

MARYLAND REAL ESTATE COMMISSION \*

BEFORE THE

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MARYLAND REAL

\*

ESTATE COMMISSION

\*

COMPLAINT NO.: 07-RE-464

\*

v.

MICHELLE K. CLARK,

\*

Respondent

\*

\* \* \* \* \*

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Sharien Youssef against Michelle K. Clark (“Respondent”). Based on that complaint, the Commission determined that charges against Respondent were appropriate and that a hearing on those charges should be held. The matter was scheduled for a hearing at the Office of Administrative Hearings on August 13, 2009, but the hearing was withdrawn by the Commission to allow for this resolution to occur.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. 07-RE-464.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent is currently licensed as a real estate salesperson (License No. 05-535657) and has been licensed in that capacity since on or about March 29, 2004.
2. The Respondent has been, and is currently, affiliated with Long and Foster Real Estate, Inc.

3. On or about August 12, 2006, Aaron and Kristie Froemming, buyers, submitted an offer to purchase 9229 Shafers Mill Drive, Frederick, Maryland.

4. The sellers of that property were Sharien Youssef and Abdalla Mahmoud.

5. The Respondent was the buyer's agent, and Sharief Youssef, a real estate agent then affiliated with Exit Realty Plus, was the listing agent.

6. Under the terms of the residential contract of sale, the buyers were to pay an earnest money deposit of \$2,000.00 at the time of the contract offer and were to pay an additional earnest money deposit of \$4,000.00 within 30 days from the date of contract acceptance.

7. All of the earnest money (a total of \$6,000.00) was to be held in the Respondent's broker's escrow account.

8. The date of contract acceptance was August 24, 2006.

9. The Respondent failed to collect from the buyers and give to her broker for deposit into her broker's escrow account the additional \$4,000.00 in earnest money within 30 days after the date of contract acceptance.

10. The Respondent failed to promptly notify the sellers or the listing agent that the additional \$4000.00 in earnest money had not been processed through her office or deposited in her broker's escrow account within 30 days of the date of contract acceptance.

11. The parties did not go to settlement in this transaction.

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

13. 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 6<sup>th</sup> day of October, 2009 BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that Respondent Michelle K. Clark has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-322(b)(22),(25),(31), and (33) and 17-502(a), as well as Code of Maryland Regulations 09.11.02.02A, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$2,000.00, which amount is payable to the Commission within sixty days of the date this Order is signed by the Commission, and it is further

ORDERED that, if the civil penalty is not paid within that 60-day period, the Respondent's salesperson'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.

Michelle K. Clark  
MICHELLE K. CLARK

Anne S. Cooke  
COMMISSIONER *Kfc*  
MARYLAND REAL ESTATE COMMISSION

10/6/09  
Date