

MARYLAND REAL ESTATE
COMMISSION

v.

BRUCE F. D'ANTHONY

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 15-RE-135
* OAH No.: DLR-REC-21-17-07820

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by James and Sandra Simons (“Complainants”). Based on the complaint, the Commission determined that administrative charges against Bruce F. D’Anthony, the Respondent Real Estate Salesperson (“Respondent”), license registration number 05-74350, are 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 June 13, 2017 at 10:00 a.m. in Hunt Valley, Maryland.

Prior to the hearing, the Commission and the Respondent 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. Respondent Bruce F. D’Anthony is currently licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-74350. 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 June 1, 2013, Complainants purchased property located at 9311 Orndorff Road, Emmitsburg, MD 21727 (the “Property”). Respondent listed the Property for sale on or about May 14, 2013 as a residential property on MRIS. Respondent described the structure on the Property as a detached, one floor “Bungalow” with one bedroom, one bathroom, and an attached garage with well and septic. Respondent did not research any prior MRIS listings for lots or land or discuss with the seller the previous attempts to sell the Property. Respondent did not inquire of the seller or otherwise research whether there were building or occupancy permits for the structure.

3. On or about October 2, 2014, Complainants filed a complaint against Bruce F. D'Anthony based upon discovery that a certificate of occupancy had not been issued for the subject property and no building permit was on file for construction of an efficiency home, as described in the remarks section of the MRIS listing.

4. The Respondent admits that his conduct violated Business Occupations and Professions Article ("BOP") § 17-532 (c)(1)(vi) which provides:

§17-532. Duties to client.

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

(vi) exercise reasonable care and diligence.

5. 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.

6. The Respondent consents to the entry of an Order that his conduct violated BOP § 17-532 (c)(1)(vi), he agrees to attend a three hour continuing education class on the subject matter of ethics within ninety (90) days of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315, and he consents to the imposition of a Reprimand against his real estate salesperson license registration number 05-74350. In addition, he agrees to pay a civil penalty of \$500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

7. If the Respondent does not pay the \$500.00 civil penalty within the proscribed thirty (30) days, the Respondent's license registration number 05-74350 will be automatically suspended until the payment is made.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 7th DAY OF JULY, 2017 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated BOP § 17-532(c)(1)(vi); and it is further

ORDERED that the Respondent must attend a three hour continuing education class on the subject matter of ethics within ninety (90) days of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315; and it is further

ORDERED that the Respondent have a Reprimand placed against his real estate salespersons license registration number 05-74350; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$500.00 for the violation, which amount 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 05-74350 will be automatically suspended until the payment is made; and it is further

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

SIGNATURE ON FILE

7/3/17

Date

Respondent Bruce F. D'Anthony

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

7/18/17

Date

By: _____