

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**MARYLAND REAL ESTATE  
COMMISSION**

\*

\* **CASE NO. 2010-RE-237**

v.

\* **OAH NO. DLR-REC-21-10-30996**

**DOLETA BRADLEY**

\*

**Respondent**

\*

\* \* \* \* \*

**OPINION AND FINAL ORDER**

This matter came before the Commission for argument on Exceptions filed by the Respondent, Doleta Bradley, to the Proposed Order of March 7, 2011. On January 19, 2011, Administrative Law Judge Ann C. Kehinde (“ALJ”) filed a Proposed Decision and Recommended Order in which she recommended that the license of Respondent, Doleta A. Bradley, be revoked by the Maryland Real Estate Commission (“Commission”) and that the Respondent be required to pay a \$10,000.00 civil penalty for violating Sections 17-322(b) (1), (3), (25) and (33), Business Occupations and Professions Article, (“Bus. Occ. & Prof. Art.”), Annotated Code of Maryland and Code of Maryland Regulations (“COMAR”) 09.11.02.01C and 09.11.02.02A.

On March 7, 2011, the Commission issued a Proposed Order that affirmed the ALJ’s Findings of Fact; affirmed the ALJ’s Conclusions of Law; and amended the ALJ’s Recommended Order. In its Proposed Order, the Commission ordered that: 1) The Respondent, Doleta Bradley, violated Md. Bus. Occ. & Prof. Art., §§17-322(b)(1), (3), (25), and (33) and COMAR 09.11.02.01C and 09.11.02.02A; 2) All real estate licenses held by the Respondent, Doleta Bradley, be and hereby are revoked; 3) The Respondent,

Doleta Bradley, be assessed a civil penalty in the amount of \$10,000.00 which shall be paid within thirty (30) days of the date of the Proposed Order; 4) The Respondent, Doleta Bradley, shall be ineligible for a real estate license until the civil penalty is paid in full; and 5) The records and publications of the Maryland Real Estate Commission reflect that decision.

The Respondent, Doleta Bradley, filed Exceptions on or about April 13, 2011.

A hearing was held by a panel of the Commission on September 21, 2011. Peter Martin, Assistant Attorney General, represented the Commission. The Respondent, Doleta Bradley, did not appear for the hearing despite proper notice. The proceedings were electronically recorded.

#### **SUMMARY OF THE EVIDENCE**

On behalf of the Commission, three exhibits, as well as the Office of Administrative Hearings' file containing exhibits which were introduced at the hearing before the ALJ, were entered into evidence. A transcript of the ALJ's hearing was not provided by the Respondent.

#### **PRELIMINARY MATTERS**

On March 7, 2011 , the Commission forwarded a letter enclosing a copy of the Commission's Proposed Order in this case to the Respondent, Doleta Bradley, at P.O. Box 221, White Plains, Maryland 20695. The Respondent responded to this correspondence by filing Exceptions to the Proposed Order on or about April 13, 2011. The envelope in which she mailed her Exceptions indicates her return address to be

P. O. Box 221, White Plains, MD 20695. On April 26, 2011, the Commission forwarded a letter to the Respondent, at the same address as the March 7, 2011 letter, informing her that:

“ . . .the Maryland Real Estate Commission has scheduled a hearing to allow argument on the exceptions for Wednesday, September 21, 2011, at 2:30 p.m. The hearing will take place at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, Maryland 21202.

. . . .  
If the excepting party fails to appear within fifteen minutes of the scheduled time for the hearing, its exceptions will be dismissed absent extenuating circumstances.”

The Respondent did not appear on September 21, 2011 for the scheduled hearing on her Exceptions nor did she present any extenuating circumstances to explain her absence. The Commission waited until 2:55 p.m. before commencing the hearing in Ms. Bradley’s absence. Assistant Attorney General Martin moved that Ms. Bradley’s Exceptions be dismissed due to her failure to appear for the Exceptions’ hearing within fifteen minutes of the time scheduled for the hearing. Due to Ms. Bradley’s failure to appear for the scheduled hearing on her Exceptions, despite proper notice of the hearing, and, in accordance with Code of Maryland Regulations (“ COMAR”) 09.11.03.01F, which provides that:

“The panel may dismiss an appeal without holding a hearing if the person who filed exceptions to the proposed order fails to appear at the scheduled time after receiving proper notice.”

the Commission dismissed Ms. Bradley’s Exceptions.

