

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE	*	
COMMISSION		
	*	CASE NO. 426-RE-2016
V.		
	*	
MARIO G. LEVY SARMIENTO		
SPRING HILL REAL ESTATE L.L.C.	*	
1577 SPRING HILL ROAD		
SUITE 300B	*	
VIENNA, VIRGINIA 22182		
MD. LIC. REG. NO.05-650172	*	
* * * * *		

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint opened by the Commission on February 25, 2016 against Mario G. Levy Sarmiento (“Respondent”), a real estate salesperson affiliated with broker Spring Hill Real Estate L.L.C. Based on the complaint and an investigation the Commission has determined that formal regulatory charges against the Respondent are warranted. To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement to provide 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. 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. By Final Order dated May 22, 2014 the Virginia Real Estate Board revoked the Respondent’s Virginia real estate salesperson’s license because: (a) when the Respondent originally applied for a Virginia real estate salesperson’s license in 2005 he used a false social security number on the application; and (b) the Respondent failed to respond to the Virginia Real Estate Board’s request for a written response to their complaint about his use of a false social security number on his original application.
3. The Respondent originally obtained a Maryland real estate salesperson’s license registration number 05-650172 effective January 2, 2014. On or about December 29, 2015 the Respondent applied to renew his Maryland real estate salesperson’s license. In response to the renewal application question inquiring whether the Respondent has ever had a real estate license revoked by any other jurisdiction, the

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Respondent answered "No." Based on the information the Respondent provided on the renewal application, the Commission renewed the Respondent's Maryland real estate salesperson's license effective December 29, 2015; the Respondent's current real estate salesperson's license is due to expire January 2, 2018.

4. On or about February 18, 2016 the Commission received a written inquiry from real estate licensee Kristen A. Stanton as to the Respondent's licensing status with the Commission, which noted that the Respondent's Virginia real estate salesperson's license had been revoked.

5. Based on Ms. Stanton's written inquiry, on February 25, 2016 the Commission opened a complaint against the Respondent, and as part of the Commission's investigation of its' Complaint, the Commission obtained a copy of the Virginia Real Estate Board's Final Opinion and Order dated May 22, 2014.

6. In his written response to the Commission's complaint the Respondent admitted that his answer to the question inquiring whether he has ever had a real estate license revoked in any other jurisdiction on the renewal application submitted to the Commission on or about December 29, 2015 was "improper".

7. The Respondent admits that based on his acts and omissions described above he has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-322(b)(25), and (35) which provide:

§17-322. Denials, reprimands, suspensions, revocations, and penalties-- Grounds.

(b) *Grounds.*—Subject to the hearing provisions of §17-324 of this subtitle, the Commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent or improper dealings

(35) has been disciplined under a real estate licensing law of another jurisdiction

(c) *Penalty.*--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 \$5000 for each violation.

8. The Respondent consents to the entry of an Order that he has violated BOP §1 7-322(b)(25) and (35) and for the violations agrees to pay a civil monetary penalty of \$1500 within 30 days of the date of this Consent Order and Settlement Agreement. Should the Respondent fail to make timely payment of the civil penalty, his

real estate salesperson's license shall be automatically suspended and shall continue to be suspended until the civil penalty has been paid.

9. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing before the Office of Administrative Hearings on the charges, the making of Findings of Fact and Conclusions of Law by an administrative law judge, any and all further proceedings before the Commission and any rights to appeal from this Consent Order.

10. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Complaint No. 426-RE-2016.

20th ~~BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS~~ DAY OF May, 2016 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b)(25) and (35); and it is further,

ORDERED that based on the violations, the Respondent shall be assessed a civil penalty of \$1500.00, which shall be paid within 30 days of the date of this Consent Order and Settlement Agreement. Should the Respondent fail to make the payment within 30 days of this Consent Order and Settlement Agreement, his real estate salesperson's license shall be automatically suspended and shall continue to be suspended until the civil penalty has been paid; and it is further

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

MARYLAND REAL ESTATE COMMISSION:
SIGNATURE ON FILE

By: _____
KATHERINE P. CONNORS
EXECUTIVE DIRECTOR

AGREED:
SIGNATURE ON FILE

Mario G. Levy Sarmiento
Respondent

05-11-16
Date