

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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V.

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**TIANHUI BRIGGS (NANCY)
RE/MAX PROS
20270 Goldenrod Lane, Suite 200
Germantown, Maryland 20876**

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Case No: 2010-RE-471

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Pablo and Veronica Vaca ("Complainants"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate salesperson, Tianhui Briggs (Nancy), affiliated with RE/MAX Pros, license registration number, 05-594406 ("Respondent"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the respondent have agreed to enter into this Consent Order 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. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with RE/MAX Pros Realty, as a salesperson, license registration number 05-594406.
3. The Complainants alleged they retained the Respondent to represent them in the purchase of a home in Gaithersburg, Maryland.
4. It is further alleged by the Complainants that the Respondent promised her clients that if they removed the appraisal contingency they would still have a chance to back out of the contract because of the Homeowners Association document contingency which was a provision in the contract.
5. The Respondent admits that by failing to protect and promote the best interest of her clients she has violated COMAR 09.11.02.02 (a) and Section 17-322 (b) (3) and (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

Title 09 Department of labor, Licensing and Regulation
Subtitle 11 Real Estate Commission
Chapter 02 Code of Ethics
.02 Relations to the Client

(A) In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the license from the statutory obligation towards the other parties to the transaction.

Section 17-322
Business Occupations and Professions Article
Maryland Annotated Code

(b) (3) directly or through another person willfully makes a misrepresentation or knowingly makes a false promise;

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

6. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates COMAR 09.11.02.02 (A) and Section 17-322 (b) (3) and (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code and she agrees to take a 3 hour contracts class and a 3 hour agency class within ninety days (90) from the date of the receiving this Consent Order. The classes' reference in this Consent Order is in addition to the continuing education requirements and Respondent must submit both certificates to the Commission by September 30, 2010. Should Respondent failed to complete the classes' and/ or submit proof of completion by September 30, 2010, the Commission will suspend Respondent's license until she has completed the classes and provides the Commission proof of completion.
7. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law, 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.
8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 2010-RE-471.

July **BASED ON THESE STIPULATIONS, IT IS THIS 21st DAY OF**
2010 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated COMAR 09.11.02.02 (a) and Section 17-322 (b) (3) and (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code for failing to protect and promote the best interest of her clients; and it is further

ORDERED the Respondent will take a 3 hour contracts class and a 3 hour agency class within ninety days (90) and submit proof of completion by September 30, 2010.

ORDERED that should the Respondent fail to take the agreed upon classes by September 30, 2010, the Commission will suspend the license of the Respondent until such time as the classes are completed and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of COMAR 09.11.02.02 (a) and Section 17-322 (b) (3) and (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code.

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

MARYLAND REAL ESTATE COMMISSION:

By: SIGNATURE ON FILE
[Handwritten Signature]

AGREED:

7/12/2010
Date

SIGNATURE ON FILE
Tianhui Briggs (Nancy) , Respondent