### **CONCLUSIONS OF LAW**

The Exceptions filed by the Respondent, Doleta Bradley, on or about April 13, 2011 having been dismissed in accordance with COMAR 09.11.03.01F, the Commission

concludes, as a matter of law, that the Proposed Order of the Commission of March 7, 2011 shall be deemed the Final Order of the Commission.

**ORDER**

It is this 8<sup>th</sup> day of December, 2011, by the

Maryland Real Estate Commission, **ORDERED:**

1. That the Commission's Proposed Order of March 7, 2011 shall be deemed the Final Order of the Commission in this matter; and
2. That the records and publications of the Maryland Real Estate Commission reflect this decision.

**MARYLAND REAL ESTATE COMMISSION**

**SIGNATURE ON FILE**

**By:** \_\_\_\_\_

**Note:** A judicial review of this Final Order may be sought in the Circuit Court of Maryland in which the Appellant resides or has his/her principal place of business, or in the Circuit Court for Baltimore City. A petition for judicial review must be filed with the court within 30 days after the mailing of this Order.

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE COMMISSION \*

v. \*

DOLETA BRADLEY  
Respondent

\* CASE NO. 2010-RE-237

\* OAH NO. DLR-REC-21-10-30996

\*

\* \* \* \* \*

PROPOSED ORDER

The Findings of Fact, Conclusions of Law and Recommended Order of the Administrative Law Judge dated January 19, 2011, having been received, read and considered, it is, by the Maryland Real Estate Commission, this 7<sup>th</sup> day of March, 2011

ORDERED,

A. That the Findings of Fact in the recommended decision be, and hereby are, AFFIRMED;

B. That the Conclusions of Law in the recommended decision be, and hereby are, AFFIRMED;

C. That the Recommended Order be, and hereby is, AMENDED as follows:

ORDERED that the Respondent Doleta Bradley violated Md. Bus. Occ. and Prof. Art. §§17-322(b)(1), (3), (25), and (33), and COMAR 09.11.02.01C and 09.11.02.02A;

ORDERED that the all real estate licenses held by the Respondent Doleta Bradley be and hereby are REVOKED;

ORDERED that the Respondent Doleta Bradley be assessed a civil penalty in the amount of \$10,000.00, which shall be paid within thirty (30) days of the date of this Proposed Order;

ORDERED that the Respondent Doleta Bradley shall be ineligible for a real estate license until the civil penalty is paid in full.

ORDERED that the records and publications of the Maryland Real Estate Commission reflect this decision.

D. Pursuant to §10-220 of the State Government Article, the Commission finds that the Recommended Decision of the Administrative Law Judge had to be modified because the judge omitted the provision that the Respondent would be ineligible for a real estate license until the civil penalty is paid in full. The Commission also notes that the judge make an erroneous reference to the Respondent in footnote 4 on page 9 of the recommended decision. It is clear from the findings of fact that it was Mr. Angevine, the victim, who received a call while in the bank and that he was the one who was instructed to withdraw cash from his account. The last sentence of the footnote has the correct references: "In considering all of the evidence of record, I conclude it is more likely than not that the woman who called Mr. Angevine in the bank was the Respondent. (Emphasis supplied)

E. Pursuant to Code of Maryland Regulations (COMAR) 09.01.03.08 those parties adversely affected by this Proposed Order shall have 20 days from the postmark date of the Order to file exceptions and to request to present arguments on the proposed

decision before this Commission. The exceptions should be sent to the Executive Director, Maryland Real Estate Commission, 3rd Floor, 500 North Calvert Street, Baltimore, MD 21202.

**SIGNATURE ON FILE**

Maryland Real Estate Commission

MARYLAND REAL ESTATE  
COMMISSION

v.

DOLETA BRADLEY,  
RESPONDENT

\* BEFORE ANN C. KEHINDE,  
\* AN ADMINISTRATIVE LAW JUDGE  
\* OF THE MARYLAND OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* OAH CASE No.: DLR-REC-21-10-30996  
\* MREC FILE No: 2010-RE-237

\* \* \* \* \*

**RECOMMENDED DECISION**

STATEMENT OF THE CASE  
ISSUES  
SUMMARY OF THE EVIDENCE  
FINDINGS OF FACT  
DISCUSSION  
CONCLUSIONS OF LAW  
**RECOMMENDED ORDER**

**STATEMENT OF THE CASE**

On or about November 20, 2009, Karen Towne (Complainant) filed a complaint with the Maryland Real Estate Commission (REC or Commission), an administrative unit of the Department of Labor, Licensing and Regulation (DLLR), against Doleta Bradley (Respondent), a licensed real estate agent. On July 27, 2010, the REC issued a Statement of Charges and Order for Hearing against the Respondent.

