

MARYLAND REAL ESTATE COMMISSION*

BEFORE THE

v.

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MARYLAND REAL

*

ESTATE COMMISSION

KENNETH R. SIPES,

*

COMPLAINT NO.: 2010-RE-494

Respondent

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CLAIM OF JANICE CHAMBLISS
AGAINST THE REAL ESTATE
COMMISSION GUARANTY FUND

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Janice Chambliss against Kenneth R. Sipes (“Respondent”). Based on that complaint, the Commission determined that charges against the Respondent were appropriate and that a hearing on those charges, as well as the Guaranty Fund claim filed by Ms. Chambliss, should be held. The matter is scheduled for hearing at the Office of Administrative Hearings on January 11, 2012; however, the Commission and the Respondent have reached an agreement to resolve the matter without that hearing. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 2010-RE-494 (as to both the administrative charges and the Guaranty Fund claim).

IT IS STIPULATED BY THE PARTIES that:

1. At the time of the events at issue, the Respondent was licensed as a real estate salesperson (License No. 05-304497) and was affiliated with Long and Foster Real Estate, Inc.

2. The Respondent is currently affiliated as a salesperson with Coldwell Banker Residential Brokerage.

3. The Respondent's license expires August 7, 2012.

4. On or about December 6, 2009, Sandra Godman, Harry Sanders, Robert Sanders, and Wayne Sanders, sellers, and Janice Chambliss, buyer, entered into a Residential Contract of Sale for 6 Fallen Tree Court, Unit 6C, Halethrope, Maryland.

5. The Respondent was the listing agent in this transaction, representing the sellers.

6. The Respondent, as the sellers' agent, failed to supply Ms. Chambliss with a Condominium Resale Package, which was required at least 15 days prior to settlement, according to the contract.

7. The Respondent gave Ms. Chambliss an out-of-date version of the documents at the time of settlement.

8. There were some issues which Ms. Chambliss wanted to have remedied as a result of the findings in the home inspection report.

9. The sellers agreed to take care of all of the problems, except for a problem which existed with the fireplace doors.

10. The Respondent himself agreed to correct the problem with the fireplace doors, but he did not prepare a writing expressing the exact agreement as to how and when the fireplace doors would be repaired.

11. Just prior to settlement, Ms. Chambliss did a walk-through inspection, at which time she found that the fireplace door problem had not been remedied.

12. The doors were set in such a way as to make it appear that the problem had been fixed; if she had not attempted to operate the doors, she would not have known that they had not been fixed.

13. The issue concerning the fireplace doors was addressed at settlement, and the Respondent told Ms. Chambliss that he would have a contractor fix the fireplace doors.

14. The doors were never fixed by the Respondent or any contractor whom he may have sent out.

15. The Respondent did not prepare a writing expressing the exact agreement as to how and when the fireplace doors would be repaired by him or by a contractor.

16. The Respondent agrees to pay to Ms. Chambliss' estate (Ms. Chambliss died on October 11, 2011), by certified funds, \$1,300.00, the amount of Ms. Chambliss' Guaranty Fund claim, within 30 days of the date this order is signed by the Commission.

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

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

19. 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 17th day of January, 2012,
BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent has violated Md. Bus. Occ. & Prof. Code Ann., §§17-322(b)(25), (32) and (33), and 17-532(c)(1)(vi), as well as Code of Maryland Regulations 09.11.02.01H and 09.11.02.02A, and it is further

ORDERED that the Respondent is reprimanded for those violations, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$500.00 for those violations, which amount is payable to the Commission within thirty days of the date this Order is signed 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 if the Respondent fails to make the payment specified in Stipulation No. 16 within that 30-day period, the Respondent's real estate license shall be automatically suspended until the payment(s) is/are made, and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this

Consent Order
SIGNATURE ON FILE

KENNETH R. SIPES

SIGNATURE ON FILE

COMMISSIONER
MARYLAND REAL ESTATE COMMISSION

1-10 2012
Date