

MARYLAND REAL ESTATE
COMMISSION

v.

TODD POWELL,

Respondent

*
*
*
*
*

BEFORE THE
MARYLAND REAL
ESTATE COMMISSION
COMPLAINT NO.: 2006-RE-368

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Sharon King Dudley against Todd Powell (“Respondent”). Based on that complaint, the Commission determined that administrative charges against the Respondent were appropriate and that a hearing on those charges should be held. This matter was scheduled for a hearing at the Office of Administrative Hearings on October 24, 2008, but the case was withdrawn by the Commission to allow for settlement to occur. The Commission and the Respondent consent to the entry of this Order as final resolution of this action as to the administrative charges in Complaint No. 2006-RE-368.

IT IS STIPULATED BY THE PARTIES that:

1. The Respondent is currently licensed as an associate real estate broker (License No. 03-519314) and is affiliated with Anne Arundel Properties, Inc.
2. At the time of the matters involved in this complaint, the Respondent was licensed as a salesperson (License No. 05-519314) and was affiliated with Phoenix Real Estate Investment Brokerage Services.

3. On or about November 29, 2005, Jill Woodlon, buyer, and Pecolia Powell, seller, entered into a contract of sale for 5904 Belle Grove Road, Baltimore, Maryland.
4. The seller was the Respondent's mother, and the buyer was his girlfriend.
5. The Respondent prepared the contract of sale in this transaction.
6. Settlement occurred on March 15, 2006 and was conducted by Monumental Title and Escrow Company, LLC, of which the complainant, Ms. Dudley, was/is a managing member.
7. The Respondent attended settlement.
8. On or about August 31, 2004, the seller (mother of the Respondent) had executed a deed conveying the property to Mark Avery.
9. The Respondent was aware of that conveyance, but he did not inform the complainant (or anyone at Monumental Title) of the conveyance prior to or during settlement.
10. After settlement, the complainant's office attempted to record the settlement documents and learned that the seller was not the record owner.
11. The above-referenced deed had been recorded on or about March 22, 2006.
12. The existence of the above-referenced deed was a material fact.
13. The Respondent enters this Consent Order freely, knowingly, voluntarily and with the advice of counsel.
14. By entering into this Consent Order, the Respondent expressly waives the right to any hearing or further proceedings to which he may be entitled in this matter and any rights to appeal from the Consent Order.

15. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 *et seq.*, and regulations of the Commission in future real estate transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS 12th day of Nov, 2008, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that Respondent Todd Powell has violated Business Occupations and Professions Article, Maryland Annotated Code, §§17-322(b)(4) [negligently failing to disclose a material fact] and 25 [improper dealings] and it is further

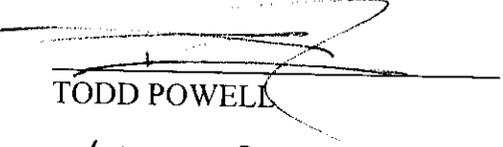
ORDERED that the Respondent's associate real estate broker's license is suspended for 30 days effective December 1, 2008, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$1,500.00, which amount is payable to the Real Estate Commission on or before December 15, 2008 and it is further

ORDERED that, if payment of the civil penalty is not made by December 15, 2008, the Respondent's associate real estate broker's license shall be automatically suspended until that payment is made, and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this

Consent Order.


TODD POWELL

11.3.08
Date


Katherine J. Connelly, Exec. Dir. for
COMMISSIONER J. Nicholas P. Ambrosia
MARYLAND REAL ESTATE COMMISSION

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
CHIEF DEPUTY ATTORNEY GENERAL

