

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

V.

**ARTHUR S. SIMPSON
Baldus Real Estate Inc.
101 East Charles Street
PO Box 1068
LaPlata, Maryland 20646**

Case No: 90-RE-2011 GF

* * * * *

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by James Carver ("Complainant"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate salesperson, Arthur S. Simpson, affiliated with Baldus Real Estate Inc, license registration number, 05-73235("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 Baldus Real Estate Inc., as a salesperson, license registration number 05-73235.
3. The Complainant alleges he retained the Respondent to represent him in the purchase of a home in Welcome, Maryland.
4. It is alleged the Complainant entered into a buyer's broker agreement with Baldus Real Estate on December 21, 2009 and the agreement expired in January 2010.
5. It is further alleged that Respondent entered into a buyer's broker agreement with another couple to purchase the home on or about March 2010 and at that time, the couple placed an offer on the property.

6. Apparently, Respondent promised the Complainant that he would notify him of another offer being placed on the home which he did. At the time, the Complainant was notified of the offer, he asked Mr. Simpson to place an offer for him, and extended the buyer's broker agreement between him and Respondent's broker.
7. The Respondent admits that by having two buyers and making two offers on the same property at the same time was not providing absolute fidelity to either buyer and Respondent has violated COMAR 09.11.02.02 (A) which provides:

Title 09 Department of labor, Licensing and Regulation
Subtitle 11 Real Estate Commission
Chapter 02 Code of Ethics
.02 Relations to the Client

(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 the statutory obligations towards the other parties to the transaction.

8. The Respondent consents to the entry of an Order that his conduct, as described in this Consent Order, violates COMAR 09.11.02.02 (A) and he consents to pay a civil penalty in the amount of \$1,000.00 within 30 days of the execution of this Consent Order and the imposition of a Reprimand against his real estate salesperson license registration number 05-73235.
9. 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.
10. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 90-RE-2011 GF.

BASED ON THESE STIPULATIONS, IT IS THIS 19th DAY OF November, 2011 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated COMAR 09.11.02.02 (A) by allowing two buyers to place two offers on the same property at the same time was not providing absolute fidelity to either buyer; and it is further

ORDERED the Respondent will pay a civil penalty in the amount of a \$1,000.00 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 Respondent have a Reprimand placed against his real estate salesperson license registration number 05-73235, and it is further

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: _____

AGREED:

11/26/2011
Date

SIGNATURE ON FILE

Arthur S. Simpson , Respondent