

**MARYLAND REAL ESTATE  
COMMISSION**

**\* BEFORE THE MARYLAND  
\* REAL ESTATE COMMISSION  
\* COMPLAINT NO. 2009-RE-0490**

**LUIS MORENO,**

**Respondent**

**\* \* \* \* \***

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") based on a complaint filed by Orlando and Blanca Satz, Complainants, against Luis Moreno ("Respondent?^ Based on mat complaint, the Commission determined that administrative charges against the Respondent were appropriate and that the case should be referred to the Office of Administrative Hearings ("OAH\*\*") for the scheduling of a hearing. This matter was scheduled to be heard at the OAH on November 2,2012; however, the Commission and the Respondent reached an agreement to resolve the matter in lieu of that hearing. The Commission and the Respondent consent to the entry of this Order as final resolution of this action as to administrative charges against the Respondent in Complaint No. 2009-RE-0490.

**IT IS STIPULATED BY THE PARTIES THAT:**

1. The Respondent is currently licensed as an associate real estate broker and is affiliated with Heymann Realty LLC (License No. 03 530797), his license expires on August 7,2014.
2. At the time of the events at issue in this case, the Respondent was licensed as an associate real estate broker and was affiliated with Fairfax Realty, Inc.
3. In February or March, 2007, the Complainants contacted the Respondent to represent them in the sale or lease of 10312 Haywood Drive, Silver Spring, Maryland and in a search for a home to purchase.
4. The Complainants advised the Respondent of their need to sell or lease the Haywood Drive property in order to be able to purchase another home.

5. The Respondent agreed to list their property, to waive his commission on the sale or rent of their property, and to accept his commission as a buyers' agent in their purchase of a home as his compensation.

6. The Respondent did not reduce that agreement to writing, explaining and disclosing that he represented the Complainants, and/or provide a written listing agreement at that time.

7. If the Respondent did reduce that agreement to writing or prepare a written listing agreement, he failed to keep copies or to provide copies to the Complainants.

8. The Respondent did not have the Complainants execute a buyer agency agreement until April 29, 2007, although he had been assisting them in a search for a home prior to that date.

9. On April 29, 2007, the Complainants submitted an offer to purchase 2116 Parker Avenue, Silver Spring, Maryland, which offer was ratified on May 2, 2007.

10. The Respondent informed the Complainants at the time of that offer that he had located a potential tenant for their Haywood Drive property.

11. Shortly before the settlement scheduled for June 25, 2007 on the Parker Avenue transaction, the Respondent advised the Complainants that they should have their existing tenant leave, as the tenant he had located wanted to use the entire Haywood Drive property.

12. When asked at settlement about the tenant he had located, the Respondent stated that he would contact the Complainants later.

13. The Respondent did not contact them, and there was no further information about a tenant that the Respondent said he had located.

14. The Respondent did not list the Complainants' property for lease until June 3, 2007 and for sale until July 26, 2007.

15. The Respondent did not have a written listing agreement which authorized him to list the property for sale or lease or to advertise the property for sale or lease, or, alternatively, he failed to provide a copy of such listing agreement(s) and/or to keep a copy of such listing agreement(s).

16. The Respondent showed the Haywood Drive property for sale without a listing agreement, or, alternatively, before a listing agreement was executed.

17. The Complainants were forced to pay mortgages on two homes. It is alleged that the Complainants ultimately sold the Haywood Drive property at a "short sale."

18. By entering into this Consent Order, the Respondent expressly waives the right to a hearing, or any further proceeding to which he may be entitled in this matter, and any rights to appeal from this Consent Order.

19. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and having had the opportunity to seek the advice of counsel.

20. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 *et seq.*, and regulations of the Commission in future real estate transactions.

**BASED ON THESE STIPULATIONS, IT IS, THIS 26<sup>th</sup> day of Oct., 2012, BY THE MARYLAND REAL ESTATE COMMISSION,**

**ORDERED** that Respondent Luis Moreno has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-322(b)(14)(i), (25), (30), and (33), and 17-530(b), as well as Code of Maryland Regulations 09.11.01.07, 09.11.01.12, 09.11.02.01H and 09.11.02.02A, and it is further

**ORDERED** that the Respondent is assessed a total civil penalty of \$2,500.00 for those violations, which amount is payable to the Commission within 30 days of the date on which this Consent Order is executed by the Commission, and it is further

**ORDERED** that the Respondent complete a three-hour course in real estate contracts and a three-hour course in real estate agency (over and above statutory and regulatory requirements concerning continuing education) and provide written verification of successful completion to the Commission within 90 days of the date this Order is executed by the Commission, and it is further

**ORDERED** that, if payment of the civil penalty is not made within that 30-day period and/or written verification of the successful completion of the two courses is not received within that 90-day period, the Respondent's associate real estate broker's license shall be automatically suspended until payment of the total civil penalty is made and/or written verification is received, and it is further

**ORDERED** that the Commission's records and publications shall reflect the terms of this Consent Order.

**SIGNATURE ON FILE**

LUIS MORENO

10/22/12

**DATE**

**SIGNATURE ON FILE**

COMMISSIONER  
MARYLAND REAL ESTATE COMMISSION

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