JOHN B. HOWARD, JR.
DEPUTY ATTORNEY GENERAL



ELIZABETH H. TRIMBLE
PRINCIPAL COUNSEL

JONATHAN R. KRASNOFF
DEPUTY COUNSEL

SUSAN M. CHERRY
CHIEF OF LITIGATION

DEPARTMENT OF LABOR, LICENSING AND REGULATION

500 N. Calvert Street - Suite 406
Baltimore, Maryland 21202-3651
(410) 230-6108 - FAX: (410) 333-6503

December 15, 2008

MEMORANDUM

TO: Katherine F. Connelly, Executive Director,
Maryland Real Estate Commission

FROM: Peter Martin
Assistant Attorney General *P.M.*

RE: *MREC v. Todd Powell*
Complaint No. 06-RE-368

I am returning this file, which includes the original Consent Order which you signed on behalf of Commissioner D'Ambrosia (with his authority). Also in the files is Mr. Powell's check (No. 1302077633) for \$1,500.00, which represents payment of his civil penalty. He has now complied with the terms of the Consent Order.

Thank you.

ADVICE OF COUNSEL; NOT AN OPINION OF THE ATTORNEY GENERAL

SUMMARY OF DAILY RECEIPTS

11/30/17

AGENCY NAME: Real Estate Commission of Maryland

PREPARED BY: *[Signature]*

DATE: *12/1/17*

DEPOSIT # *195*

AGENCY CODE: 34.06.01

PROGRAM: .018

FUND .03

PCA 61646

RSTARS	STARS	DESCRIPTION	FEE	QUANTITY	TOTAL	NO. SERIES LIC./RECPT
4401	02.12.01	Broker (Original)	\$95.00			
4401	02.12.01	Broker (Renewal)	\$95.00			
4401	02.12.01	Broker - Recovery	\$95.00			
4404	02.12.02	Associate Broker (Original)	\$65.00			
4404	02.12.02	Associate Broker (Renewal)	\$65.00			
4404	02.12.02	Associate Broker - Recovery	\$65.00			
4407	02.12.03	Salesperson (Original)	\$45.00			
4407	02.12.03	Salesperson (Renewal)	\$45.00			
4407	02.12.03	Salesperson - Recovery	\$45.00			
4410	02.12.04	Branch Office	\$5.00			
4413	02.12.05	Duplicate License / ID	\$5.00			
SUB-TOTAL						
6960	03.43.49	Address Change	\$5.00			
7071	03.43.86	Broker Examination Fee	\$10.00			
7074	03.43.87	Salesman Examination Fee	\$10.00			
7077	03.43.88	Name Change	\$5.00			
7080	03.43.89	Transfer	\$10.00			
7125	03.44.05	Time Share Registration	\$100.00			
SUB-TOTAL						
6180	04.01.06	Bad Check Charge	\$25.00			
7608	02.03.10	Reinstatement/Late Fee	\$100.00			
7707	05.03.19	Photocopies				
7737	05.03.29	Certification	\$10.00			
SUB-TOTAL						
8115	09.01.08	Real Estate List				
8118	09.01.09	Subpoena	\$8.00			
8121	09.01.11	Overage				
SUB-TOTAL						
PROGRAM .044		FUND 07		PCA 64453		
7101	03.43.96	Guaranty Fund Broker	\$20.00			
7101	03.43.96	Guaranty Fund Salesperson	\$20.00			
7101	03.43.96	Guaranty Fund Associate Broker	\$20.00			
SUB-TOTAL						
PROGRAM .18		FUND .01		PCA 61118		
8118	04.01.06	Fine <i>Fine for late renewal 12/1/17</i>		1	200	
SUB-TOTAL						
GRAND TOTAL:						<i>500</i>

APPROVED BY FISCAL SERVICES

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

WACHOVIA

Pay To The Order Of

*ONE THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS
Wachovia Bank, National Association

Remitter

**WACHOVIA
OFFICIAL CHECK**

0807539

12/11/2008

64-7002
2611

1302077633

12/11/2008

\$ 41,500.00

Dollars

Stanley Satter
Authorized Signature

⑈ 1302077633 ⑆ ⑆ 26 1170025 ⑆ 5079900000880 ⑆