

MARYLAND REAL ESTATE COMMISSION	*	BEFORE THE
	*	MARYLAND REAL
V.	*	ESTATE COMMISSION
MICHAEL W. BENTON HOME TOWNE REAL ESTATE	*	CASE NO. 2008-RE-168GF
AND	*	
CLAIM OF AMBER N. DIXON AGAINST THE MARYLAND REAL ESTATE COMMISSION GUARANTY FUND	*	
	*	
* * * * *	*	* * * * *

**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 Amber Dixon ("Claimant"). Based on the complaint and an investigation, the Commission determined that administrative charges against Michael W. Benton, the Respondent Real Estate Salesperson ("Respondent"), license registration number 05-532525, 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") for a hearing on the charges and the claim against the Guaranty Fund. The OAH scheduled a hearing for November 16, 2010 at 10:00 a.m. in Prince Frederick, Maryland.

Prior to the hearing, the Commission, the Respondent, and the Claimant (the "Parties") agreed to enter into this Consent Order and Settlement Agreement as a final settlement of Case No. 2008-RE-168GF.

The Parties agree and stipulate as follows:

1. Respondent Michael W. Benton is currently licensed by the Commission as a Real Estate Salesperson license registration number 05-532525. 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 August 29, 2007, Claimant Amber Dixon filed a complaint against the Respondent. The Claimant also filed a claim for reimbursement from the Real Estate Commission Guaranty Fund for losses allegedly incurred as a result of the conduct of the Respondent. Claimant entered into a contract of sale ratified on or about January 22, 2006 to

purchase a property known as 45181 Smith's Lane, Callaway, Maryland from Michael and Julie Tomasick.

3. Michael Tomasick, a licensed Real Estate Salesperson for Home Towne Real Estate, acted as the listing and selling agent in this transaction. Respondent, affiliated at the time with Home Towne Real Estate, acted as the buyer's agent in the transaction and prepared the contract of sale. Respondent failed to obtain the required dual agency consent form.

4. The Respondent admits that his conduct violated § 17-530(d), Business and Occupations Article, Annotated Code of Maryland ("BOP") which provides:

**§17-530. Disclosure of relationship with lessor or seller.**

(d) *Same - Exception.* --(1)(i) If a licensed real estate broker or a designee of the real estate broker obtains the written informed consent of all parties to a real estate transaction, the real estate broker may act as a dual agent in the transaction.

5. The Respondent and the Claimant, by entering into the Consent Order and Settlement Agreement, expressly waive the right to an administrative hearing, the making of Findings of Fact and Conclusions of Law, any and all further proceedings before the Commission to which they 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 § 17-530(d), he agrees to attend a three hour continuing education class on real estate contracts within three months 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 05-532525. In addition, Respondent agrees that in order to resolve the Guaranty Fund claim, he is jointly and severally liable along with Karen J. Towne (license registration number 01-96690) and Sheri L. Turner (license registration number 05-610396) to pay the sum of \$7,600 to Amber Dixon within fourteen (14) days of the execution of this Consent Order and Settlement Agreement.

7. The payment shall be delivered to Hope M. Sachs, Assistant Attorney General, Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Suite 406, Baltimore, Maryland, 21202, who shall forward the payment to the Claimant upon receipt of a written request from Claimant dismissing with prejudice, her Guaranty Fund claim.

8. If the Respondent does not complete the required class within the proscribed three month period, the Respondent's license registration number 05-532525 shall be automatically suspended by the Commission and shall continue to be suspended until such time as the required class is completed.

9. If Amber Dixon is not paid \$7,600 within fourteen (14) days of the execution of this Consent Order and Settlement Agreement, the Respondent's license registration number 05-532525 shall be automatically suspended by the Commission and shall continue to be suspended

until such time as payment is made. The Respondent further agrees that the Claimant shall be entitled to a hearing on her Guaranty Fund claim.

**BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS** 22nd  
**DAY OF** November, 2010 **BY THE MARYLAND REAL ESTATE**  
**COMMISSION:**

**ORDERED** that the Respondent's conduct violated BOP § 17-530(d); and it is further

**ORDERED** that the Respondent must attend a three hour continuing education class on real estate contracts within three months 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 Amber Dixon be paid \$7,600 within fourteen (14) days of the execution of this Consent Order and Settlement Agreement; and it is further

**ORDERED** that the Respondent have a Reprimand placed against his real estate salespersons license registration number 05-532525; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

11/22/10  
Date

By:

Executive Director

(COMMISSIONER'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)

*ilij*

AGREED:

11/17/2010  
Date

Michael W. Benton, Respondent

Am  
Date

(CLAIMANT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)

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until such time as payment is made. The Respondent further agrees that the Claimant shall be entitled to a hearing on her Guaranty Fund claim.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS DAY OF 11/19, 2010 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's conduct violated BOP § 17-530(d); and it is further

ORDERED that the Respondent must attend a three hour continuing education class on real estate contracts within three months 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 Amber Dixon be paid \$7,600 within fourteen (14) days of the execution of this Consent Order and Settlement Agreement; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

Date

AGREED:

Date

Date

By:

Executive Director

RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

Michael W. Banton, Respondent

Amber N. Dixon, Claimant