

MARYLAND REAL ESTATE
COMMISSION

V.

ANDRE NICHOLAS

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2012-RE-099

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by the Maryland Real Estate Commission (“Complainant”). Based on the complaint, the Commission determined that administrative charges against Andre Nicholas, the Respondent Real Estate Broker (“Respondent”), license registration number 01-581252, are appropriate and that an administrative hearing on those charges should be held. Prior to the scheduling of the hearing, the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement 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. Respondent Andre Nicholas is currently licensed by the Commission as the Real Estate Broker of record with Re/Max Specialists, license registration number 01-581252. At all times relevant to the matters set forth in this Consent Order and Settlement Agreement, the Commission has had jurisdiction over the subject matter and the Respondent.

2. On or about September 16, 2011, Complainant filed a complaint against the Respondent for retaining Whitney Keiller (“Mr. Keiller”), an unlicensed individual, to provide real estate brokerage services on behalf of Re/Max Specialists. Mr. Keiller first obtained a real estate salesperson license in 2007 which expired on July 1, 2009. On May 27, 2009, Mr. Keiller visited the Commission’s website and mistakenly obtained a certificate of licensure instead of renewing his license. Erroneously believing he had renewed his real estate salesperson license, Mr. Keiller continued to provide real estate brokerage services without a license on behalf of Re/Max Specialists.

3. The Respondent admits that his conduct violated Business Occupations and Professions Article ("BOP") § 17-603(b) which provides:

§17-603. Real estate brokerage services by unauthorized individuals.

(b) *Retaining unlicensed individual.* – A real estate broker may not retain an unlicensed individual to provide real estate brokerage services on behalf of the real estate broker.

4. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and 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.

5. The Respondent consents to the entry of an Order that his conduct violated BOP § 17-603(b), and he agrees to pay a civil penalty of \$2,000.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 29th
DAY OF November, 2012 BY THE MARYLAND REAL ESTATE
COMMISSION:

ORDERED that the Respondent's conduct violated Business Occupations and Professions Article § 17-603(b); and it is further

ORDERED that the Respondent be assessed a civil penalty of \$2,000.00 for the violation, which amount is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

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

11-15-12
Date

SIGNATURE ON FILE

Respondent Andre Nicholas

11/29/12
Date

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By _____