On October 22, 2010, I conducted a hearing at the Office of Administrative Hearings (OAH), 11101 Gilroy Road, Hunt Valley, Maryland.<sup>1</sup> Md. Code Ann., Bus. Occ. & Prof. § 17-

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<sup>1</sup> This case was consolidated with REC v. Doleta M. Bradley and the claim of Alonzo Angevine, OAH Case No.: DLR-REC-24-10-30995 and heard at the same time. A separate Proposed Decision is issued in that case.



324 (2010) (Business Occupations Article). Peter Martin, Assistant Attorney General, represented the REC. The Respondent represented herself.

The Administrative Procedure Act, the procedures for Administrative Hearings of the Office of the Secretary of the DLLR, the procedures for Hearings of the Commission, and the Rules of Procedure of the Office of Administrative Hearings (OAH) govern procedure in this case. Md. Code Ann., State Gov't §§10-201 through 10-226 (2009 & Supp. 2010); Code of Maryland Regulations (COMAR) 09.01.02, 09.01.03, 09.11.03, and 28.02.01.

### **ISSUES**

- 1) Did the Respondent violate sections 17-322(b)(1), (3), (25), (32) and (33) of the Business Occupations Article and/or COMAR 09.11.02.01C and 09.11.02.02A?
- 2) If so, what sanctions are appropriate?

### **SUMMARY OF THE EVIDENCE**

#### **Exhibits**

I admitted the following exhibits on behalf of the REC:

- REC Ex. #1 Notice of Hearing, September 13, 2010, returned by Century 21 Associates; Licensing history; Letter of termination to Respondent, dated August 9, 2010; Statement of Charges and Order for Hearing in Complaint No. 2010-RE-356
- REC Ex. #2 Notice of Hearing, September 13, 2010, returned by Century 21 Associates; Licensing history; Letter of termination to Respondent, dated August 9, 2010; Statement of Charges and Order for Hearing in Complaint No. 2010-RE-237
- REC Ex. #3 Notice of Hearing, October 6, 201, OAH Case No.: DLR-REC-24-10-30995
- REC Ex. #4 Notice of Hearing, October 6, 201, OAH Case No.: DLR-REC-21-10-30996
- REC Ex. #5 Search of licensing records, October 12, 2010
- REC Ex. #6 Licensing computer printout, dated October 14, 2010

- REC Ex. #7 Real Estate Commission Report of Investigation, June 9, 2010, with attachments labeled 1 through 9
- REC Ex. #8 Email from Mike B. Johnson to Karen Towne, November 2, 2009
- REC Ex. #9 Licensing computer printout, dated October 8, 2010
- REC Ex. #10 Real Estate Original License Application
- REC Ex. #11 District Court of Maryland for Baltimore County, Judiciary Case Search results for Case No.: 3C00148179
- REC Ex. #12 Affidavit of Jennifer Grimes
- REC Ex. #13 License Exam Profile
- REC Ex. #14 Note from Respondent, dated June 2, 2010
- REC Ex. #15 Letter from Alonzo Angevine, dated October 30, 2009

The Respondent did not submit any exhibits.

### **Testimony**

The following witnesses testified on behalf of the REC:

1. Alonzo Angevine
2. Karen Towne, Broker/Owner, Home Towne Real Estate
3. Klaus Reichelt, Director of Assistive Development, DLLR
4. Evelyn Thorne, Manager, Home Towne Real Estate Waldorf branch office
5. Robert A. Hall, Investigator, DLLR
6. Steven Long, Assistant Executive Director, REC

The Respondent testified on her own behalf.

