

**Maryland Real Estate Commission**

**v.**

**Arthur Yon Smail**

**RESPONDENT**

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**BEFORE THE**

**MARYLAND REAL**

**STATE COMMISSION**

**Case No.:2011-RE-282**

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## **Consent Order**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of an audit of continuing education hours conducted by the Commission in connection with the 2011 renewal application of Arthur Yon Smail. As a result of the audit, it was determined that the Respondent did not complete the required hours of continuing education instruction for renewal of license. As a means of resolving this matter, the Commission and the Respondent have agreed to enter into this Consent Order, and agree and stipulate to the following:

1. On 01/27/2011 the Respondent submitted an electronic application for the renewal of a Broker's license for the (2009-2011) renewal period.
2. Pursuant to Section 17-315 of the Business Occupations and Professions Article, Maryland Annotated Code, the Respondent was required to complete 15 hours of continuing education instruction during the two year period preceding the renewal date of 01/27/2011.
3. The Respondent failed to complete the required number of hours, but certified on the renewal application dated 01/27/2011, that the continuing education requirement had been fulfilled. The failure to obtain the continuing education hours was in

violation of Section 17-315 of the Business Occupations and Professions Article, Maryland Annotated Code.

4. The Respondent agrees that he did not completed the required continuing education courses when he answered "Yes, to the question that he completed the required continuing education course needed to renew his broker's license".

5. As a term and condition of this Consent Order, the Respondent agrees to pay a fine in the amount of Fifteen Hundred Dollars (\$1500) in connection with the violation of Section 17-315, Business Occupations and Professions Article, Maryland Annotated Code. In addition, the Respondent will pay a fee in the amount of \$100 for the administrative costs associated with this matter. The fee and fine are to be paid within sixty (60) days of the date of this Consent Order.

6. The Respondent waives the right to an investigation of the violation, the issuance of charges, and a formal hearing in this matter.

8. The Respondent agrees that all licenses held by the Respondent will automatically be suspended by the Commission, without a hearing, if the Respondent fails to comply with the terms of this Consent Order. The Respondent further agrees that the suspension of license will continue until the Respondent evidences compliance and issuance of charges and a hearing will be scheduled.

9. The Respondent and the Commission understand that this Consent Order will serve as the Final Order in this matter and be a part of the Respondent's licensing record maintained by the Commission. The Commission's records and publications will reflect the terms of the Consent Order.

WHEREFORE, based on these stipulations and agreements, it is hereby this 5<sup>th</sup> day of APRIL, 2011, ORDERED by the Commission:

- I. That the Respondent has been found to have violated Section 17-315 of the Business Occupations and Professions Article, Maryland Annotated Code.
- II. That the Respondent will complete the required continuing education courses due for the 2009- 2011 renewal period and also agrees that the continuing education certificates provided to this Commission for 2009- 2011 renewal period will not be provided for the 2011-2013 renewal period.
- III. That the Respondent shall pay a fee of \$100 in connection with the administration of this matter, and a fine of \$1500.00 in connection with the violation within 60 days of the date of this Consent Order.
- IV. That in the event the terms and conditions of this Consent Order are not met by the Respondent within the time described, the Commission will immediately suspend all real estate licenses held by the Respondent, without a hearing on the suspension. The suspension will continue until such time as the Respondent evidences compliance with the terms of this Consent Order.
- V. That the records of the Commission shall reflect that this matter was resolved by execution of this Consent Order.

**SIGNATURE ON FILE**

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Arthur Yon Smail  
Respondent

**SIGNATURE ON FILE**

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Katherine F. Connelly  
Executive Director  
Maryland Real Estate Commission

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