

MARYLAND REAL ESTATE  
COMMISSION

v.

NISHTA GUPTA

\* BEFORE THE  
\* MARYLAND REAL  
\* ESTATE COMMISSION  
\* CASE NO. 2017-RE-362

\* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint and Guaranty Fund claim filed by Alexander Gunnerson and Dr. Adelina Buganu ("Complainants" or "Claimants"). Based on the complaint, the Commission determined that administrative charges against Nishita Gupta, the Respondent Real Estate Salesperson ("Respondent"), license registration number 05-656734, were appropriate and that an administrative hearing on those charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings ("OAH"). The OAH scheduled a hearing for January 27, 2021 in Hunt Valley, Maryland.

The Commission and the Respondent agree 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 Guaranty Fund claim has been settled in a separate agreement between the Claimants and the Respondent.

The Commission and the Respondent agree and stipulate as follows:

1. Respondent Nishita Gupta is currently licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-656734. 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. This case involves the Complainants' purchase of the home located at 3600 East Pratt Street, Baltimore, MD 21224 (the "Property"). The seller of the home was DAP Homes, LLC. The Respondent is the wife of the principal owner of DAP Homes, LLC, and was acting as the agent for the seller in the transaction.

3. It is alleged that the Respondent failed to ensure that the necessary permits, including a Use and Occupancy Permit, had been obtained, and that required subsequent inspections were performed prior to settlement.

4. Business Occupations and Professions Article ("BOP") § 17-322(b)(33) provides:

**§ 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:

(33) violates any regulation adopted under this title or any provision of the code of ethics;

5. The Respondent admits that the alleged failure to ensure that the necessary permits had been obtained prior to settlement was a violation of Code of Maryland Regulations ("COMAR") 09.11.02.02(A) which provides:

**COMAR 09.11.02.02 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 licensee from the statutory obligations towards the other parties to the transaction.

6. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and 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.

7. The Respondent consents to the entry of an Order that her conduct violated COMAR 09.11.02.02(A), agrees to pay a civil penalty of \$1,500.00, and complete a continuing education ethics course.

8. The Respondent consents to the payment of the \$1,500.00 civil penalty within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

9. If the Respondent does not pay the \$1,500.00 civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 05-656734 will be automatically suspended until the payment is made.

10. The Respondent further agrees to complete within sixty (60) days of the execution of this Consent Order and Settlement Agreement a continuing education ethics course.

11. If the Respondent does not provide proof of completion of the continuing education ethics course within the prescribed sixty (60) days, the Respondent's license registration number 05-656734 will be automatically suspended until proof of completion is provided to the Commission.

12. The continuing education ethics course required pursuant to this Consent Order and Settlement Agreement will not be counted towards, and is in addition to, the number of continuing education instruction hours the Respondent is otherwise required to obtain prior to the regular renewal of her license.

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

**ORDERED** that the Respondent's conduct violated COMAR 09.11.02.02(A); and it is further

**ORDERED** that the Respondent be assessed a total civil penalty of \$1,500.00 for the violation, which is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

**ORDERED** that if payment of the civil penalty is not made within thirty (30) days, the Respondent's license registration number 05-656734 will be automatically suspended until the payment is made; and it is further

**ORDERED** that the Respondent complete within sixty (60) days of the execution of this Consent Order and Settlement Agreement a continuing education ethics course; and it is further

**ORDERED** that if the Respondent does not provide proof of completion of the Continuing Education ethics course within the prescribed sixty (60) days, the Respondent's license registration number 05-656734 will be automatically suspended until proof of completion is provided to the Commission; and it is further

**ORDERED** that the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent.

2/8/2021  
Date

**SIGNATURE ON FILE**

Respondent Nishta Gupta

MARYLAND REAL ESTATE COMMISSION:

8/10/2021  
Date

**SIGNATURE ON FILE**

By: For Anne Cooke