

# State of Maryland

DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
REAL ESTATE COMMISSION OF MARYLAND  
1100 NORTH EUTAW STREET - BALTIMORE, MARYLAND 21201  
THIRD FLOOR  
(410) 230-6230  
OUTSIDE BALTIMORE METRO AREA, TOLL FREE 1-888-218-5925  
TTY USERS CALL: THE MD RELAY SERVICE

<http://www.dllr.state.md.us>  
[mrec@dllr.state.md.us](mailto:mrec@dllr.state.md.us)

## **INSTRUCTIONS FOR COMPLETING COMPLAINT AND GUARANTY FUND CLAIM FORM**

*Read Instructions Before Completing Claim Form – **DO NOT MAIL** In Instruction form **Keep for your records***

1. All information must be typewritten or clearly printed
2. Write "Unknown" in empty spaces if the information is not known
3. You must submit copies of all pertinent documentation such as contracts, receipts, cancelled checks, estimates, correspondence, etc.
4. Be certain to designate in Section 2, only the person(s) (licensee) you deem responsible for filing of this complaint and/or claim.
5. In order for your claim against the Real Estate Guaranty Fund to be processed, you must provide a complete and accurate statement of the actual monetary loss you claim.

Your complaint and claim and supporting evidence will be reviewed by the Real Estate Commission. The complaint, and /or claim can be dismissed without a hearing if the Commission determines the complaint and/or claim does not fall under its jurisdiction, is frivolous, or is made in bad faith. In addition, your claim can also be dismissed without a hearing if your statement and supporting evidence does not entitle you to a payment out of the Guaranty Fund.

### ***FACTS YOU SHOULD KNOW WHEN FILING A REAL ESTATE COMPLAINT***

- The Real Estate Commission only accepts complaints against individuals with real estate licenses. A complaint must also be based on circumstances which occurred in a real estate transaction. The Commission has no jurisdiction over new home builders, home inspectors, unlicensed home sellers or mortgage brokers.
- Complaints filed by consumers must be submitted in writing on the real estate complaint and guaranty fund claim form. It is necessary that complaints are accompanied by copies of all pertinent supporting documentation.
- Complaints get a preliminary review to determine whether the complaint falls within the jurisdiction of the Commission. They are then assigned a case number and a letter of acknowledgment is sent to the complainant. Copies of complaints are sent to all the licensees in the allegation for their response to the allegations. Once a response is received, a review process takes place and the evidence in the file determines the case's progress. The case is either administratively dismissed or sent for an investigative process. Another review follows the investigation and a complaint may be assigned to be reviewed by a panel of Commissioners.
- A complaint that results in recommended charges against the licensees is reviewed by the Attorney General's Office for legal sufficiency. The majority of cases set for a hearing are sent to the Office of Administrative Hearings for a hearing date. The time frame of these departments is not under the control of the Commission.
- Each case is reviewed according to the date received. Complaints that are dismissed have been approved by the Commissioners, of the Real Estate Commission. All dismissals of the Commission are final.
- There are exceptions in the progression of a complaint depending on the circumstances. The above bullets are the normal procedures of a case.

**ANNOTATED CODE OF MARYLAND  
BUSINESS OCCUPATIONAL AND PROFESSIONS ARTICLE  
TITLE 17**

**17-404. Claims against Guaranty Fund.**

(a) In general. -

(1) Subject to the provisions of this subtitle, a person may recover compensation from the Guaranty Fund for an actual loss.

(2) A claim shall:

(i) be based on an act or omission that occurs in the provision of real estate brokerage service by:

1. a licensed real estate broker;
2. a licensed associate real estate broker;
3. a licensed real estate salesperson; or
4. an unlicensed employee of a licensed real estate broker;

(ii) involve a transaction that relates to real estate that is located in the State: and

(iii) be based on an act or omission:

1. in which money or property is obtained from a person by theft, embezzlement, false pretenses, or forgery; or
2. That constitutes fraud or misrepresentation.

(b) Limitation on recovery. - The amount recovered for any claim against the Guaranty Fund may not exceed \$50,000 for each claim.

(c) Excluded claims. -

(1) A person may not recover from the Guaranty Fund for any loss that relates to:

- (i) the purchase of any interest in a limited partnership that is formed for the purpose of investment in real estate;
- (ii) a joint venture that is promoted by a licensed real estate broker, a licensed associate real estate broker, or licensed real estate salesperson for the purpose of investment in real estate by 2 or more individuals; or
- (iii) the purchase of commercial paper that is secured by real estate.

(2) A claim under the Guaranty Fund may not be made by:

- (i) the spouse of the licensee or the unlicensed employee alleged to be responsible for the act or omission giving rise to the claim; or
- (ii) the personal representative of the spouse of the licensee or the unlicensed employee alleged to be responsible for the act or omission giving rise to the claim.

(d) Limitations period. - A claim under this subtitle shall be submitted to the Commission within 3 years after the claimant discovers or, by the exercise of ordinary diligence, should have discovered the loss or damage.

MARYLAND REAL ESTATE COMMISSION  
**COMPLAINT & GUARANTY FUND CLAIM**  
Department of Labor  
Division of Occupational & Professional Licensing  
1100 N. Eutaw St, 3rd Floor  
Baltimore, MD 21201  
410 230 6230

DO NOT WRITE IN THIS SPACE  
Date Received \_\_\_\_\_  
Complaint No. \_\_\_\_\_

**1. COMPLAINT FILED BY**

First Name \_\_\_\_\_ Middle \_\_\_\_\_ Last Name \_\_\_\_\_

First Name \_\_\_\_\_ Middle \_\_\_\_\_ Last Name \_\_\_\_\_

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
(only if the address is different than the first complainant)

Home phone \_\_\_\_\_ Work phone \_\_\_\_\_

E-mail address (strongly encouraged) \_\_\_\_\_

**2. COMPLAINT FILED AGAINST**

Licensee # \_\_\_\_\_

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Licensee email address (If known) \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Telephone Number (If known) \_\_\_\_\_

Licensee # 2 (If applicable) \_\_\_\_\_

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

License Email address (If Known) \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Telephone Number (If known) \_\_\_\_\_

3.

**Nature of Complaint**  
**Please give a brief description of complaint**  
(Use additional pages if needed)


4.

**Guaranty Fund Claim**  
Itemize your claim, if any, you are making against the Fund


Total Claim \_\_\_\_\_

5. \_\_\_\_\_ I have read the Real Estate Guaranty Fund Law concerning my right to file a claim for compensation and **DO NOT** elect to make a claim against the Fund.

6. I do solemnly declare and affirm under penalty of perjury that the contents of the foregoing statement are true and correct to the best of my knowledge.

Signature \_\_\_\_\_

Date \_\_\_\_\_