

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

V.

**Jennifer Cabeza
RE/MAX American Dream**

Case No: 2010-RE-095

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Joseph Bannick ("Complainant"), Broker for RE/MAX Elite. Based on the complaint, the Commission determined that administrative charges against the Respondent, real estate salesperson, Jennifer Cabeza, previous affiliation with RE/MAX Elite, license registration number, 05-584335 ("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 Elite, as a salesperson, license registration number 05-584335.
3. The Complainant alleges the Respondent was providing real estate brokerage services for RE/MAX American Dream when her license was affiliated with RE/MAX Elite. The Respondent was assisting buyers in the purchase of real property and turned the contracts and associated documents in to another brokerage under the name of a licensee associated with that brokerage.
4. It is further alleged by the Complainant that the Respondent submitted the Contracts to the RE/MAX American Dream after removing his company's name from the contracts and associated documents.

5. The Respondent admits that by providing real estate brokerage services for one broker while affiliated with another broker, violated Section 17-310 (2) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

§ 17-310. Scope of licenses

(a) While a real estate broker license is in effect, it authorizes the licensee to provide real estate brokerage services.

(b) (1) While an associate real estate broker or real estate salesperson license is in effect, it authorizes the licensee to provide real estate brokerage services on behalf of a licensed real estate broker:

(i) who is named in the license certificate of the associate real estate broker or real estate salesperson; and

(ii) with whom the associate real estate broker or real estate salesperson is affiliated.

(2) An associate real estate broker or real estate salesperson license does not authorize the licensee to provide real estate brokerage services on the licensee's own behalf or on behalf of any person other than a licensed real estate broker named in the license certificate of the associate real estate broker or real estate salesperson.

6. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates Section 17-310 (2) of the Business Occupations and Professions Article, Maryland Annotated Code and he agrees to pay a civil penalty in the amount of \$1,000.00 within sixty days (60) from the date of the receiving this Consent Order and agrees to attend two (2) distance learning classes within sixty (60) days of executing this Consent Order. One Distance learning class shall be in the subject area of "Buyer Representation on Real Estate" category "A". The second Distance Learning class shall be "Risk Management", category "F". These classes may be used to meet the renewal requirements of the Respondent's sales person license.
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 Nos. 2010-RE-095.

