

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**Maryland Real Estate
Commission**

*

v.

*

Charles Kamsch

*

Complaint No. 2011-RE-087

Respondent

*

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Michael Kinlein. Based on that complaint, the Commission determined that administrative charges against Charles Kamsch (the “Respondent”) were appropriate and that a hearing on the charges should be held. However, prior to a hearing being scheduled and held on the charges, the Commission and the Respondent reached an agreement to settle this case. The Commission and the Respondent consent to the entry of this Order as the final resolution of the regulatory charges in Complaint No. 2011-RE-087.

IT IS STIPULATED BY THE PARTIES that:

1. The Respondent was licensed by the Commission as a real estate salesperson (License No. 05-86771) at all times relevant to this case and is currently licensed in that capacity.
2. The Respondent has been licensed for thirty years and has never had a complaint filed with the Commission regarding the provision of real estate brokerage services.
3. At the time of the events in this matter, the Respondent was affiliated with All American Residential Realty.

4. The Respondent participated in the real estate transaction at issue as a dual agent and drafted the offer to purchase the property on behalf of the Complainant's son and daughter-in-law.

5. In drafting the offer to purchase, the Respondent identified himself as a dual agent but also listed himself as a "cooperating agent" in the transaction. The Respondent was not a cooperating agent. Further, the Respondent did not identify whether he was the dual agent assigned by the broker to represent the buyer or the seller in the transaction.

6. The Respondent noted in the contract offer that another sales agent with All American Residential Realty, Paul Cvach, was participating in the transaction, but did not identify whether he was a dual agent and whether he represented the buyer or seller in the transaction.

7. The Respondent altered the "Get A Home Inspection" form, which was an addendum to the contract of sale for the property, by adding a handwritten statement regarding the Complainant making the home inspection, without authorization from the buyers and seller and after they had already executed the form.

8. The buyers purchased the property, but the Complainant filed a complaint regarding the transaction against the Respondent with the Greater Baltimore Board of Realtors ("GBBR"). As a result of the Board's findings, the Respondent paid a fine of Four Hundred Dollars (\$400.00) to GBBR and was required to take additional education courses on, among other things, contract forms and agency.

9. The Respondent completed the additional education courses required by GBBR.

10. The Respondent agrees to abide by the Maryland Real Estate Broker's Act, Maryland Annotated Code, Business Occupations and Professions Article, Sections 17-101 *et seq.*, and the regulations of the Commission in future practice.

11. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and is aware that he is entitled to be represented by counsel in this case.

**BASED ON THESE STIPULATIONS, IT IS THIS 30th DAY OF JULY, 2012,
BY THE MARYLAND REAL ESTATE COMMISSION,**

ORDERED that the Respondent Charles Kamsch has violated Maryland Annotated Code, Business Occupations and Professions Article, Section 17-322(b)(33) and Code of Maryland Regulations ("COMAR") 09.11.02.01H, and it is further

ORDERED that the Respondent is assessed a civil penalty of Two Hundred and Fifty Dollars (\$250.00) for the violations, which amount is payable to the Commission within thirty (30) days of the date this Order is signed by the Commission, and it is further

ORDERED that additional education courses in contract and agency are required in connection with this violation; however that the courses which the Respondent took on contract and agency in connection with the sanctions imposed by the GBBR in this matter, shall serve to satisfy the additional education requirements of this Order, and further

ORDERED that if the payment of the civil penalty is not made within the thirty day period after the date this Order was signed by the Commission, the Respondent's license shall be immediately suspended by the Commission until the payment is made, and it is further

ORDERED that the Commission's records and publications shall reflect the civil penalty and educational requirements imposed on the Respondent.

SIGNATURE ON FILE

CHARLES KAMSCH

7-24-2012
DATE

SIGNATURE ON FILE

MARYLAND REAL ESTATE
COMMISSION