

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2008-RE-453

V.

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Shaunte L. Parker
Exit Bennett Realty
Suite 100
7701 Greenbelt Road
Greenbelt, Maryland 20770
Lic. Reg. No. 05-604458

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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 Fred Gamble, Jr. ("Complainant") against Shaunte L. Parker, the Respondent real estate salesperson affiliated with Exit Bennett Realty, Lic. Reg. No. 05-604458 ("Respondent"). Based on the complaint and an investigation by the Commission, the Commission issued a Statement of Charges and Order for Hearing dated December 30, 2009 alleging that the Respondent has violated provisions of the Maryland Real Estate Brokers Act, Md. Code Ann., Bus. Occ. & Prof. Art. ("BOP") and the Code of Maryland Regulations ("COMAR") and transmitted the matter to the Office of Administrative Hearings ("OAH") for a hearing before an Administrative Law Judge. The OAH scheduled an evidentiary hearing on the regulatory charges for July 12, 2010 at the OAH in Largo, Maryland. Prior to 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. The Respondent is currently licensed by the Commission as a real estate salesperson affiliated with Exit Bennett Realty, license registration number 05-604458. 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 March 4, 2008, the Complainant filed a complaint against the Respondent who acted as the Complainant's buyer's agent in his purchase of a property known as 710 Othman Drive, Fort Washington, Maryland.

3. At the time of the transaction the Respondent was affiliated with broker Exit Tri-County Realty.

4. When the Complainant sought financing for the purchase, the Respondent referred the Complainant to her cousin, Darlene Rhone of American Grace Mortgage Company and encouraged the Respondent to obtain financing from her cousin's company over other mortgage brokers.

5. Ms. Rhone promised the Complainant that if he chose her mortgage company she would pay him \$3100 as a "kickback" after the transaction went to settlement. After settlement, Ms. Rhone failed to pay the Complainant the \$3100 as promised and the Respondent mediated the dispute between the Complainant and Ms. Rhone over the \$3100 via e-mail.

6. The Respondent also promised the Complainant that she would pay \$399 for a home warranty on the Complainant's new home, give the complainant a \$200 gift card for the listing and subsequent sale of their original home and would give the Complainant a \$700 as a gift for purchasing their new home.

7. The Respondent admits that her conduct as described in the Consent Order and Settlement Agreement constituted improper dealings in violation of section §17-322(b)(25), Business and Occupations Article, Annotated Code of Maryland ("BOP") which provides:

§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:

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

8. The Respondent consents to the entry of an Order by the Commission that her conduct as described in this Consent Order and Settlement Agreement constituted improper dealings in violation of BOP §17-322(b)(25) and she agrees to pay a civil penalty of \$1500.00 in connection with the violation. The civil penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement. The Respondent further agrees that if she fails to pay the civil penalty within 30 days of her execution of this Consent Order, her license registration number 05-604458 shall be suspended until such time as she pays the civil penalty in full.

9. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge of

the OAH, 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 agrees to accept the Respondent's payment of \$1500.00 penalty and execution of this Consent Order and Settlement Agreement as the full and final resolution of this matter. The Commission further agrees to dismiss the allegation set forth in the Statement of Charges and Order for Hearing that the Respondent violated BOP §17-322(b)(33) by violating Code of Maryland Regulations 09.11.02.01H.

BASED ON THESE STIPULATIONS, IT IS THIS 24th DAY OF June, 2010 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent has engaged in conduct which constitutes improper dealings in violation of BOP §17-322(b)(25) and it is further,

ORDERED that the Respondent be assessed a civil penalty of \$1500.00 for the violation, 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 if the Respondent fails to pay the civil penalty within 30 days of her execution of this Consent Order, her license registration number 05-604458 shall be suspended until such time as she pays the civil penalty in full; and it is further

ORDERED that the Commission's allegation in the Statement of Charges and Order for Hearing dated December 30, 2009 that the Respondent violated BOP §17-322(b)(33) by violating COMAR 09.11.02.01H is dismissed; and it is further

ORDERED that the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent.

MARYLAND REAL ESTATE COMMISSION:

By: 
Katherin

(COMMISSIONER'S SIGNATURE APPEARS ON ORIGINAL ORDER)

AGREED:

6/24/2010
Date


Shaunte

RESPONDENT'S SIGNATURE APPEARS ON ORIGINAL ORDER

