.01C.

9. The Respondent agrees she is required to abide by the Maryland Real Estate Broker’s Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-101 et. seq. and the Commission’s regulations in all real estate transactions.

10. The Respondent agrees to pay a civil penalty in the amount of \$1000.00 which will be paid to the Real Estate Commission within 30 days of the date of the entry of this Consent Order and Settlement Agreement.

11. The Respondent agrees that should she fail to make the payment as agreed, her real license shall be automatically suspended and shall remain suspended until the required payment is made.

12. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to the issuance of a Statement of Charges and Order for Hearing by the Commission, an administrative hearing on the charges before the Commission or the Office of Administrative Hearings (OAH), the making of Findings of Fact and Conclusions of Law by the Commission or an Administrative Law Judge of the OAH, any and all further proceedings before the Commission, and any rights to appeal this Consent Order and Settlement Agreement.

13. The Respondent enters into this Consent Order and Settlement Agreement voluntarily, knowingly, and willingly, after having the opportunity to consult with private counsel of her own choosing at her own expense.

14. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 412-RE-2019.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 31st DAY OF December, 2020 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §§17-322(b) (32), (33), 17-530(d), and COMAR 09.11.02.01C; and it is further,

ORDERED that the Respondent shall pay a civil penalty to the Commission of One Thousand Dollars (\$1000.00) in accordance with paragraph 10 this Consent Order and Settlement Agreement; and it is further

ORDERED that should the Respondent fail to pay the civil penalty in accordance with paragraph 10, the Respondent's real estate associate broker's license registration number 03-500211 shall be automatically suspended and shall remain suspended until such time as the payment is made; and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this Consent Order and Settlement Agreement.

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE
By: _____
Michael L. Kasnic, Executive Director

AGREED:
SIGNATURE ON FILE

Colleen M. Meiser
Respondent

12/30/2020
Date