

MARYLAND REAL ESTATE COMMISSION *

BEFORE THE

* MARYLAND REAL

v.

* ESTATE COMMISSION

* COMPLAINT NO.: 2009-RE-445

DARRON WHITEHEAD,

*

Respondent

*

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Christine Forrester against Darron Whitehead (“Respondent”). Based on that complaint, the Commission determined that 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 May 24, 2011, but the Commission withdrew the regulatory charges against the Respondent to allow for this resolution to occur. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 2009-RE-445.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent was licensed as a real estate salesperson (License No. 05-617210) at the time of the events at issue and was affiliated with Martin and Moore Realty.
2. The Respondent is currently the broker of record for Whitehead Real Estate Executives Inc., and his license expires April 30, 2012 (License No. 01-5792).

3. The Respondent also holds an associate real estate broker's license, which is currently on inactive status and expires August 19, 2011 (License No. 03-617210).

4. On or about February 24, 2007, Carol Brittingham and Stephen Machen, sellers, and Christine Forrester, buyer, entered into a Residential Contract of Sale for 323 Cedar Drive, Salisbury, Maryland ("subject property").

5. The contract showed that the Respondent was acting as the listing broker and selling agent, as well as intra-company agent with broker as dual agent.

6. The Respondent did not ensure that another agent was assigned to represent the buyer or the seller.

7. The Respondent had the buyer execute agency disclosure forms which provided that he was representing her and that he was acting as seller agent and dual agent.

8. When the buyer first viewed the subject property, the property was being renovated.

9. A home inspection was performed, and the inspection revealed several problems.

10. The Respondent did not prepare an addendum expressing what repairs the sellers had agreed to repair.

11. Certain repairs were completed, but the Respondent did not obtain copies of invoices or verifications for the work.

12. At settlement, the buyer indicated that certain repair work was still needed to correct problems and defects.

13. The Respondent assured the buyer that those problems and defects would be taken care of.

14. The Respondent did not prepare a written agreement concerning the performance of work on those repairs and defects.

15. The buyer was unable to get the repair work performed despite numerous calls to the Respondent.

16. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.

17. By entering into this Consent Order, the Respondent expressly waives the right to any hearing or further proceeding to which he may be entitled in this matter and any rights to appeal from this Consent Order.

18. 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 ^{18th}~~15th~~ day of April, 2011, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-322(b)(6),(25) and (33), and 17-530(c), and Code of Maryland Regulations 09.11.02.01H and 09.11.02.02A, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$1,000.00, which amount is payable to the Commission within thirty days of the date this Order is signed by the Commission, and it is further

ORDERED that the Respondent complete a three-hour course in real estate agency (over and above any statutory and regulatory requirements concerning continuing education) and provide

written verification of successful completion to the Commission within 90 days of the date this Order is signed by the Commission, and it is further

ORDERED that, if payment of the civil penalty is not made within that 30-day period and/or if the Respondent fails to provide written verification of the successful completion of the course in real estate agency within the 90-day period, the Respondent's real estate licenses shall be automatically suspended until that payment is made and/or verification is received, and it is further

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

Consent Order
SIGNATURE ON FILE

DARRON WHITEHEAD

SIGNATURE ON FILE

COMMISSIONER
MARYLAND REAL ESTATE COMMISSION

4/15/11
Date