### **FINDINGS OF FACT**

I find the following facts by a preponderance of the evidence:

1. On December 26, 2001, the Respondent was found guilty by the District Court for Baltimore County on one count of assault – second degree.
2. An applicant can apply on-line for a real estate salesperson's license if the applicant has not been convicted of a felony or misdemeanor. If the applicant answers "yes" to the first question of whether or not she has been convicted of a felony or misdemeanor, the on-line application will not permit the applicant to go further with the application; instead, the applicant is instructed to contact the REC.
3. On or about December 21, 2005, the Respondent applied on-line for a real estate salesperson's license. She answered "no" to the question of whether she had ever been found guilty of a felony or misdemeanor in any State or federal court.
4. As a result of the Respondent's on-line application, the Respondent was licensed as a real estate salesperson under registration number 05 608860, and continued as a licensed real estate salesperson in Maryland at all times relevant to this case.
5. Sometime prior to October of 2009, the Respondent was involved in the sale of 6809 Leyte Drive, Oxon Hill, Maryland, to Alonzo and Mary Angevine.
6. The Angevines started having problems making their mortgage payments after Mary Angevine became sick and entered a nursing home.
7. In October of 2009, the Respondent and Mr. Angevine spoke about trying to get his bank, Wells Fargo, to accept a short sale. The Respondent told Mr. Angevine that she would help him sell his house.
8. The Respondent instructed Mr. Angevine to pay his November mortgage payment to Wells Fargo (the bank) and then skip two months.

9. The Respondent told Mr. Angevine that the bank would not accept his personal check. On October 30, 2009, Mr. Angevine went to SunTrust Bank to get a money order for \$2,118.79.
10. While at the bank, Mr. Angevine spoke with the Respondent by telephone. She told him to withdraw the money out of his account and bring it to her in the form of cash and not in the form of a cashier's check or a money order.
11. Mr. Angevine met the Respondent at a model home in Indian Head Woods that another agent for Towne Real Estate was showing. Mr. Angevine and the Respondent went to the kitchen. Mr. Angevine gave the Respondent the cash. The Respondent gave Mr. Angevine a receipt. (REC Ex. #7, p. 14).
12. The Respondent did not send Mr. Angevine's mortgage payment to Wells Fargo.
13. Mr. Angevine's nephew, Mike Johnson, contacted Ms. Towne to see if the listing for the property could be cancelled. He questioned why the Respondent took cash from Mr. Angevine.
14. Ms. Towne spoke with the Respondent about the complaint. The Respondent denied taking any money from Mr. Angevine. She then said she did Mr. Angevine a favor by agreeing to take a check in an envelope to the post office so Mr. Angevine's mortgage payment could be mailed but he did not have postage on the envelopes so she returned the envelope to Mr. Angevine.
15. Ms. Towne asked the Respondent if she met with Mr. Angevine at the model home at Indian Head Woods. When the Respondent said "no," Ms. Towne told her that another agent saw her at the model home with Mr. Angevine. The Respondent then said she did meet with Mr. Angevine at the model home to discuss the short sale and to sign paperwork.

16. In a face-to-face meeting a few days later, the Respondent showed Ms. Towne a copy of a paper that was similar to the receipt the Respondent gave Mr. Angevine (REC Ex. 7, p. 14), but the Respondent added the words "This is a loan from me to you," and inserted a copy of Mr. Angevine's signature under her own signature. (REC Ex. 7, p. 15). The Respondent told Ms. Towne she had dug through the trash and found this receipt; she never showed Ms. Towne the original.

17. Ms. Towne decided to terminate the Respondent. She instructed the office manager of the Waldorf branch, Ms. Thorne, to go to the Respondent's office and remove her license so it could be sent back to the REC. The Respondent was at the office when Ms. Thorne went to remove the license. The Respondent told Ms. Thorne, "Well, I guess I'm going to have to pay him back." The Respondent also told Ms. Thorne that she was late in paying her own mortgage.

18. On May 27, 2010, REC Investigator Hall spoke with the Respondent by telephone. The Respondent told Investigator Hall, "No one saw me take that money from Mr. Angevine, but I'll give you the money if this thing will just go away. Will this go away if I just give the money back?"

19. The Respondent did not appear for her scheduled appointment on June 1, 2010 with the Investigator.

20. On June 8, 2010, the Assistant Director for the Commission received a money order in the amount of \$500.00 from the Respondent made payable to Mr. Angevine. Along with the money order was a note from the Respondent that she would make further payments until the total amount was paid. No further payments were received from the Respondent.

