

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2019-RE-170

V.

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OAH NO.: LABOR-REC-21-19-
22457

NATHLIA CRUZ ORTIZ

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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 the Commission against Nathalia Cruz Ortiz, the Respondent Real Estate Salesperson. Based on the complaint and an investigation the Commission issued a Statement of Charges and Order for Hearing dated July 1, 2019 against the Respondent and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges and Guaranty Fund claim. 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, license registration number 631016. Her license was placed on inactive status on or about September 14, 2019. 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. Sometime around 2018, while affiliated with Keller Williams Legacy Metropolitan, the Respondent sent a letter to Terrence and Denise Brennan of Lutherville-Timonium, Maryland stating that her buyer would pay a \$500.00 finder's fee to anyone who recommended a homeowner who was selling, if the Respondent's buyer purchased the property. Through this letter, the Respondent was offering to facilitate the payment of compensation to unlicensed individuals for the provision of real estate brokerage services.

3. The Respondent admits that she has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") § 17-322(b)(25) which provides:

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§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.

4. The Respondent consents to the entry of an Order finding that she has committed the above violations and, as penalty, agrees to a civil penalty in the amount of \$600.00. The civil penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement.

5. 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.

6. The parties agree to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 2019-RE-170, that it shall constitute a Final Order of the Commission, and shall be enforceable as such.

7. The Respondent shall abide by the provisions of the Maryland Real Estate Brokers Act and applicable regulations with regard to all future activities.

8. The Respondent enters into this Consent order freely, knowingly, and voluntarily, and with the opportunity to seek advice of counsel.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 8th
DAY OF January, 2020 **BY THE MARYLAND REAL ESTATE**
COMMISSION:

ORDERED, that the Respondent has violated BOP § 17-322(b)(5) and it is further,

ORDERED, that based on the violations, the Respondent be assessed a civil penalty in the amount of \$600.00 for the violation, which amount is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED, that the Commission's records and publications shall reflect the violation and civil penalty imposed on the Respondent; and it is further

ORDERED, that this Consent Order and Settlement Agreement shall constitute a Final Order of the Maryland Real Estate Commission.

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MARYLAND REAL ESTATE COMMISSION:
SIGNATURE ON FILE

By: _____
MICHAEL KASNIC
Executive Director

AGREED:
SIGNATURE ON FILE

NATHALIA CRUZ ORTIZ
Respondent

DEC 17, 2019

DATE

SIGNATURE ON FILE

SIGNATURE ON FILE