

MARYLAND REAL ESTATE COMMISSION \*

BEFORE THE

\* MARYLAND REAL

v.

\* ESTATE COMMISSION

WILLIAM J. HENNESSY,

\* COMPLAINT NO.: 2009-RE-503

Respondent

\*

\*

\* \* \* \* \*

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint opened by the Commission against William J. Hennessy (“Respondent”). Based on that complaint, the Commission determined that administrative 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 This matter was scheduled for a hearing at the Office of Administrative Hearings on July 1, 2010, but the hearing was withdrawn by the Commission to allow for this resolution to occur.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. 2009-RE-503.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent is currently licensed as an associate real estate broker (License No. 03-40275) and was licensed at all times relevant to this case.
2. At all times relevant to this case, the Respondent was affiliated with Long & Foster Real Estate, Inc. as an associate real estate broker.

3. On or about November 7, 2005, Alice M. Gassama, buyer, and Dallo Conteh, seller, entered into a contract of sale for 3803 Asquith Court, Upper Marlboro, Maryland.

4. On the contract, Ibrahim Jalloh, a salesperson, was named as the agent representing the buyer and the seller.

5. Mr. Jalloh prepared the contract.

6. Mr. Jalloh also had the buyer and the seller sign a Consent for Dual Agency form.

7. Mr. Jalloh's representation of both the buyer and the seller was improper and not permitted by the Commission's laws.

8. Mr. Jalloh was affiliated with Long and Foster Real Estate, Inc. and worked out of the branch office at which the Respondent was the branch office manager.

9. The Respondent was responsible for supervision of Mr. Jalloh at the time of the above-referenced contract. \*

10. By allowing Mr. Jalloh to act as the agent for both the buyer and the seller, the Respondent failed to provide reasonable and adequate supervision over Mr. Jalloh's activities. †

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

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

\* The Respondent had a person in place, namely his designee, to help with supervisory function.

† The Respondent did not concede factually<sup>2</sup> that he failed to provide reasonable and adequate supervision, but he does concede that his designee made a mistake and that vicariously there exists a colorable charge.

BASED ON THESE STIPULATIONS, IT IS, THIS 3rd day of August, 2010, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that Respondent William J. Hennessy has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-320(d)(1), as well as Code of Maryland Regulations 09.11.05.02B, and it is further

ORDERED that the Respondent complete a three-hour course in real estate agency (over and above 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 the Respondent fails to provide written verification of the successful completion of the course in real estate agency within that 90-day period, the Respondent's associate real estate broker's license shall be automatically suspended until that verification is received, and it is further

ORDERED that the Commission's records and publication shall reflect the terms of this Consent Order.

RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

WILLIAM J. HENNESSY

COMMISSIONER'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

COMMISSIONER *Nicholas J. P. Tombarca*  
MARYLAND REAL ESTATE COMMISSION

7-27-10  
Date