## DISCUSSION

The Commission's power to regulate licensees, as pertinent to this case, is as follows:

(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:

...

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

...

(3) directly or through another person willfully makes a misrepresentation or knowingly makes a false promise;

...

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

...

(32) violates any other provision of this title;

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

Md. Code Ann., Bus. Occ. & Prof. § 17-322(b) (2010).

COMAR 09.11.02.01C, which is part of the real estate licensee's Code of Ethics, provides in pertinent part:

.01 Relations to the Public...

C. The licensee shall protect the public against fraud, misrepresentation, or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the commission charged with regulating the practices of brokers, associate brokers, and salespersons in this State.

COMAR 09.11.02.02A, provides:

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.

For the following reasons, I find that the REC established by a preponderance of the evidence that the Respondent violated section 17-322(b)(1), (3), (25), and (33) and COMAR 09.11.02.01C and 09.11.02.02A, and is therefore subject to regulatory sanctions and penalties.<sup>2</sup>

The evidence is clear that the Respondent was found guilty of assault – second degree in December of 2001. In order to apply on-line for a real estate salesperson’s license, the applicant had to first answer three questions. The first question asks the applicant whether he or she has been convicted of a felony or misdemeanor in any State or federal court. Mr. Reichelt’s testimony was uncontroverted that only by answering “no” could an applicant continue with the on-line application process. The Respondent pointed out that the on-line version of the application is not signed by the applicant. However, directly above the submit button, there is a certification section that appears in bold, capital letters: “I HEREBY CERTIFY UNDER PENALTY OF LAW THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.” (REC Ex. #10). Therefore, the fact that the Respondent did not sign a paper copy of her application is irrelevant. She answered “no” to the question of whether she had been convicted of a felony or misdemeanor, even though she was convicted of a misdemeanor in 2001. By not reporting her conviction she fraudulently or deceptively obtained a real estate salesperson’s license in violation of section 17-322(b)(1).

The evidence is also overwhelming that the Respondent talked Mr. Angevine into giving her \$2,118.79 in cash, ostensibly for a mortgage payment on his behalf, but never made the mortgage payment for him and returned only \$500.00 to him. The Respondent argued that the REC presented only circumstantial evidence and hearsay to support its charge that she took Mr.

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<sup>2</sup> The REC did not prove what other provision of section 17-322 it contends the Respondent violated. Therefore, I do not find the Respondent violated section 17-322(b)(32).

Angevine's money. However, hearsay evidence is admissible in an administrative proceeding and can be the sole basis for an administrative decision<sup>3</sup> and it is not necessary for the REC to prove its allegations beyond a reasonable doubt, as in a criminal case, but only by a preponderance of the evidence.

Here, a preponderance of the evidence shows that the Respondent took Mr. Angevine's money. First, although Mr. Angevine's testimony was a bit confused regarding some of the details, he was testifying by telephone and he is 93 years of age.<sup>4</sup> He was very clear, however, about the relevant questions. Most importantly, he was emphatic that he never borrowed any money from the Respondent.

Further, I agree with the REC's position that it is ludicrous to believe that Mr. Angevine would withdraw \$2,118.79 in cash, which happened to be the amount of his mortgage payment, from his SunTrust account and on the same day borrow that exact amount from the Respondent.

Moreover, it is obvious that the Respondent created the "receipt" for the loan. (REC Ex. 7, p. 15). The beginning of the document is exactly the same as the copy of the receipt that Mr. Angevine received from the Respondent. (REC Ex. 7, p. 14). It states, "Received cash money Alonzo \$2118.79 for payment 10/30/09" and then has the Respondent's signature. The "receipt" for the loan however has another sentence inserted before the Respondent's signature which states, "This is a loan from me to you." Under the Respondent's signature is purportedly the signature of Mr. Angevine. Reviewing that signature, it is obviously exactly the same as the signature that appears on Mr. Angevine's hardship letter to Wells Fargo. (REC Ex. #15). In

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<sup>3</sup> *Kade v. Hickey School*, 566 A.2d 148 (Md. App. 1989).

