

MARYLAND REAL ESTATE COMMISSION *

BEFORE THE

v.

*

MARYLAND REAL

ELAINE SAWYER,

*

ESTATE COMMISSION

Respondent

*

COMPLAINT NO.: 2009-RE-469

and

*

CLAIM OF SANDRA HADLEY
AGAINST THE REAL ESTATE
COMMISSION GUARANTY FUND

*

*

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Sandra Hadley against Elaine Sawyer. 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 to be heard at the Office of Administrative Hearings on October 28, 2011, but the Commission withdrew the administrative 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-469 (as to the administrative charges).

IT IS STIPULATED BY THE COMMISSION AND THE RESPONDENT that:

1. The Respondent was licensed as a real estate broker (License No. 01-3711) at the time of the events at issue and was the broker of record for Sawyer and Associates Real Estate.
2. The Respondent is currently the broker of record for Sawyer Real Estate LLC, and her broker’s license expires October 10, 2012.

3. The Respondent was owner of 4003 Beachcraft Court, Temple Hills, Maryland (with a co-owner, James G. Bare, III, who died in May, 2010).

4. ~~On December 19, 2005, a contract of sale between the Respondent and Mr. Bare,~~
sellers, and Sandra Hadley, buyer, for that property was ratified.

5. Ms. Hadley was licensed as a real estate salesperson through Sawyer and Associates Real Estate at the time of this transaction.

6. The Respondent and Mr. Bare had purchased the property in November, 2005.

7. The contract of sale provided for a settlement date of February 28, 2006 or sooner.

8. Settlement was delayed beyond February 28, 2006.

9. No addendum or other writing expressing the parties' agreement to extend the settlement date and the contract was executed until March 29, 2006.

10. In December, 2005, the Respondent hired a contractor, Cornell Cole, t/a Complete Plumbing Service, LLC, to remodel/renovate the property.

11. This contractor was not licensed by the Maryland Home Improvement Commission at the time of that contract and at the time he performed home improvements on the property.

12. The Respondent did not ensure, prior to entering into the contract with him, that Mr. Cole was licensed.

13. The Respondent enters this Consent Order freely, knowingly, and 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 proceeding to which she may be entitled in this matter and any rights to appeal from this Consent Order (as to the administrative charges).

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 26th day of October, 2011, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-322(b)(25)(as to improper dealings) and (33), and Code of Maryland Regulations 09.11.02.01C and 09.11.02.01H and it is further

ORDERED that the Respondent is reprimanded for these violations, 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, if payment of the civil penalty is not made within that 30-day period, the Respondent's real estate 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.

SIGNATURE ON FILE

SIGNATURE ON FILE

Elaine Sawyer

COMMISSIONER
MARYLAND REAL ESTATE COMMISSION

10/26/2011

Date

ON FILE

NATURE

ON FILE

NATURE

ON FILE

NATURE

ON FILE

NATURE