

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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V.

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**SUE ELLEN HERRICK
RE/MAX ADVANTAGE REALTY
650 Ritchie Highway-Suite 100
Severna Park, Maryland 21146**

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Case No: 468-RE-2012

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Maryland Real Estate Commission ("Complainant"). Based on the complaint, the Commission determined that administrative charges against the Respondent, real estate salesperson, Sue Ellen Herrick, affiliated with RE/MAX Advantage Realty, license registration number, 05-612085 ("Respondent"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order 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, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with RE/MAX Advantage Realty as a salesperson, license registration number 05-612085.
3. The Complainant (Commission) alleges Respondent acted in a dual agency role when she listed a property in Anne Arundel County and was representing the seller and the buyer in this transaction.
4. The Respondent admits she has violated Section 17-530 (c) and (d) (ii) of the Business Occupations and Professions Article, Maryland Annotated Code which provides:

**Section 17-530
Business Occupations and Professions Article
Maryland Annotated Code**

(c) Dual Agents- Generally prohibited- except as otherwise provided in subsection (d) of this sections a licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson may not act as a dual agent in this State.

(d) (ii) When acting as a dual agent in a real estate transaction, a real estate broker or a designee of the real estate broker shall assign a licensed associate real estate broker or licensed real estate salesperson affiliated with the real estate broker to act as the intra-company agent on behalf of the seller or lessor and another licensed associate real estate broker or license real estate salesperson affiliated with the real estate broker to act as the intra-company agent on behalf of the buyer or lessee.

5. The Respondent consents to the entry of an Order that her conduct, as described in this Consent Order, violates Section 17-530 (c) and (d) (ii) of the Business Occupations and Professions Article, Maryland Annotated Code and she agrees to pay a civil penalty in the amount of \$1,000.00 within thirty (30) days of the execution of the Consent Order . Should the Respondent fail to pay the civil penalty within the 30 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of Section 17- 530 (c) and (d) (ii) of the Business Occupations and Professions Article, Maryland Annotated Code
6. Also, Respondent will be required to take a 3 hour agency class within sixty days (60) from the date of the execution of this Consent Order. The class reference in this Consent Order is in addition to the continuing education requirements and Respondent must submit the agency certificate to the Commission within sixty (60) days of the execution of this Consent Order. Should Respondent failed to complete the class and/ or submit proof of completion within sixty (60) days, the Commission will suspend Respondent's license until she has completed the class and provides the Commission proof of completion.
7. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law, any and all further proceedings before the Commission to which the Respondent may be entitled in this matter and any rights to appeal from the Commission's Order.
8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 468-RE-2012.

JUNE BASED ON THESE STIPULATIONS, IT IS THIS 12 DAY OF JUNE, 2012 BY THE MARYLAND REAL ESTATE COMMISSION.

ORDERED that the Respondent violated Section 17-530 (c) and (d) (ii) of the Business Occupations and Professions Article, Maryland Annotated Code for representing both the seller and the buyer as a dual agent in this matter; and it is further

ORDERED the Respondent has agreed to pay a civil penalty in the amount of \$1,000.00 and;

ORDERED that should the Respondent fail to pay the civil penalty within the 30 days after signing the Order, the Commission will suspend the license of the Respondent until such time as the payment is made and will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of Section 17- 603 (b) of the Business Occupations and Professions Article, Maryland Annotated Code and;

ORDERED that Respondent will take a 3 hour agency class within sixty days (60) from the date of the execution of this Consent Order. The class referenced in this Consent Order is in addition to the continuing education requirements and Respondent must submit the original agency certificate to the Commission within sixty (60) days of the execution of this Consent Order. Should Respondent fail to complete the class and/ or submit proof of completion within sixty (60) days, the Commission will suspend Respondent's license until she has completed the class and provides the Commission proof of completion.

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

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By: *[Handwritten Signature]*

AGREED:

SIGNATURE ON FILE

6/12/12
Date

[Handwritten Signature]
SUE ELLEN HERRICK, Respondent