<sup>4</sup> For example, at the hearing he did not recall talking with the Respondent by cell phone while in the SunTrust Bank. However, both Ms. Thorne and Ms. Towne testified that they spoke with the teller at SunTrust Bank soon after the event and she recalled the Respondent receiving a cell phone call while in the bank from a woman and the woman instructing the Respondent to withdraw cash from his account and not to obtain a money order or a cashier's check. In considering all of the evidence of record, I conclude it is more likely than not that the woman who called Mr. Angevine in the bank was the Respondent.



particular, the date (10.30.09) that appears after his name on both documents looks like Mr. Angevine re-traced part of the "9." I find it highly unlikely that Mr. Angevine would have done that on two separate documents on the same day. Instead, it is much more likely that the Respondent copied Mr. Angevine's signature from the hardship letter onto a copy of the receipt she gave Mr. Angevine for the cash. Although the Respondent argued that the REC did not present a handwriting expert to testify that the signature was copied, counsel for the REC is correct that a handwriting expert is not required and, as the trier of fact, I can compare the signatures and draw the conclusion that the Respondent copied Mr. Angevine's signature. *DiPietro v. State*, 31 Md. App. 392, 396, 398-9 (1976).

I am further convinced that the Respondent fabricated this document because she never presented an original of the document for anyone to examine. If the Respondent had actually loaned Mr. Angevine money, she would certainly have kept the original and given the copy to Mr. Angevine. Further, although she originally denied taking any cash from Mr. Angevine, a few days later she told Ms. Towne that in fact she loaned money to Mr. Angevine and that she had fished the copy of the receipt out of the trash. She never gave Ms. Towne any explanation as to why she would have thrown away a copy of a receipt that allegedly documented a loan.

Finally, the Respondent made several partial admissions to Ms. Thorne and to the REC Investigator. When Ms. Thorne went to retrieve the Respondent's license from her office, she found that the Respondent was there. The Respondent told Ms. Thorne, "Well, I guess I'm going to have to pay him back." The Respondent also told Ms. Thorne that she was late in paying her own mortgage. Although the Respondent portrayed Ms. Thorne and Ms. Towne as biased against her from the beginning, I found both witnesses to be credible in their assertions that in the beginning they were just trying to figure out what had happened. It was not until the stories the Respondent

gave them kept changing, and they had proof that Mr. Angevine withdrew the money and met with the Respondent on the same day, that they found the Respondent's explanations suspect.

Further, when Investigator Hall spoke with the Respondent by telephone on May 27, 2010, the Respondent told Investigator Hall, "No one saw me take that money from Mr. Angevine but I'll give you the money if this thing will just go away." She also asked him, "Will this go away if I just give the money back?" The Respondent accused Investigator Hall of ruining her reputation by telling everyone that she had taken Mr. Angevine's money. Investigator Hall noted that he was trying to contact the Respondent so he could interview her; he did not give anyone any information about whether the Respondent was responsible for any wrongdoing. The Respondent did not provide any evidence to corroborate her generalized assertions that Investigator Hall was trying to make her lose her employment, etc. Instead, I found Investigator Hall was professional in his investigation and did not have any motive for "smearing" the Respondent as she alleged.

In sum, the Respondent's conduct in telling Mr. Angevine that the bank would not accept his check and that he was to meet her with cash and that she would then send in his mortgage payment was a false promise and a willful misrepresentation in violation of section 17-322(b)(3). Further, her changing explanations and fabrication of a "receipt" for a "loan" was conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings in violation of section 17-322(b)(25).

The Respondent's failure to cooperate with the investigator also constitutes a violation of COMAR 09.11.02.01C, which requires licensees to assist the Commission with regulating the practices of brokers, associate brokers, and salespersons in Maryland. It is also reasonable to conclude that if the public became aware of how the Respondent took advantage of an elderly man and his wife, the dignity and integrity of the real estate profession would be damaged.

Finally, the Respondent's conduct did not protect and promote the interests of her clients, Mr. and Mrs. Angevine, in violation of COMAR 09.11.02.02A. Mr. Angevine testified that he never believed the Respondent would have done what she did. It is not hard to imagine that the Respondent's actions caused undue financial and emotional stress for this elderly couple who were already experiencing severe financial problems due to Mrs. Angevine's failing health.

With regard to penalties, section 17-322(c) of the Business Occupations Article provides in pertinent part as follows:

(c) *Penalty.* -- (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5,000 for each violation.

(2) To determine the amount of the penalty imposed, the Commission shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the licensee; and
- (iv) any history of previous violations by the licensee.

Md. Code Ann., Bus. Occ. & Prof. § 17-322(c) (2010).

