

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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V.

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**SARAH MARTIN
Keller Williams Flagship
1111 Benfield Blvd., Suite 250
Millersville, Maryland 21108**

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Case No: 154-RE-2013 GF

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Carroll and Cynthia Hardesty (“Complainants”). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate salesperson, Sarah Martin, affiliated with Keller Williams Flagship, license registration number, 05-641969 (“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 jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Keller Williams Select Realtors as a salesperson, license registration number 05-641969. At this present time, Respondent is affiliated with Keller Williams Select as a salesperson, license registration number 05-641969.
3. The Complainant alleges the Respondent represented the buyer in this transaction.
4. It is further alleged that when the Respondent presented the contract offer to the Complainants and their agent on the buyer’s behalf she was not in possession of the earnest money deposit and did not receive the earnest money check until thirty-one (31) days after contract acceptance.

5. The Complainants allege that the Respondent was notified within a few days of submitting the check that the buyer's deposit check had been returned because of insufficient fund. Also, the Complainants allege that they and their agent were not notified of the deposit check being returned by the bank for an additional thirty-one (31) days and assumed that the transaction was proceeding towards settlement.
6. The Respondent admits that by failing to notify the Complainants that the deposit was returned for insufficient funds she has violated Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

**Section 17-322
Business Occupations and Professions Article
Maryland Annotated Code**

(b) (25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings;

7. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code and she agrees to pay a civil penalty in the amount of \$500.00 within sixty (60) days of the execution of the Consent Order. Should the Respondent fail to pay the civil penalty within the 60 days after signing the Order, the Commission will suspend all licensees held by the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violation of Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code
8. 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.
9. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 154-RE-2013 GF.

BASED ON THESE STIPULATIONS, IT IS THIS 26 DAY OF September, 2013 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code for failing to notify the Complainants that the buyer's deposit was returned due to insufficient funds in this matter; and it is further

ORDERED the Respondent has agreed to pay a civil penalty in the amount of \$500.00 and;

ORDERED that should the Respondent fail to pay the civil penalty within the 60 days after signing the Order, the Commission will suspend all licensees held by the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violation of Section 17-322 (b) (25) of the Business Occupations and Professions Article, Maryland Annotated Code and;

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

MARYLAND REAL ESTATE COMMISSION:

By: SIGNATURE ON FILE

AGREED:

9-4-13
Date

SIGNATURE ON FILE
SARAH MARTIN, Respondent

SIGNATURE ON FILE

SIGNATURE ON FILE