

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2011-RE-092

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V.

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JENNIFER D. CUEVAS
EXECUHOME REALTY
9512 Harford Road, Ste 7
Parkville, Maryland 21234
Lic. No. 05-516157

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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 Kim Hurst (“Complainant”) on or about August 31, 2010 against real estate salesperson, Jennifer D. Cuevas, license registration number 05-516157 (“Respondent”). Based on the complaint and an investigation the Commission issued a Statement of Charges and Order for Hearing dated November 13, 2012 and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges. To resolve this matter without a formal hearing, the Commission and the Respondent have 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 and at the time of the transaction at issue was licensed by the Commission as a real estate salesperson affiliated with Execuhome Realty, license registration number 05-516157. 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 12, 2010 the Complainant and her estranged husband ratified a contract to sell their home located at 12 Walk Avenue in Owings Mills, Maryland to buyer, Christopher Neal.
3. The Respondent was the listing and seller’s agent in the transaction. The buyer was represented by Pamela Harrison, a licensed real estate salesperson acting as a buyer’s agent in the transaction.

4. The contract of sale required bank approval. On or about April 15, 2010 the sellers and the buyer signed a short sale addendum and closing date extension.

5. On or about April 28, 2010 the buyer's agent sent an email to the Respondent notifying the Respondent that the buyer was backing out of the contract of sale because the bank was taking too long to approve his offer. Also on April 28, 2010, the buyer's agent received from the postmaster@execuhome.com an automatically generated "Delivery Status Notification" that stated "Your message has been successfully delivered to the following recipients. jcuevas@execuhome.com."

6. The Respondent did not notify the Complainant that the buyer was backing out of the sale in April or May of 2010.

7. The Respondent went on a scheduled vacation from June 13, 2010 through June 21, 2010.

8. About one week before the vacation the Respondent notified the Complainant's estranged husband that the buyer was backing out of the contract of sale.

9. On June 21, 2010 the Complainant sent the Respondent an email inquiring about the progress of the sale to the buyer. In response, on June 21, 2010, the Respondent sent an email to the Complainant stating in pertinent part: "I hate to tell you, but the contract did fall through before I left on vacation because Wells is taking so long and people are tired of waiting."

10. On June 22, 2010 the Complainant sent an email to the Respondent that stated: "How long has mark [sic] known the contract fell through while I've been sitting around praying on this and thinking a closing date would come up?" In response, on June 22, 2010, the Respondent sent an email to the Complainant that stated in pertinent part: "I guess as long as me about a week before I left."

11. On or about August 31, 2010 the Commission received a complaint against the Respondent from the Complainant. A copy of the complaint was mailed to the Respondent under cover of letter dated October 21, 2010 that ordered the Respondent to respond in writing to the complaint within 20 business days (by November 22, 2010).

12. On or about November 2, 2010, Ms. Cuevas sent an email to the buyer's agent that stated: "Would you mind please signing this and either e-mail back to me or fax to...don't need a cover sheet. It's short and simple to the point. I would greatly appreciate this and will return the favor if you need one. Thanks so much. Jenny." The statement attached to the email stated: "To whom it may concern, My client, Christopher Neal withdrew his offer verbally from 12 Walk Avenue in mid June 2010 and signed the release on July 14, 2010. Thank you." The buyer's agent declined to sign the inaccurate statement.

13. On or about November 30, 2010 the Commission sent to the Respondent a second and final notice of the complaint ordering her to respond in writing within 10 days of the date of that letter.

14. The Commission received the Respondent's response to the complaint on or about December 15, 2010, approximately three weeks after it was due.

15. The Respondent admits that by her conduct described above she has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-322(b)(32) and 17-532(c)(1)(vi) which provide:

§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:

(32) violates any other provision of this title

§17-532 Duties to client

(c) In general.--(1) A licensee shall:...

(vi) exercise reasonable care and diligence

16. The Respondent consents to the entry of an Order that she has violated BOP §17-322(b)(32) and §17-532(c)(1)(vi). As penalty the Respondent agrees to the imposition of a **REPRIMAND** against her license number 05-516157 and to pay a \$1500 civil penalty. The civil penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement.

17. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing before the Office of Administrative Hearings on the charges, the making of Findings of Fact and Conclusions of Law by an administrative law judge, any and all further proceedings before the Commission and any rights to appeal from this Consent Order.

18. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 2011-RE-092.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS
20th DAY OF *May*, 2013 BY THE MARYLAND REAL
ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b)(32) and §17-532(c)(1)(vi) and it is further

ORDERED that based upon the violations a **REPRIMAND** is imposed against the Respondent's license number 05-516157; and it is further

ORDERED that based on the violations, the Respondent is assessed a civil penalty of \$1500.00, 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 the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent.

MARYLAND REAL ESTATE COMMISSION:

By: SIGNATURE ON FILE
KATHERINE F. CONNELLY
EXECUTIVE DIRECTOR

AGREED:

SIGNATURE ON FILE 5-16-13
JENNIFER D/CUEVAS, RESPONDENT DATE