Notwithstanding the fact that the Respondent's license has been placed on an inactive status, the REC argued that an appropriate sanction in this case is revocation and the imposition of a \$10,000.00 penalty.<sup>5</sup>

The seriousness of the Respondent's violations cannot be overstated. If the Respondent had truthfully answered the questions on the application for her real estate salesperson's license, she would most likely not have become a licensed agent and would not have been in a position to take advantage of the Angevines.

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<sup>5</sup> As counsel for the Commission correctly noted, "[t]he placement of a license on inactive status does not affect the power of the Commission to suspend or revoke the license or to take any other disciplinary action against the licensee." Md. Code Ann., Bus. Occ. & Prof. § 17-316(b)(2).

The Respondent's harm to the Angevines was serious. They were already in a difficult financial situation which was made worse by the Respondent taking their money and not paying the mortgage company. The Respondent's good faith throughout this matter is nil. She gave conflicting and contradictory stories to her office manager and employer, she fabricated a document, failed to cooperate with the Commission, and continued to maintain she had done nothing wrong throughout this hearing despite the overwhelming evidence to the contrary. While I am not aware of any previous violations by the Respondent, I agree with the REC that the Respondent's conduct was so egregious that nothing short of a revocation of her license and a \$10,000.00 penalty would protect the public and the real estate profession.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the Respondent violated section 17-322(b) of the Business Occupations Article and COMAR 09.11.02.02, and is subject to sanctions under section 17-322(b)(1), (3), (25), and (33) of the Business Occupations Article and COMAR 09.11.02.01C and 09.11.02.02A.

I further conclude as a matter of law that an appropriate sanction in this case is a revocation and the imposition of a penalty of \$10,000.00. Md. Code Ann., Bus. Occ. & Prof. § 17-322 (2010).

#### **RECOMMENDED ORDER**

I therefore **RECOMMEND** that the Maryland Real Estate Commission:

**ORDER** that the license of Respondent, Doleta A. Bradley, be revoked and that she be required to pay a \$10,000.00 civil penalty for violating sections 17-322(b)(1), (3), (25) and (33) of the Business Occupations Article and COMAR 09.11.02.01C and 09.11.02.02A; and

**ORDER** that the records and publications of the Maryland Real Estate Commission  
reflect its final decision.

January 19, 2011  
Date Decision Mailed

#119628

**SIGNATURE ON FILE**

\_\_\_\_\_  
Ann C. Kehinde  
Administrative Law Judge

MARYLAND REAL ESTATE  
COMMISSION

v.

DOLETA BRADLEY,  
RESPONDENT

\* BEFORE ANN C. KEHINDE,  
\* AN ADMINISTRATIVE LAW JUDGE  
\* OF THE MARYLAND OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* OAH CASE No.: DLR-REC-21-10-30996  
\* MREC FILE No: 2010-RE-237

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**FILE EXHIBIT LIST**

I admitted the following exhibits on behalf of the REC:

- REC Ex. #1 Notice of Hearing, September 13, 2010, returned by Century 21 Associates; Licensing history; Letter of termination to Respondent, dated August 9, 2010; Statement of Charges and Order for Hearing in Complaint No. 2010-RE-356
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- REC Ex. #3 Notice of Hearing, October 6, 201, OAH Case No.: DLR-REC-24-10-30995
- REC Ex. #4 Notice of Hearing, October 6, 201, OAH Case No.: DLR-REC-21-10-30996
- REC Ex. #5 Search of licensing records, October 12, 2010
- REC Ex. #6 Licensing computer printout, dated October 14, 2010
- REC Ex. #7 Real Estate Commission Report of Investigation, June 9, 2010, with Exhibits 1-9
- REC Ex. #8 Email from Mike B. Johnson to Karen Towne, November 2, 2009
- REC Ex. #9 Licensing computer printout, dated October 8, 2010

REC Ex. #10 Real Estate Original License Application

REC Ex. #11 District Court of Maryland for Baltimore County, Judiciary casesearch results for Case No.: 3C00148179

REC Ex. #12 Affidavit of Jennifer Grimes

REC Ex. #13 License Exam Profile

REC Ex. #14 Note from Respondent, dated June 2, 2010

REC Ex. #15 Letter from Alonzo Angevine, dated October 30, 2009

The Respondent did not submit any exhibits.