

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

\*

CASE NO. 08-RE-399

V.

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MICHAEL SCHINDLER  
2900 Plainfield Road  
Baltimore, Maryland 21222  
License Reg. #05-620293

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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 the Commission on January 2, 2008 against Michael Schindler, the Respondent real estate salesperson, license registration number 05-620293 ("Respondent"). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated July 18, 2008 which was amended on January 5, 2009 ("Amended Charge Letter"). This matter was transmitted to the Office of Administrative Hearings ("OAH") which scheduled a hearing on the Amended Charge Letter for February 11, 2009 at 10:00 a.m. at the OAH in Hunt Valley, Maryland. At the hearing, the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement to provide for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interest of the people of the State of Maryland. The Commission and the Respondent agree and stipulate as follows:

1. Respondent was originally licensed by the Commission as a real estate salesperson affiliated with Home Selling Assistance Advantage effective December 28, 2006. On September 28, 2007 he transferred his affiliation to Keller Williams Team Towson LLC. On February 1, 2008 he transferred his affiliation to Keller Williams Realty #796. On December 29, 2008, he placed his license on inactive status. 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. On or about August 21, 2006, the Respondent completed a Maryland Real Estate Licensing Examination Form. On that form, the Respondent answered "no" to the question on the form which asked if he had ever been convicted of a felony or misdemeanor directly related to his fitness and qualification to provide real estate brokerage services ("criminal conviction question"). The question was answered by the Respondent under the penalty of perjury.

3. In December 2006, the Respondent answered "no" to the criminal conviction question on another form used by the real estate testing company, PSI.

4. On December 28, 2006, the Respondent applied via the Internet process for a real estate salesperson's license from the Commission. The Respondent answered "no" on the on-line form to criminal conviction question under the penalty of law or perjury.

5. The Respondent received his real estate salesperson's license from the Commission after completing the above referenced testing and application forms and passing the required test.

6. The Respondent had been convicted of first degree murder and conspiracy in 1980 and was sentenced to life imprisonment. Because the Respondent failed to answer the criminal conviction question(s) on the aforementioned forms truthfully and/or accurately, the Commission was not able to determine the effect of his conviction on his eligibility for a license. The Respondent's conviction was relevant to that determination.

7. The Respondent admits that by failing to answer the question(s) on the aforementioned forms truthfully and/or accurately and because he has been convicted of a felony he has violated Annotated Code of Maryland, Business and Occupations Article, ("BOP") §17-322(b)(1), (24), and (25) 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:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another

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(24) under the laws of the United States or of any state, is convicted of:

(i) a felony; or

(ii) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide real estate brokerage services;

(25) engages in conduct that demonstrates bad faith, incompetency, untrustworthiness or that constitutes dishonest, fraudulent or improper dealings.

8. The Respondent consents to the entry of an Order that he has violated BOP §17-322(b)(1), (24) and (25). He further agrees that his license registration no. 05-620293 shall be **SUSPENDED** for a period of three months beginning February 11, 2009 and continuing through May 11, 2009 ("the suspension period"). He further agrees to pay a civil penalty of \$500.00 in connection with the violations upon the Respondent's execution of this Consent Order and Settlement Agreement. He further agrees to provide to the Commission copies of his course completion certificates to verify his compliance with BOP §17-315 upon completion of the suspension period prior to renewing his license. The course completion certificates shall be mailed to Steven

Long, Assistant Executive Director, Maryland Real Estate Commission, Third Floor, 500 N. Calvert Street, Baltimore, Maryland 21202.

9. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to the making of Findings of Fact and Conclusions of Law by the ALJ, any and all further proceedings before the Commission to which the Respondent may be entitled in this matter and any rights to appeal from the Commission's Order.

10. The Commission accepts this settlement agreement as the full and final resolution of Case. No. 08-RE-399.

**BASED ON THESE STIPULATIONS, IT IS THIS 11th DAY OF February, 2009 BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED** that the Respondent has violated Annotated Code of Maryland, Business and Occupations Article, ("BOP") §17-322(b)(1), (24), and (25); and it is further

**ORDERED** that the Respondent's license registration no. 05-620293 shall be **SUSPENDED** for a three month period beginning February 11, 2009 and continuing through May 11, 2009; and it is further

**ORDERED** that the Respondent shall assessed a civil penalty of \$500.00 for the violations, which amount is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement; and it is further

**ORDERED** that prior to renewing his license upon completion of the suspension period, the Respondent shall provide to the Commission copies of his course completion certificates to verify compliance with BOP §17-315; the course completion certificates shall be mailed to Steven Long, Assistant Executive Director, Maryland Real Estate Commission, Third Floor, 500 N. Calvert Street, Baltimore, Maryland 21202; and it is further

**ORDERED** that the Commission's records and publications reflect the violations and the penalty imposed on the Respondent.

**MARYLAND REAL ESTATE COMMISSION:**

By: Katherine F. Connelly  
Katherine F. Connelly, Executive Director

**AGREED:**

Michael J. Schindler  
Michael J. Schindler, Respondent  
License Registration No. 05-620293