

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2017-RE-277

v.

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FRANK TAGLIENTI
Respondent

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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 and Guaranty Fund claim filed by Kara Donaldson-McGuire and Nicholas McGuire ("Complainants") against Frank Taglienti ("Respondent"), on November 1, 2016. Based on the complaint, Guaranty Fund claim, and an investigation, the Commission determined that the Guaranty Fund claim would be, and was, dismissed, while formal administrative charges were warranted. Prior to the issuance of such administrative charges, the Commission and the Respondent ("the Parties") have agreed to enter into this Consent Order and Settlement Agreement to resolve this matter without formal charges or hearing, and to impose 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 and Settlement Agreement, the Commission has had jurisdiction over the subject matter and the Respondent. The Respondent's license, number 05-96921, is currently set to expire on July 1, 2021.

2. The Respondent was the seller's agent in a real estate transaction for the property located at 10 Belleview Drive, located in Severna Park, Maryland ("Subject Property"), and the Complainants were the purchasers of the subject property. The contract was fully ratified on February 2, 2016.

3. During the course of the transaction, the title search revealed an easement running along the side of the Subject Property to the lot located behind it at 1031 Old Country Road (the "rear lot"). The Complainants' agent communicated with the Respondent, to express the Complainants' concern about the impact of any future

development on the lot behind the Subject Property and use of the easement, and to seek additional information.

4. In response to this inquiry, the Respondent failed to make a reasonable effort to ascertain the status of a pending subdivision application with Anne Arundel County for the rear lot.

5. The Respondent admits that he has violated Code of Maryland Regulations ("COMAR") 09.11.02.01D which provides:

Code of Maryland Regulations
09.11.02.01 Relations to the Public.

D. The licensee shall make a reasonable effort to ascertain all material facts concerning every property for which the licensee accepts the agency, in order to fulfill the obligation to avoid error, exaggeration, misrepresentation, or concealment of material facts.

6. The Respondent consents to the entry of an Order finding that he has committed the above violation and, as penalty, agrees to pay a civil penalty of Five Hundred Dollars (\$500.00). The civil penalty is to be paid within thirty (30) days of execution of this Consent Order and Settlement Agreement.

7. The Respondent, by entering into this Consent Order and Settlement Agreement, expressly waives the right to have the charges reduced to writing, 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.

8. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms.

9. The parties agree to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 2017-RE-277, that it shall constitute a Final Order of the Commission, and shall be enforceable as such.

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

11. The Respondent enters into this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 15th DAY OF September, 2020, BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED, that the Respondent has violated Code of Maryland Regulations ("COMAR") 09.11.02.01D; and it is further

ORDERED, that based on the violations, the Respondent is assessed a civil penalty of Five Hundred Dollars (\$500.00), which amount is payable to the Commission within thirty (30) days of execution of this Consent Order and Settlement Agreement, and it is further

ORDERED, that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's license will immediately and automatically be suspended without a hearing on the suspension, and that the suspension will continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms; and it is further

ORDERED, that the Commission's records and publications 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.

MARYLAND REAL ESTATE COMMISSION:

By: 
MICHAEL KASNIC
Executive Director

AGREED:


FRANK TAGLIENTI
Respondent

8.15.2020
DATE