

BEFORE THE MARYLAND REAL ESTATE COMMISSION

In the Matter of the Audit of *

Mateus A. Anjos *

CASE NO. 662-RE-2021

For a Salesperson License *

* * * * *

OPINION AND FINAL ORDER

On or about May 5, 2021, Respondent, Mateus A. Anjos, renewed his Maryland real estate salesperson license. Mr. Anjos is licensed by the Maryland Real Estate Commission (the "Commission") as a salesperson. In his renewal application, and certified "under penalty of perjury," Mr. Anjos claimed he completed fifteen (15) hours of continuing education ("CE") during his prior two (2) year license period. Mr. Anjos was randomly selected for a CE audit during which it was discovered that he had not completed CE as he claimed. Charges were issued against Respondent and he requested a hearing in front of the Commission.

On February 15, 2023, a hearing on the allegations against Respondent was held by a panel of Commissioners (the "February 15th Hearing"), consisting of Commissioners Anne Cooke, Donna Horgan, and Michael Lord (the "Panel"). Hope Sachs, Assistant Attorney General, appeared as the presenter of evidence for the Commission. Mr. Anjos did not appear.

PRELIMINARY MATTERS

The February 15th Hearing was scheduled to start at 12:30 PM. As of 12:45 PM, Mr. Anjos had not appeared. Under Code of Maryland Regulations ("COMAR") 09.01.02.09:

- A hearing may proceed as scheduled in the absence of a party if the party has:
 - A. Been served in accordance with Regulation .07 of this chapter; and
 - B. Failed to obtain a postponement of the hearing from the administrative unit under Regulation .10 of this chapter.

Mr. Anjos was properly served and made no request for postponement. See Comm'n Ex. 1. The

hearing proceeded in his absence. Later the same day Mr. Anjos emailed Commission staff to explain that he had confused the time of the hearing because he was living in California. The Panel considered his email and declined to schedule another hearing.

SUMMARY OF EVIDENCE

On behalf of the Commission, four exhibits were admitted.

Exhibit 1 – Commission Hearing Notices, dated January 6 and 9, 2023.

Exhibit 2 – Statement of Charges and Order for Hearing, dated January 3, 2023.

Exhibit 3 – not offered.

Exhibit 4 – Mateus A. Anjos 's license record.

Exhibit 5 – Report of Investigation, dated August 18, 2022.

FINDINGS OF FACT

From the testimony and exhibits presented, the Commission finds the relevant facts to be these:

1. On or about May 5, 2021, Mateus A. Anjos renewed his real estate salesperson license.
2. Mr. Anjos is licensed by the Maryland Real Estate Commission (the "Commission") as a salesperson.
3. In that application for renewal, and certified "under penalty of perjury," Mr. Anjos claimed he completed the requisite fifteen (15) hours of continuing education ("CE") courses during his prior two (2) year license period.
4. Mr. Anjos was randomly selected for a CE audit by the Commission.

5. The CE audit revealed that Mr. Anjos had not completed any CE courses and when asked to supply proof of completion, Mr. Anjos admitted he had not taken the courses. See Comm'n Ex. 5.

DISCUSSION

The purpose of licensure by the Commission is to protect the public by allowing only those individuals with good character and reputation, as well as sufficient age and education, to obtain a real estate salesperson license. Md. Code Ann., Bus. Occ. & Prof. ("BOP") § 17-303. Once licensed, an individual is required to complete fifteen (15) clock hours of CE each two (2) year licensing period to renew. BOP § 17-315(a). In its Statement of Charges the Commission alleged Respondent violated that provision by not taking the courses as claimed on his renewal application. The burden of establishing allegations that a respondent violated a law or regulation is on the presenter of evidence. COMAR 09.01.02.16.

As explained above, Respondent did not appear at the February 15th Hearing. The evidence presented at the February 15th Hearing indicated that Respondent claimed, "under penalty of perjury," to have completed CE as required. Testimony from Commission staff confirmed that Mr. Anjos had not.

Respondent violated BOP §17-315. Under BOP § 17-322(b)(32) "the Commission may ... reprimand any licensee... if the... licensee: violates any other provision of this title." Furthermore:

(1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5,000 for each violation.

(2) To determine the amount of the penalty imposed, the Commission shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the licensee; and
- (iv) any history of previous violations by the licensee.

Md. Code Ann., Bus. Occ. & Prof. § 17-322(c). CE is a bedrock of the Commission's mission. They take the requirements very seriously. Indeed, the General Assembly saw fit to mandate by law that the Commission's licensees keep up to date on various topics, including ethics, fair housing, etc. Failure to complete CE requirements puts consumers and other licensees at financial and personal risk. The Commission does not believe Respondent has acted in good faith. Despite timely proper notice of the February 15th Hearing Respondent failed to appear and then claimed to have been confused about the time change between Maryland and his residence in California. The Commission is not moved by his claim. Finally, Respondent does not have any other disciplinary history with the Commission.

It is the Commission's position that this violation of BOP § 17-315 requires revocation and the imposition of a civil penalty. However, given the Respondent's lack of a disciplinary record, the imposition of the maximum civil penalty (\$5,000.00) is unnecessary.

CONCLUSIONS OF LAW

Based on the Findings of Fact, and for the reasons set forth in the above Discussion, the Commission concludes that Mateus A. Anjos failed to meet CE requirements as required and is, therefore, in violation of BOP § 17-315. The Commission further concludes that revocation is an appropriate sanction and the Respondent is subject to the imposition of a \$1,500.00 civil penalty.

ORDER

In consideration of the Findings of Fact, Discussion, and Conclusions of Law it is this 17th day of March, 2023, by the Maryland Real Estate Commission, **ORDERED** that:

1. The charges of the Commission against Respondent, Mateus A. Anjos, are **UPHELD**;
2. All licenses issued by the Maryland Real Estate Commission held by Respondent,

Mateus A. Anjos, shall be **REVOKED**;

3. A civil penalty in the amount of \$1,500.00 shall be assessed against Respondent, Mateus A. Anjos;

4. An administrative fee in the amount of \$100.00 shall be assessed against Respondent, Mateus A. Anjos; and

3. The records and publications of the Maryland Real Estate Commission shall reflect this decision.

MARYLAND REAL ESTATE COMMISSION

By:

SIGNATURE ON FILE

Commissioner

NOTE: A judicial review of this Final Order may be sought in the Circuit Court of Maryland in which the Appellant resides or has his principal place of business, or in the Circuit Court for Baltimore City. A petition for judicial review must be filed with the court within 30 days after the mailing of this Order.