

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE	*	
COMMISSION	*	
V.	*	OAH No.: DLR-REC-24-10-04919
WILLIAM (TONY) MCCONKEY	*	AGENCY No.: 07-RE-278
And	*	
CLAIM OF TERESA MILLIGAN	*	
AGAINST THE MARYLAND REAL	*	
ESTATE COMMISSION GUARANTY	*	
FUND	*	
* * * * *		

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint and Guaranty Fund claim filed by Teresa Milligan ("Ms. Milligan") against William A. "Tony" McConkey, the Respondent real estate salesperson, license registration number 05-34698 ("Respondent").

Based on the complaint and Guaranty Fund claim, the Commission conducted an investigation. Following the investigation, the Commission issued a Statement of Charges and Order for Hearing dated December 29, 2009 in which the Commission alleged that the Respondent had violated provisions of the Maryland Real Estate Broker's Act, Bus. Occ. & Prof. Art., Title 17 ("BOP") as well as provisions of the Commission's Code of Ethics, Code of Maryland Regulations ("COMAR") 09.11.02 and in which the Commission determined that Ms. Milligan was entitled to a hearing on her claim against the Commission's Guaranty Fund.

The Commission transmitted this matter to the Office of Administrative Hearings ("OAH") to conduct a contested case hearing. This matter was consolidated for hearing with *Commission v. McConkey/Claim of Lauri Donovan*, OAH Case No. DLR-REC-24-10-04921, Agency Case No. 08-RE-852 and *Commission v. McConkey/Claim of Powell*, OAH Case No. DLR-REC-24-10-12270, Agency Case No. 08-RE-641 and a hearing on the regulatory charges and the Guaranty Fund claims in all three cases was scheduled by the OAH for October 25-29, 2010 at the OAH in Hunt Valley, Maryland before Administrative Law Judge D. Harrison Pratt.

On October 25, 2010, prior to the beginning of the hearing, the Commission and the Respondent reached an agreement to resolve the regulatory charges in this matter. The agreement was placed on the record before Administrative Law Judge D. Harrison Pratt. This Consent Order memorializes that agreement which provides 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. Respondent William A. "Tony" McConkey is currently licensed by the Commission as a real estate salesperson affiliated with Re/Max Supreme Properties, license registration number 05-34698. The license expires July 19, 2012. At the time of the transaction at issue, the Respondent was licensed by the Commission as a real estate salesperson affiliated with broker Re/Max Allegiance and over the course of the transaction transferred his affiliation to Re/Max Vision and then to Re/Max Executive. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent had a practice whereby he would contact real property owners who were on the verge of having their property foreclosed upon and offer to help them save the property from foreclosure.
3. Ms. Milligan was the owner of 1109 Hunter Court, Pasadena, Maryland 21122. In 2006, Ms. Milligan was on the verge of having her property foreclosed upon.
4. In January 2006, the Respondent contacted Ms. Milligan by knocking on her door at 1109 Hunter Court, Pasadena, Maryland 21122. The Respondent identified himself as a real estate salesperson affiliated with Re/Max. The Respondent offered to help save Ms. Milligan's home from going to foreclosure.
5. The Respondent admits that by his acts and omissions related to 1109 Hunter Court, Pasadena, Maryland 21122, he knowingly and willfully violated the Protection of Homeowners in Foreclosure Act (PHIFA), Md. Code Ann., Real Property Art., Title 7, subtitle 3.
6. The Respondent consents to the entry of an Order by the Commission that by knowingly and willfully violating PHIFA he has violated BOP §17-322(b)(25) by engaging in conduct that demonstrates incompetency and improper dealings and he has violated COMAR 09.11.02.02B which provides "in justice to those who place their interests in the licensee's care, the licensee shall endeavor always to be informed regarding laws, proposed legislation, governmental orders, and other essential information and public policies which affect those interests".
7. Based on his violation of BOP §17-322(b)(25) and COMAR 09.11.02.02B the Respondent consents to the entry of an Order by the Commission suspending any and all real estate licenses issued to him by the Commission for a period of one (1) year commencing on the date the Commission executes this Consent Order. The Respondent understands and agrees that at the conclusion of the one (1) year suspension period his license will not be automatically reinstated. To have his license reinstated, the Respondent will be required to apply for the reinstatement of his license and to appear at an application hearing before the Commission or its' designee. The burden of proof at the application hearing will be on the Respondent to show why his license should be

reinstated. There is no guarantee that the Commission or its' designee will reinstate the Respondent's real estate license following the application hearing.

8. The Respondent further agrees that he will not oppose Ms. Milligan's claim against the Guaranty Fund.

9. The Respondent expressly waives his right to an administrative hearing on the regulatory charges and to participate in the hearing on Ms. Milligan's Guaranty Fund claim.

10. The Respondent expressly waives his right to any and all further proceedings before the Commission to which the Respondent may have been entitled in this matter.

11. The Respondent expressly waives his right to appeal from this Consent Order and to appeal from any future Order issued by the Commission awarding to Ms. Milligan money from the Commission's Guaranty Fund.

**BASED ON THESE AGREEMENTS AND STIPULATIONS THAT WERE PLACED ON THE RECORD ON OCTOBER 25, 2010 BEFORE ADMINISTRATIVE LAW JUDGE D. HARRISON PRATT AT THE OFFICE OF ADMINISTRATIVE HEARINGS, HUNT VALLEY, MARYLAND, IT IS THIS 12<sup>th</sup> DAY OF November, 2010 BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED** that Respondent William A. "Tony" McConkey, a licensed real estate salesperson, license registration number 05-34698 did knowingly and willfully violate the Protection of Homeowners in Foreclosure Act, Md. Code Ann., Real Property Art., Title 7, Subtitle 3; and it is further

**ORDERED** that by knowingly and willfully violating the Protection of Homeowners in Foreclosure Act, Md. Code Ann., Real Property Art., Title 7, Subtitle 3, the Respondent engaged in conduct constituting incompetency and improper dealings in violation of the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Oca. & Prof. Art., §17-322(b)(25) and violated COMAR 09.11.02.02B; and it is further

**ORDERED** that as penalty for his violation of BOP §17-322(b)(25) and COMAR 09.11.02.02B any and all real estate licenses issued to the Respondent by the Maryland Real Estate Commission are **SUSPENDED** for a period of one (1) year commencing on the date of this Order; and it is further

**ORDERED** that at the conclusion of the one (1) year suspension period the Respondent's license will not be automatically reinstated. In order to have his license reinstated by the Commission, the Respondent shall be required to apply for the reinstatement of his license and to appear at an application hearing before the Commission or its' designee. The burden of proof at an application hearing shall be on the Respondent to show why the Commission should reinstate his license. There is no

guarantee that the Commission or its' designee will reinstate the Respondent's real estate license following the application hearing; and it is further

**ORDERED** that the Respondent has expressly waived his right to an administrative hearing on the regulatory charges and to participate in any way in the hearing on Ms. Milligan's Guaranty Fund claim. The Respondent has expressly waived his right to any and all further proceedings before the Commission to which the Respondent may have been entitled in this matter. The Respondent has expressly waived his right to appeal from this Consent Order and to appeal from any future Order issued by the Commission awarding to Ms. Milligan money from the Commission's Guaranty Fund; and it is further

**ORDERED** that the Commission's records and publications reflect the violation and penalty imposed on the Respondent.

**MARYLAND REAL ESTATE COMMISSION:**

11/12/10  
Date

BY

(COMMISSIONER'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)

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RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

Respondent

RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

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Counsel for William A. Tony McConkey