

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

\*

CASE NO. 019--RE-2021

\*

V.

\*

RODNEY D. SMITH  
A1 REALTY LLC  
623 REISTERSTOWN ROAD  
PIKSVILLE, MARYLAND 21208  
LIC. REG. NO. 01-632849  
RESPONDENT

\*

\*

\*

\* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by John and Susan Greco ("Complainants"). Based on the complaint and the response thereto received from Respondent Real Estate Broker Rodney Smith, license registration number 01-632849, a Commission Panel determined it appropriate to bring administrative charges against the Respondent. Before the Commission issued a Statement of Charges and Order for Hearing against the Respondent, the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement, which provides for the imposition of disciplinary measures which are fair and equitable under these circumstances and are consistent with the best interests of the people of the State of Maryland, to resolve the complaint. The Commission and the Respondent agree and stipulate as follows:

1. 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. The Respondent is licensed as a real estate broker, license registration number 01-632849, and is currently affiliated A1 Realty, LLC.
3. The Complainants and Respondent signed a Contract of Sale Agreement for the Respondent to purchase property located at 528 Arama Drive in Fallston, Maryland on December 13, 2019.
4. The contract called for a deposit in the amount of \$2,500.00 to be held in the escrow account of A1 Realty, LLC. The Contract was contingent on financing.
5. The Respondent did not have an Escrow account set up so he put the deposit funds in his Operating Account. Financing was denied and the contract was terminated. A release for the Deposit was not signed by the parties.

6. After the termination of the Contract, the Respondent removed the funds from the operating account.

7. After a complaint was filed, an audit was performed on the Respondent on December 12, 2019. It was discovered that Mr. Smith did not have an Escrow account and the funds were deposited into his operating account.

8. The Respondent admits that by his acts and omissions described above he has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-502(b)(i) and §17-322(b)(31) and §17-322(32):

**§17-502. Handling of Trust Money**

**(b) Deposits by brokers; restricted use. –**

(1) Except as otherwise provided in subsection (c) of this section, a real estate broker promptly, but not more than 7 business days after the acceptance of a contract of sale by both parties, shall deposit trust money in an account that is maintained by the real estate broker:

(i) separately from the real estate brokers own accounts.

**§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:

\* \* \*

(31) violates any provision of Subtitle 5 of this title that relates to trust money

(32) violates any other provision of this title.

\* \* \*

9. The Respondent consents to the entry of an Order by the Commission that he has violated BOP §§17-502(b)(i) and §§17-322(b) (31)(32).

10. The Respondent agrees he is required to abide by the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-101 et. seq. and the Commission's regulations in all real estate transactions.

11. The Respondent agrees to pay a civil penalty in the amount of \$2,500.00 for the violations. The total of \$2,500.00 will be paid to the Real Estate Commission within 30 days of the date of the entry of this Consent Order and Settlement Agreement. The Respondent agrees that should he fail to make the payment within 30 days of this Consent Order and Settlement Agreement, his real estate license registration number 01-632849 shall be automatically suspended and shall continue to be suspended until the payment is made.

12. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to the issuance of a Statement of Charges and Order for Hearing by the Commission, an administrative hearing on the charges before the Commission or the Office of Administrative Hearings ("OAH"), the making of Findings of Fact and Conclusions of Law by the Commission or an Administrative Law Judge of the OAH, any and all further proceedings before the Commission, and any rights to petition for judicial review of this Consent Order and Settlement Agreement.

13. The Respondent enters into this Consent Order and Settlement Agreement voluntarily, knowingly, and willingly, after having the opportunity to consult with private counsel of her own choosing at his own expense.

14. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 019-RE-2021.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS** 10<sup>th</sup>  
**DAY OF** June, 2021 **BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED** that the Respondent's has violated BOP §§17-502(b)(i) and §§17-322(b) (31)(32), and it is further,

**ORDERED** that the Respondent shall pay to the Commission \$2,500.00 in accordance with paragraph 11 this Consent Order and Settlement Agreement; and it is further

**ORDERED** that should the Respondent fail to pay to the Complainant \$2,500.00 in accordance with paragraph 11 this Consent Order and Settlement Agreement, the Respondent's real estate associate broker's license registration number 01-632849 shall be automatically suspended and shall continue to be suspended until such time as the payment is made; and it is further

**ORDERED** that the Commission's records and publications shall reflect the terms of this Consent Order and Settlement Agreement.

MARYLAND REAL ESTATE COMMISSION:

By: [Signature]  
Michael L. Kasnic, Executive Director

**AGREED:**  
**SIGNATURE ON FILE**

[Signature]  
Rodney D. Smith  
Respondent

June 4, 2021  
Date