

**MARYLAND REAL ESTATE
COMMISSION**

v.

ANDRE C. SCOTT,

Respondent

* **BEFORE THE MARYLAND
* REAL ESTATE COMMISSION
* COMPLAINT NO. 2012-RE-306**

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") based on a complaint filed by Paula Humes, Complainant, against Andre C. Scott ("Respondent"). Based on that complaint, the Commission determined that administrative charges against the Respondent were appropriate and that the case should be referred to the Office of Administrative Hearings ("OAH") for the scheduling of a hearing. This matter was scheduled to be heard at the OAH on February 26, 2013; however, the Commission and the Respondent reached an agreement to resolve the matter in lieu of that hearing. The Commission and the Respondent consent to the entry of this Order as final resolution of this action as to administrative charges against the Respondent in Complaint No. 2012-RE-306.

IT IS STIPULATED BY THE PARTIES THAT:

1. The Respondent is currently licensed as a real estate salesperson and is affiliated with All Service Real Estate (License No. 05-606860); his license expires on November 15, 2013.
2. At the time of the events at issue in this case, the Respondent was licensed as a real estate salesperson and was affiliated with Haven Realty Centers, LLC.
3. The Respondent prepared a Residential Brokerage Agreement, dated on or about July 13, 2011, for 3830 Walters Lane, District Heights, Maryland.

4. That agreement showed Haven Realty Centers, LLC as the listing broker and the Respondent as the listing agent, representing the seller.

5. The Respondent's real estate salesperson's license expired on or about November 15, 2011, and he did not renew the license until on or about January 9, 2012.

6. On or about November 28, 2011, Shamona Sanders, a licensed real estate salesperson acting on behalf of Paula Humes, a prospective buyer, presented a contract offer to purchase 3830 Walters Lane.

7. The seller accepted that contract offer on or about December 3, 2011.

8. During his period of nonlicensure, the Respondent provided real estate brokerage services including, but not limited to, reviewing the contract offer and/or discussing it with the seller and/or Ms. Sanders; reviewing a General Addendum dated on or about December 20, 2011; reviewing and or discussing appraisals of 3830 Walters Lane with Ms. Sanders; communicating by e-mail with Ms. Sanders and/or the prospective buyer's lender concerning the appraisals; declaring the contract null and void on behalf of the seller; removing 3830 Walters Lane from the market and the multiple list service; re-entering the listing in the multiple list service; continuing to negotiate on behalf of the seller with Ms. Sanders; and providing an amended General Addendum to Ms. Sanders.

9. When the Respondent declared the above-referenced contract null and void, he did not prepare or provide a written release, and he re-listed the property without a release having been executed.

10. During the period of nonlicensure, the Respondent misrepresented that he was authorized to provide real estate brokerage services.

11. David Barrett worked as the Respondent's administrative assistant during the course of this real estate transaction.

12. Mr. Barrett was not licensed in any capacity by the Commission at that time.
13. When the listing was initially obtained, the Respondent had Mr. Barrett enter the listing into the multiple list service and enter his (Barrett's) name as the listing agent, with the Respondent as the alternate listing agent.
14. On December 1, 2011, Mr. Barrett signed the Notice to Buyer and Seller of Buyer's Rights and Seller's Obligations under Maryland's Single Family Residential Property Condition Disclosure Loss form as the seller's agent.
15. On December 29, 2011, Mr. Barrett's electronic signature was applied to the Confirmation of Brokerage Commission form as the authorized agent for Haven Realty Centers, LLC.
16. The Respondent did not inquire whether Mr. Barrett was licensed.
17. By entering into this Consent Order, the Respondent expressly waives the right to a hearing or any further proceeding to which he may be entitled in this matter, and any rights to appeal from this Consent Order.
18. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and having had the opportunity to seek the advice of counsel.
19. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 *et seq.*, and regulations of the Commission in future real estate transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS 36 day of February, 2013, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent Andre C. Scott has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-301(a)(2), 17-322(b)(25) and (32), 17-532(c)(1)(vi), and 17-602(b), and it is further

