

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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V.

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**KATHY E. DANIEL
Fairfax Realty, Inc.
1725 Elton Road
Silver Spring, Maryland 20903**

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Case No: 12-RE-2012

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Asghar Sayed (“Complainant”). Based on the complaint, the Panel of Commissioners have determined that administrative charges against the Respondent, real estate salesperson, Kathy E. Daniel affiliated with Fairfax Realty, Inc., license registration number, 05-315754 (“Respondent”), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the respondent have agreed to enter into this Consent Order 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. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Realty Brokerage Solutions, LLC, as a salesperson, license registration number 05-315754.
3. The Complainant alleged that Respondent while representing his brokerage as a salesperson failed to submit the earnest money deposit, failed to submit the ratified contract, and failed to submit the commission check pertaining to this transaction.
4. The Respondent will admit that by failing to submit the earnest money deposit and commission check to the Complainant she has violated Section 17-322 (b) (21) (22) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

**Section 17-322
Business Occupations and Professions Article
Maryland Annotated Code**

(b) (21) for real estate brokerage services provided by an associate real estate broker for a real estate salesperson, accepts a commission or other valuable consideration from any person other than a real estate broker with whom the associate broker or the salesperson is affiliated;

(b) (22) fails to account for or to remit promptly any money that comes into the possession of the licensee but belongs to any person.

5. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates Section 17-322 (b) (21) (22) of the Business Occupations and Professions Article, Maryland Annotated Code and she agrees to pay a civil penalty in the amount of \$2,000.00 within 30 days of the execution of this Consent Order.
6. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, 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.
7. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 12-RE-2012.

BASED ON THESE STIPULATIONS, IT IS THIS 26 DAY OF Nov, 2011 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated Section 17-322 (b) (21) (22) of the Business Occupations and Professions Article, Maryland Annotated Code for failing to submit the earnest money deposit and commission check in this transaction; and it is further

ORDERED the Respondent will pay a civil penalty in the amount of a \$2,000.00 within thirty (30) days of the execution of this Consent Order:

ORDERED that should the Respondent fail to pay the civil penalty within the 30 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of Section 17-322 (b) (21) (22) of the Business Occupations and Professions Article, Maryland Annotated Code.

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: _____

AGREED:

SIGNATURE ON FILE

11/26/11
Date

KATHY E. DANIEL, Respondent