

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

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CASE NO. 2013-RE-385

V.

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BRUNO TARQUINII  
JAMES MADISON REALTY, INC.  
7611 Little River Turnpike  
Suite 101W  
Annandale, VA 22003  
Lic. Reg. No. 05-594452

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**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Karen D. Rollings ("Complainant"). Based on the complaint and an investigation the Commission issued a Statement of Charges and Order for Hearing dated May 29, 2014 against the Respondent real estate salesperson, Bruno Tarquini, license registration number 05-594452, and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges. The OAH scheduled an evidentiary hearing for October 1, 2014 at the OAH in Kensington, Maryland. 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 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. The Respondent is currently licensed by the Commission as a real estate salesperson affiliated with James Madison Realty, Inc., license registration number 05-594452. 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 February 11, 2013 seller Elizabeth Gaffney listed her property, 3180 Adderly Court, Silver Spring, Maryland, for sale through the Complainant a licensed real estate salesperson affiliated with Prudential Pen Fed Realty. Sharon D. (Sherry) Felice, also a licensed real estate salesperson affiliated with Prudential Pen Fed Realty, is part of the Complainant's real estate team and

assisted the Complainant with the listing.

3. When Ms. Gaffney listed the property for sale through the Complainant she gave the Complainant written authorization to install a lockbox at the property but requested showings of the property be by appointment only.

4. A lockbox is a padlock shaped box that can be hung by a real estate agent around the doorknob of a house for sale to hold the house key securely. The purpose of a lockbox is to allow real estate agents other than the listing agent communal access to the house key to show the property to prospective buyers without requiring the listing agent or seller to be present for the showing while keeping the house secure from access by unauthorized persons. Most modern lockboxes have tiny microprocessors inside requiring a real estate agent to possess an electronic key or a security code to open the lockbox and access the house key contained inside. To obtain an electronic key or a security code an individual must be a member of a local real estate Multiple Listing Service (MLS). The electronic keys and security codes that will open a lockbox have unique identifiers so when a lockbox is opened by a real estate agent the identity of the real estate agent who opened the lockbox as well as the date and time the real estate agent entered the house is registered and downloaded to an electronic log maintained by the local MLS as a security measure for the homeowner. For security purposes a real estate agent is generally forbidden to provide his or her electronic key or security code to another real estate agent or to any other person.

5. Licensed real estate agents wanting to show the Adderly Court property to prospective buyers had to contact the Metropolitan Regional Information Systems (MRIS) Centralized Showing Services (CSS) to schedule an appointment. When real estate agents contacted CSS to make the appointment to show the Adderly Court property to a prospective buyer, if the real estate agent did not possess an electronic key, they were provided with a one-day security code to open the lockbox for a definite period of time.

6. On February 20, 2013 a CSS appointment scheduler received a telephone call from the Respondent, who identified himself as "Bruno of ReMax", to schedule an appointment to show the property between 5:00 p.m. and 6:00 p.m. on the same date. The Respondent asked the CSS appointment scheduler to provide him with a one-day security code to open the lockbox and access the keys to the Adderly Court property and the CSS appointment scheduler did provide the one-day security code.

7. The Respondent was the only real estate agent to telephone CSS on February 20, 2013 to schedule an appointment to show the Adderly Court property on February 20, 2013 between 5:00 p.m. to 6:00 p.m. and he was the only real estate agent to whom a one-day security code was provided on February 20, 2013.

8. On February 20, 2013 prospective buyers, who were not accompanied by the Respondent or by another licensed real estate agent, appeared at the property and used the one-day security code CSS provided to the Respondent to open the lockbox and access the key to the Adderly Court property.

9. The Respondent directly or indirectly through another person provided the one-day security code to the prospective buyers without authorization from the Complainant and/or Ms. Gaffney.

10. Ms. Gaffney, an eighty-five year old woman, heard the lockbox being opened and came to the door. Ms. Gaffney was frightened by the buyers who were not accompanied by any licensed real estate agent.

