

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE *
COMMISSION ***

V. *

**NORMA J. HALD *
Long & Foster Real Estate, Inc. *
930 Bay Front Avenue *
North Beach, Maryland 20714 ***

Case No: 446-RE-2014 GF

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Melody Nutter ("Complainant"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate salesperson, Norma J. Hald., affiliated with Long & Foster Real Estate, Inc., license registration number, 05-307466 ("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 jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Long & Foster Real Estate, as a salesperson, license registration number 05-307466.
3. The Complainant alleges the Respondent represented the buyer in this transaction.
4. It is further alleged the Respondent presented the contract offer to the Complainant's agent on the buyer's behalf on November 12, 2013. The contract was ratified on November 22, 2013. At that time, a copy of the earnest money deposit was forwarded to the Respondent.

5. The Complainant alleges that the Respondent failed to collect and submit the earnest money deposit to her broker and failed to notify the Complainant and her agent that she was not in possession of the earnest money deposit or that the earnest money deposit was placed in her broker's escrow account.
6. The Respondent admits that by failing to notify the Complainant that the deposit was not submitted for deposit she has violated Sections 17-322 (b) (25) and 17-532 (c) (iv) (vi) of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.11.02.02-A which provides:

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

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

**Section 17-532
Business Occupations and Professions Article
Maryland Annotated Code**

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

(iv) treat all parties to the transaction honestly and fairly and answer all questions truthfully;

(vi) exercise reasonable care and diligence.

COMAR 09.11.02.02-A

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 her statutory obligations towards the other parties to the transaction.

7. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates Section 17-322 (b) (25) and 17-532 (c) (iv) (vi) of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.11.02.02-A and she agrees to pay a civil penalty in the amount of \$3,500.00 within thirty (30) days of the execution of the Consent Order. 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) (25) and 17-532 (c) (iv) (vi) of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.11.02.02-A

The Respondent also agreed that the Complainant will be allowed to proceed with her Guaranty Fund Claim and a possible hearing will be scheduled.

8. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on regulatory 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 on the regulatory portion of this matter and any rights to appeal from the Commission's Order. The Respondent, does understand that a Guaranty Fund Hearing will be scheduled in the near future.
9. The Commission accepts this Consent Order as partial resolution of Complaint No. 446-RE-2014 GF.

December **BASED ON THESE STIPULATIONS, IT IS THIS 16th DAY OF**
December, 2014 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated Sections 17-322 (b) (25) and 17-532 (c) (iv) (vi) of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.11.02.02-A for failing to notify the Complainant and her agent that her client failed to promptly submit an earnest money deposit in this matter; and it is further

ORDERED the Respondent has agreed to pay a civil penalty in the amount of \$3,500.00 and;

ORDERED that should the Respondent fail to pay the civil penalty within the 30 days after signing the Order, the Commission will suspend all licenses 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 Sections 17-322 (b) (25) and 17-532 (c) (iv) (vi) of the Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.11.02.02-A and;

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:

SIGNATURE ON FILE

AGREED:

12/10/14
Date

NORMA J. HALD., Respondent