

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

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CASE NO. 2018-RE-233

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V.

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TAKONIA M. PERSON  
BENNETT REALTY SOLUTIONS  
7701 GREENBELT ROAD, STE. 100  
GREENBELT, MARYLAND 20770  
LIC. REG. NO. 05-600526  
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 Birdina Miller (“Complainant”). Based on the complaint and the response thereto received from Respondent Real Estate Salesperson Takonia M. Person, license registration number 05-600526, a Commission Panel determined it appropriate to bring administrative charges against the Respondent. 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 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 Respondent is licensed as a real estate salesperson, license registration number 05-600526, and is currently affiliated with real estate broker Bennett Realty Solutions.
3. On January 15, 2017, the Complainant made an offer to purchase a property known as 9708 Hummingbird Lane, Upper Marlboro, Maryland 20772 (“Hummingbird property”) listed for sale by real estate broker Exit Bennett Realty, which was accepted by the seller on January 19, 2017.
4. The Respondent, then known as Takonia Barber and affiliated with broker Exit Bennett Realty, was identified on the Residential Contract of Sale as the listing and selling agent for the Hummingbird property.
5. When the Complainant settled on her purchase of the Hummingbird property the Settlement Statement included a “Realtor Fee to Exit Bennett Realty” in the amount of \$495.00

to be paid by the Complainant. In an email to the Commission, the Respondent admitted that “I don’t have additional documentation for the \$495...” to demonstrate that Complainant had agreed in writing to pay a \$495.00 “Realtor fee” to Exit Bennett Realty.

6. On January 16, 2017, the Complainant entered into a listing agreement with Exit Bennett Realty to list for sale the Complainant’s property located at 9010 Cheval Lane, Upper Marlboro, Maryland 20772 (“Cheval property”).

7. The listing agreement, prepared by the Respondent, for the Cheval property stated the Broker’s commission on the sale would be: “TBD based on net sales price per appraisal” but did not state Complainant would be required to pay any administrative fees.

8. When the Complainant settled on the sale of the Cheval property, the Settlement Statement included a fee of \$795.00 identified as “Seller Addt’l Commission to Exit Bennett Realty”.

9. In her written response to the complaint received by the Commission on January 30, 2018, the Respondent acknowledged the \$795 fee was actually an administrative fee: “I have charged all clients both buyers and sellers an administrative fee of \$795 since January 1, 2017.” Further, in an email to a member of the Commission’s staff dated April 25, 2018, the Respondent further acknowledged: “[Complainant] and I *discussed* the \$795 fee at length... .”

10. The Respondent did not produce any documentation to the Commission demonstrating that the Complainant had agreed in writing to pay a \$795 administrative fee.

11. The Respondent admits that by her acts and omissions described above she has violated Business and Occupations Article, Annotated Code of Maryland (“BOP”) §17-322(b)(33) and Code of Maryland Regulations (“COMAR”) 09.11.02.01H, which 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:

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

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**Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
Subtitle 11 REAL ESTATE COMMISSION  
Chapter 02 Code of Ethics  
.01 Relations to the Public**

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H. For the protection of all parties with whom the licensee deals, the licensee shall see to it that financial obligations and commitments regarding real estate transactions are in

writing, expressing the exact agreement of the parties, and that copies of these agreements are placed in the hands of all parties involved within a reasonable time after the agreements are executed.

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

13. 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.

14. The Respondent agrees to pay the Complainant a total of \$1290.00 (representing the \$795 administrative fee and the \$495 administrative fee) within 30 days of the date of the entry of this Consent Order and Settlement Agreement. The check shall be made payable to "Birdina Miller" and shall be mailed to the Maryland Real Estate Commission, c/o Lucinda Rezek Sands, 500 N. Calvert Street, Third Floor, Baltimore, Maryland 21202, who shall forward the payment to the Complainant. The Respondent agrees that should she fail to make the payment within 30 days of this Consent Order and Settlement Agreement, her real estate license registration number 05-600526 shall be automatically suspended and shall continue to be suspended until the payment is made.

15. 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 petition for judicial review of this Consent Order and Settlement Agreement.

16. 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.

17. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 2018-RE-233.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 15<sup>th</sup>  
DAY OF October, 2018 BY THE MARYLAND REAL ESTATE  
COMMISSION:**

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

**ORDERED** that the Respondent shall pay to the Complainant \$1290.00 in accordance with paragraph 14 this Consent Order and Settlement Agreement; and it is further

**ORDERED** that should the Respondent fail to pay to the Complainant \$1290.00 in accordance with paragraph 14 this Consent Order and Settlement Agreement, the Respondent's real estate salesperson license registration number 05-600526 shall be automatically suspended and shall continue to be 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:

By: **SIGNATURE ON FILE**

Michael L. Kasnic, Executive Director

**AGREED:**  
**SIGNATURE ON FILE**

Takonia M. Person  
Respondent

9/27/18  
Date