11. The Respondent later told Ms. Felice he provided the one-day security code to a realtor he identified as "Colby" who was to show the property to the prospective buyers on the Respondent's behalf and that "Colby", who was running late for the appointment, provided the one-day security code to the buyers because the Respondent and/or "Colby" believed the property was vacant.

12. The Respondent's conduct constituted bad faith, incompetence, and untrustworthiness, as well as dishonest, fraudulent and/or improper dealings.

13. By the acts and omissions described above, the Respondent admits that he is subject to and he has violated Md. Code Ann., Bus. Occ. and Prof. Art. (BOP), §17-322(b) (25), (32) and (33), §17-532(c)(1) (vi) and (v) as well as Code of Maryland Regulations (COMAR) 09.11.02.01C and 09.11.02.02A, which provide:

**§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, untrustworthiness or that constitutes dishonest, fraudulent or improper dealings

(32) violates any other provision of this title

(33) violates any regulation adopted under this title or any provision of the code of ethics

**§17-532 Duties to client**

(c) In general.--(1) A licensee shall:...

(vi) exercise reasonable care and diligence

(viii) comply with all:

1. requirements of this title
2. applicable federal, State, and local fair housing laws and regulations; and
3. other applicable laws and regulations.

**COMAR 09.11.02.01C Code of Ethics, Relation to the Public**

The licensee shall protect the public against fraud, misrepresentation or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the Commission charged with regulating the practices of brokers, associate brokers and salespersons in this state.

**COMAR 09.11.02.02A**

In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the licensee from his statutory obligations towards the other parties to the transaction.

14. The Respondent consents to the entry of an Order by the Commission that he has violated BOP §17-322(b) (25), (32) and (33), §17-532(c) (1) (vi) and (v) as well as Code of Maryland Regulations (COMAR) 09.11.02.01C and 09.11.02.02A. Based on the violations, the Respondent agrees his real estate license registration number 05-594452 and any other real estate licenses he may hold shall be **SUSPENDED** for a period of **SIX (6) MONTHS** beginning on the date he executes this Consent Order and Settlement Agreement and the Respondent agrees to pay a civil penalty of **\$500** within 30 days of the date he executes this Consent Order and Settlement Agreement. The Respondent agrees that should he fail to pay the civil penalty, the suspension of his real estate license shall continue until such time as the civil penalty has been paid in full.

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

16. The Respondent signs this Consent Order and Settlement Agreement freely, voluntarily and willingly and acknowledges he was advised of his right to consult with counsel of his choosing at his own expense prior to executing this Consent Order and Settlement Agreement.

17. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 2013-RE-385.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 5 DAY OF September, 2014 BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED** that the Respondent, BRUNO TARQUINNI has violated BOP §17-322(b) (25), (32) and (33), §17-532(c)(1) (vi) and (v) and COMAR 09.11.02.01C and 09.11.02.02A; and it is further,

**ORDERED** that the Respondent's real estate salesperson's license, registration number 05-594452 and any other real estate licenses he may hold, are **SUSPENDED** for a period of **SIX (6) MONTHS** beginning on the date the Respondent executes this Consent Order and Settlement Agreement; and it is further

**ORDERED** that the Respondent is assessed a civil penalty of \$500.00, which amount is payable to the Commission within 30 days of the date the Respondent executes this Consent Order and Settlement Agreement; and it is further

**ORDERED** that should the Respondent fail to pay the civil penalty, the suspension of his real estate license shall continue until such time as the civil penalty has been paid in full; and it is further

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

**COMMISSION:** MARYLAND REAL ESTATE

By: SIGNATURE ON FILE 01  
KATHERINE F. CONNELLY 82  
EXECUTIVE DIRECTOR

**AGREED:** SIGNATURE ON FILE  
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BRUNO TARQUINIL, RESPONDENT

DATE

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