

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 827-RE-2022

*

V.

*

ANDRES J. MARTINEZ-VILLALBA,
Respondent

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Heather Larregui, Carlos Larregui, and Jazmyne Ramierz (“Complainants”). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing against the Respondent, Andres J. Martinez-Villalba, a real estate salesperson affiliated with Spring Hill Real Estate LLC, license registration number 05-680586 (“Respondent”) and referred the matter to the Office of Administrative Hearings (“OAH”). The OAH scheduled a hearing for April 3, 2024. To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement to provide for the imposition of disciplinary measures that are fair, equitable, and consistent with the best interest of the people of the State of Maryland.

The Commission and the Respondent agree and stipulate as follows:

1. 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. The Commission licenses the Respondent as a real estate salesperson with Spring Hill Real Estate LLC, license registration number 05-680586.
3. In June of 2022, the Complainants, Heather Larregui, Carlos Larregui, and Jazmyne Ramierz, resided in the residential property located at 2514 Randor Court, Waldorf, Maryland (“Property”). At the time, the Property was listed for sale by its owner.
4. On or about June 13, 2022, the Respondent provided the access code to the digital lockbox to the Property to Cecilia Massa-Bendezu, one of the Respondent’s colleagues at Spring Hill Real Estate LLC. Ms. Massa-Bendezu is not licensed to provide real estate brokerage services in Maryland.
5. At approximately 2:55 p.m. on June 13, 2022, without having an appointment scheduled by the Respondent or anyone else, Ms. Massa-Bendezu used the lockbox code provided to her by the Respondent to enter the Property with prospective buyers to show them the Property.

6. The Complainants were inside the Property at the time and were alarmed by uninvited persons entering their home.

8. The Respondent admits that by providing the lockbox code to the Property to an individual, who is not a licensed real estate professional, he violated Md. Code Ann., Business Occupations and Professions Article ("BOP"), 17-322(b)(25), which provides:

**§17-322 Denials, reprimands, suspensions, revocations, and penalties--
Grounds.**

(b) *Grounds:* Subject to the hearing provisions of §17-324 of this subtitle, the Commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent or improper dealing;

9. The Respondent consents to the entry of an Order that he has violated BOP §17-17-322(b)(25), agrees to the imposition of a reprimand against his license, registration number, 05-680586, and agrees to pay a civil monetary penalty of five hundred dollars (\$500) within thirty (30) days of the date of the entry of this Consent Order and Settlement Agreement. Should the Respondent fail to pay the civil monetary penalty of five hundred dollars (\$500) within thirty (30) days of the entry of this Consent Order and Settlement Agreement, the Respondent agrees that the Respondent's real estate license registration number 05-680586, and any other real estate licenses that the Respondent holds, shall be automatically suspended, and shall continue to be suspended until such time as payment is made.

10. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to an administrative hearing before the Office of Administrative Hearings, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, all further proceedings before the Commission, and any rights to appeal from this Consent Order.

11. The Commission and the Respondent further agree that the Commission shall withdraw this matter from the Office of Administrative Hearings docket for settlement purposes pursuant to Code of Maryland Regulations 09.01.03.07.

12. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of the charges against the Respondent in Case No. 827-RE-2022.

BASED ON THESE STIPULATIONS AND AGREEMENTS DESCRIBED ABOVE, IT IS THIS 10th DAY OF April, 2024 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that Respondent has violated Md. Code Ann., Business Occupations and Professions Article, 17-322(b)(25), and it is further,

ORDERED that based on these violations, the Commission imposes a **REPRIMAND** against the Respondent's license registration number 05-680586, and it is further

ORDERED that based on these violations, the Commission imposes a civil penalty of five hundred dollars (\$500) to be paid within thirty (30) days of the entry of this Consent Order and Settlement Agreement, and it is further

ORDERED that should the Respondent fail to pay the civil penalty of \$500 within thirty (30) days of the entry of this Consent Order and Settlement Agreement the Respondent's real estate license registration number 05-680586 and any other real estate licenses that the Respondent holds shall be automatically suspended and shall continue to be suspended until such time as payment is made, and it is further

ORDERED that the Respondent has expressly waived the right to an administrative hearing before the Office of Administrative Hearings, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, all further proceedings before the Commission, and any rights to appeal from this Consent Order, and it is further

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE 4/10/24

By:

Donna Horgan, Chair
Maryland Real Estate Commission

AGREED:
SIGNATURE ON FILE

Andres J. Martinez-Villalba, Respondent

4-4-2024

Date

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