

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 551--RE-2022

V.

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CANDICE FRIDAY
COASTAL REALTY
410 SEVERN AVENUE, #409
ANNAPOLIS, MARYLAND 21403
LIC. REG. NO. 01-820
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 filed by Frederick Sporrer (“Complainant”). Based on the complaint and the response thereto received from Respondent Real Estate Broker Candice Friday, license registration number 01-820, a Commission Panel determined it appropriate to bring administrative charges against the Respondent. Before the Commission issued a Statement of Charges and Order for Hearing against the Respondent, the Commission and the Respondent agree to enter into this Consent Order and Settlement Agreement, which provides for the imposition of disciplinary measures which are fair and equitable under these circumstances and are consistent with the best interests of the people of the State of Maryland, to resolve the complaint. 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.
2. Respondent is licensed as a real estate broker, license registration number 01-820 and is currently affiliated with Coastal Realty.
3. The Complainant and Respondent entered into a listing agreement which incorporated different payment options. The first option was a seller assist, one percent paid by seller and the second option was a Buyer Assist, one percent paid by buyer. There was a co-op fee of two percent, and for a full price contract, a Bonus of One half percent.
4. The Complainant put Yes for the 1% Seller Assist Program. On December 3, 2021, the Respondent notified the Complainant that the house was being shown to a non-contingent buyer with no agent. The Respondent writes that she offered to assist the buyer so he would not get his own agent. It was agreed between the buyer and Respondent that the buyer would accept a buyer assist from the Listing Brokerage and increase the contract price for the

seller to cover the buyer assist fee. An Understanding Whom Real Estate Agents Represent was signed by the buyers stating the 1% Buyer Assist to be paid by seller.

5. On the last page of the Sales Contract, the Respondent put down Coastal Realty, 2%. However, the broker failed to comprise an addendum with the signatures of all the parties stipulating the amount of the commission being paid by whom.

6. The Complainant states on the day of settlement he discovered he was paying 2% commission instead of the agreed upon 1%. It was not discussed at that time and the parties closed.

7. The Respondent admits that by her acts and omissions described above she has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-322(b)(33) and COMAR 09.11.02.01 H:

§17-322. Denials, Reprimands, suspensions, revocations and penalties

(b) Grounds –

(33) violates any regulation adopted under this title or any provision of the code of ethics.

* * *

§COMAR 09.11.02.01

H. For the protection of all parties with whom the licensee deals, the licensee shall see to it that financial obligations and commitments regarding real estate transactions are in writing, expressing the exact agreement of the parties, and that copies of these agreements are placed in the hands of all parties involved within a reasonable time after the agreements are executed

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9. The Respondent consent to the entry of an Order by the Commission that she violated BOP §§17-322(b)(33) and COMAR 09.11.02.01 H.

10. The Respondent agrees she is required to abide by the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-101 et. seq. and the Commission's regulations in all real estate transactions.

11. The Respondent agrees to pay a civil penalty in the amount of \$2,000.00 for the violations. The total of \$2,000.00 will be paid to the Real Estate Commission within 60 days of the date of the entry of this Consent Order and Settlement Agreement. The Respondent agrees that should she fail to make the payment within ninety (60) days of this Consent Order and Settlement Agreement, the real estate license registration number 01-820 shall be automatically suspended and shall continue to be suspended until the payment is made.

12. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to the issuance of a Statement of Charges and Order for Hearing by the Commission, an administrative hearing on the charges before the Commission or the Office of Administrative Hearings (“OAH”), the making of Findings of Fact and Conclusions of Law by the Commission or an Administrative Law Judge of the OAH, any and all further proceedings before the Commission, and any rights to petition for judicial review of this Consent Order and Settlement Agreement.

13. The Respondent enters into this Consent Order and Settlement Agreement voluntarily, knowingly, and willingly, after having the opportunity to consult with private counsel of her own choosing at his own expense.

14. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 551-RE-2022.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 7th
DAY OF APRIL, 2023 BY THE MARYLAND REAL ESTATE
COMMISSION:**

ORDERED that the Respondent has violated BOP §§17-322(b)(31) and COMAR 09.11.02.01 H,

ORDERED that the Respondent shall pay to the Commission \$2,000.00 in accordance with paragraph 11 this Consent Order and Settlement Agreement; and it is further

ORDERED that should the Respondent fail to pay the fine in accordance with paragraph 11 this Consent Order and Settlement Agreement, the Respondent’s real estate broker’s license registration number 01-820 shall be automatically suspended and shall continue to be suspended until such time as the payment is made; and it is further

ORDERED that the Commission’s records and publications shall reflect the terms of this Consent Order and Settlement Agreement.

MARYLAND REAL ESTATE COMMISSION:

By: SIGNATURE ON FILE
Michael L. Kasnic, Executive Director

AGREED:
SIGNATURE ON FILE
Candice Friday
Respondent

APRIL 7th 2023
Date