

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

V.

* MREC No. 20-RE-443

KELLY SCHUIT

* OAH No. LABOR-REC-21-21-14748

Respondent

*

* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based upon a Complaint filed by the Commission on February 13, 2020, against Kelly Schuit (“Respondent”) regarding an improper advertisement. Based on the complaint and subsequent investigation, the Commission issued administrative charges and delegated the case to the Maryland Office of Administrative Hearings (“OAH”). A hearing was scheduled for August 9, 2021, but prior thereto, the Commission and Respondent (“Parties”) agreed to resolve this matter by entering into this Settlement Agreement and Consent Order (“Consent Order”) to provide for the imposition of disciplinary measures that are fair and equitable in these circumstances and consistent with Marylander’s best interests.

The Parties agree and stipulate as follows:

1. At all times relevant to the matters set forth herein, the Commission had, and continues to have, jurisdiction over the relevant subject matter and the Respondent.
2. The Respondent is a Commission licensed Real Estate Salesperson, license number 05-671718, and at all relevant times was affiliated with Next Step Realty LLC.
3. In this matter the Commission alleged, in part, that the Respondent violated provisions of the Maryland Real Estate Brokers Act (“Act”), codified at Md. Code Ann., Business Occupations and Professions Article (“BOP”) §17-101, *et seq.*, based on improper advertising practices, and, by reference hereto, the Statement of Charges and Order for Hearing issued in this case against the Respondent dated April 28, 2021, is incorporated as if set fully forth herein.
4. The Respondent admits having violated BOP §17-527.2(b)(1) by advertising without meaningfully and conspicuously including the Respondent’s name in the advertisement.

5. The Respondent consents to the entry of an Order finding a violation of the above provision and agrees to a civil monetary penalty of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) that shall be paid to the Maryland Real Estate Commission by certified check, cashier's check, or money order within thirty (30) days of the Respondent's execution of this Consent Order.

6. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, any Commission issued license held by the Respondent shall be immediately and automatically suspended without a hearing on the suspension, and that the suspension shall continue until the Commission determines that the Respondent has evidenced compliance with the Consent Order's terms.

7. The Respondent, by entering this Consent Order, expressly waives the right to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law, any further proceedings before the Commission or its designee, and any rights to appeal from this Consent Order.

8. A waiver of any right or duty provided herein must be explicit and in writing. Any such waiver constitutes a one-time waiver on a case-by-case basis and is not a waiver of this entire Consent Order or the subject provision(s) unless explicitly stated in writing.

9. The Parties agree that this Consent Order is the final resolution of MREC v. Kelly Schuit, MREC No. 20-RE-443 and OAH No. LABOR-REC-21-21-14748, agree that it shall constitute a Final Order of the Commission, and agree that it shall be enforceable as such.

10. No provision of this Consent Order shall be interpreted for or against any Party hereto by reason that said Party or his or her legal representative drafted all or any part hereof.

11. This Consent Order embodies the complete agreement and understanding among the Parties and supersedes and preempts any prior understandings, agreements, or representations by or among the Parties that may have related to the subject matter hereof in any way.

12. The Respondent shall abide by the provisions of the Act and applicable regulations in all relevant future activities.

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

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 16th DAY OF August, 2021, BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED, that the Respondent has violated BOP §17-527.2(b)(1); and it is further

ORDERED, that based on the violation, the Respondent is assessed a civil monetary penalty of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), which shall be paid to the Maryland Real Estate Commission by certified check, cashier's check, or money order within thirty (30) days of the Respondent's execution of this Consent Order, and it is further

ORDERED, that if the Respondent fails to comply with the terms of this Consent Order, any Commission issued license held by the Respondent shall immediately and automatically be suspended without a hearing on the suspension, and that the suspension shall continue until the Commission 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 monetary penalty imposed on the Respondent; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: **SIGNATURE ON FILE** 9/16/2021
MICHAEL KASNIC
Executive Director

AGREED:

SIGNATURE ON FILE
Kelly Schmit

8/16/2021
DATE