

MARYLAND REAL ESTATE
COMMISSION

v.

CYNTHIA MOLER,

Respondent

* BEFORE THE MARYLAND
* REAL ESTATE COMMISSION

*

* COMPLAINT NO.: 2006-RE-335

* OAH NO.: DLR-REC-24-09-
35405

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (the "Commission") based on a complaint and guaranty fund claim filed by Hilton C. Smith (the "Complainant") against Cynthia Moler, the Respondent Real Estate Salesperson (the "Respondent"). Upon a review and investigation of the complaint, the Commission determined that a hearing should be held with regard to administrative charges and the guaranty fund claim. This matter was previously scheduled for a hearing at the Office of Administrative Hearings, but the case was withdrawn as a result of a settlement agreement between the parties. The Commission and the Respondent have agreed to enter into this Consent Order as a final resolution of this action. IT IS STIPULATED BY THE PARTIES THAT:

- 1) At all relevant times, the Respondent was licensed by the Commission as a real estate salesperson (Registration No. 505283).

2) The charges against the Respondent arose from a purchase contract, dated July 17, 2003, for the property known as 125 Washington Street, Hagerstown, Maryland. The Respondent was the listing agent for the property and the Complainant was the seller of the property.

3) The Commission alleged that the Respondent violated Md. Ann. Code, Bus. Occ. and Prof. Art., § 17-322(b)(33) and COMAR 09.11.02.02A by presenting a contract to the Complainant that was incomplete because there was a page missing that contained notice provisions regarding negotiations over repairs.

4) On or about July 28, 2010, the Respondent entered into a settlement agreement with the Complainant whereby the Respondent agreed to pay a sum of money to the Complainant and the Complainant agreed to dismiss his guaranty fund claim in this matter.

5) Based on the settlement agreement described at paragraph 4 above, the Commission hereby agrees to dismiss all administrative charges against the Respondent in this case upon the completion by the Respondent of a 3 hour continuing education course relating to "Contracts" in the real estate industry. The Respondent agrees to complete such a course, and provide documentary evidence of course completion to the Commission, within 90 days from the date of this Consent Order. This course shall not be applicable toward the normal continuing education requirements which are necessary for the Respondent to maintain an active license status.

6) In the event that the Respondent fails to comply with the terms of this Consent

Order in any manner, the Commission reserves the right to commence further disciplinary proceedings and impose further sanctions.

7) The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Md. Ann. Code, Bus. Occ. and Prof. Article, §17-101 et seq., and regulations of the Commission in future transactions.

BASED ON THE STIPULATIONS OF THE PARTIES, IT IS THIS 8th day of September, 2010, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent shall complete a 3 hour continuing education course in the subject matter of "Contracts" within 90 days from the date of this Consent Order;

AND IT IS FURTHER ORDERED that this matter shall be resolved in accordance with the terms of this Consent Order 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 shall constitute a Final Order of the Maryland Real Estate Commission.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

Cynthia Moler
Cynthia Moler, Respondent

(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

[Signature]
Maryland Real Estate
Commission, *Exec. Director*

September 1, 2010

Date

Date

9/3/10