

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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V.

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**DAVID J. WEBBER
Re/Max Executive
8432 Veterans Highway, Ste. A
Millersville, MD 21108**

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Case No: 2011-RE-268

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Stephen Davis (“Complainant”). Based on the complaint and an investigation, the Panel of Commissioners have determined that administrative charges against the Respondent, real estate salesperson, David Webber, formerly affiliated with Re/Max Visions, license registration number, 05-605500 (“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 had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Re/Max Visions, as a salesperson, license registration number 05-605500.
3. It is alleged the Respondent cited himself as both the selling agent and intra-company agent in the contract of sale.
4. It is further alleged by the Complainant that they believed the Respondent to be working on their behalf as a buyer’s agent however, did not adequately represent their interests in the transaction.
5. The Respondent will admit that by disclosing himself as the selling and dual agent in this transaction he has violated Section 17-530 (c) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

**Section 17-530
Business Occupations and Professions Article
Maryland Annotated Code**

(c) Except as otherwise provided in subsection (d) of this section, a licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson may not act as a dual agent in this State.

- 6. The Respondent consents to the entry of an Order that his conduct, as described in this Consent Order, violates Section 17-530 (c) of the Business Occupations and Professions Article, Maryland Annotated Code and he agrees to pay a civil penalty in the amount of \$1,000.00 within sixty (60) days of the execution of this Consent Order and take a 3 hour agency class within sixty days (60) from the date of the execution of this Consent Order. The class referenced in this Consent Order is in addition to the continuing education requirements. This class would not be allowed to be credited towards the hours necessary to renew his license at the next renewal.
- 7. 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.
- 8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 2011-RE-268.

BASED ON THESE STIPULATIONS, IT IS THIS 14th DAY OF June, 2011 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated Section 17-530 (c) of the Business Occupations and Professions Article, Maryland Annotated Code and it is further

ORDERED the Respondent will pay a civil penalty in the amount of a \$1,000.00 within sixty (60) days of the execution of this Consent Order:

ORDERED the Respondent will take a 3 hour agency class and submit proof of completion within sixty (60) days of the execution of this Consent Order:

ORDERED that should the Respondent fail to pay either the civil penalty or submit proof of the agency class within the 60 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the requirements are made and will proceed with charges against the Respondent and

schedule an Administrative Hearing for the violations of the Business Occupations and Professions Article, Maryland Annotated Code in which a \$5,000.00 penalty can be imposed for each violation.

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: _____

AGREED:

6/1/11
Date

SIGNATURE ON FILE

DAVID J. WEBBER, Respondent