

MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF THE :
PROPOSED DENIAL OF APPROVAL :
FOR REAL ESTATE EMPOWER, INC. : CASE NO. 2014-RE-520
TO OFFER REAL ESTATE :
CONTINUING EDUCATION :
CLASSES :

: :

OPINION AND FINAL ORDER

Prabhjit Singh, owner of Real Estate Empower, Inc. applied to the Maryland Real Estate Commission (“Commission”) to offer real estate continuing education classes. By letter dated April 21, 2014, Prabhjit Singh, owner of Real Estate Empower, Inc. was notified that:

“...Continuing education class approvals were withdrawn because the school was not meeting standards of operations as a private career school. You now ask for consideration to restoring CE approval as Maryland Higher Education Commission has accepted your planned corrections and you have paid the \$1,500 fine imposed by MHEC.

After reviewing your April 15, 2014 letter as well as a recap of prior continuing education issues, the Education Committee noticed a continuing pattern of conduct that fell below the requirements of COMAR 09.11.06.03J. Therefore, your recent request to resume submitting applications is denied....”

Mr. Singh was also informed by the April 21, 2014 letter of his right to request an informal conference with the Commission’s Education Committee to review the Commission’s decision.

Mr. Singh requested an informal conference with the Commission’s Education Committee which was held by Commissioners Anne S. Cooke, Robin L. Pirtle, and Georgiana S. Tyler on May 21, 2014. Prabhjit Singh, owner of Real Estate Empower, Inc. attended the conference. As a result of the informal conference, the members of the Commission’s Education Committee determined that the matter should be referred to a hearing panel of the Commission

in accordance with the provisions of Code of Maryland Regulations (“COMAR”) 09.11.06.02D. By letter dated May 27, 2014, Mr. Singh was notified that the proposed denial of the request of Real Estate Empower, Inc. to resume offering real estate continuing education classes would be considered by a hearing panel of the Commission on June 18, 2014 and was informed of hearing procedures and his rights at the hearing.

On June 18, 2014, a hearing was conducted by Commissioners J. Nicholas D’Ambrosia, Marla S. Johnson and Karen H. Baker. Assistant Attorney General Peter Martin represented the Commission. Patricia Hannon, a former Administrator assigned by the Commission to review education related issues, and Stephanie Baker, an Education Analyst employed by the Maryland Higher Education Commission, testified as witnesses. Prabhjet Singh, President of Real Estate Empower, Inc. was present and testified. All witnesses were placed under oath and the proceedings were electronically recorded.

SUMMARY OF THE EVIDENCE

On behalf of the Commission, seventy-two exhibits were entered into the record at the hearing. Three exhibits were entered into the record at the hearing on behalf of Real Estate Empower, Inc.

FINDINGS OF FACT

After considering the evidence and testimony presented and having an opportunity to observe the demeanor of witnesses, the Commission finds by a preponderance of evidence:

1. Prabhjet Singh has been a licensed real estate broker since January 14, 2010. He is currently licensed as a real estate broker and his license will expire on January 19, 2016.
2. Prabhjet Singh is the President of Real Estate Empower, Inc. a real estate career school which has offered both pre-licensing and continuing education real estate classes.

3. After reviewing the contents of a website, on April 21, 2008 Patricia Hannon, Education Administrator for the Commission, informed Mr. Singh, in part, that:

“Only entities approved to offer Maryland real estate education may advertise and enroll licensees for continuing education and pre-licensing credit. Other entities are not to be credited as approved, enrolling, or advertising. Further, instructors are not to solicit or gain business advantage from education programs approved by the Maryland Real Estate Commission. As Real Estate Empower, Inc. is not an approved provider, and an instructor’s status to teach Maryland-approved programs depends solely on the approved provider, it is important that all references to Maryland-approved courses are removed from personal websites, including “rempowerrealesate.com.” (REC Exhibit 3.)¹

4. On April 25, 2008, Mr. Singh responded, by e-mail to Ms. Hannon that: “.as per your letter I have removed all references that would make any individual believe that any course is approved for MD credit or is a Maryland-specific continuing education course.” (REC Exhibit 4.)

5. In May, 2008, Mr. Singh listed real estate continuing education courses on the www.rempower.com website prior to being granted approval to offer those courses. (REC Exhibit 6.)

6. On April 23, 2010, Mr. Singh was notified by letter from Ms. Hannon that having received approval as a pre-licensing education provider, Real Estate Empower, Inc. was eligible to offer real estate continuing education classes upon review and approval of the proposed programs by the Commission. He was also advised that to start the process for approval of proposed programs, he was required to complete an enclosed application, attach a detailed outline and send it to Ms. Hannon at least 30 days in advance of the intended offering date. (REC Exhibit 5.)

¹ “REC Exhibit” refers to an exhibit entered into the record at the hearing on behalf of the Maryland Real Estate Commission.

7. On June 14, 2010, Ms. Hannon informed Mr. Singh that she had reviewed his recent applications for approval to offer real estate continuing education classes and found that the outlines for two classes were "...too sketchy and would not appear to need the amount of minutes stated in the outline." and approval for those classes was denied. She also advised him that outlines for two other class were denied approval because they related to laws and real estate issues in a jurisdiction other than Maryland. (REC Exhibit 7.)

8. Real Estate Empower, Inc. advertised a class in Maryland Ethics to be held on October 22, 2010. Ms. Hannon stated that the advertisement violated the policies which had been sent to all advertisers of continuing education classes in that it contained excessive promotion of the instructor. (REC Exhibit 8.)

9. On March 2, 2011, Ms. Hannon sent an e-mail to Mr. Singh informing him that in Maryland an education provider may only advertise a course by the title approved by the Commission. She further informed him that an e-mail advertisement which he was using was causing confusion because it was advertising a course by a title different than that of a Commission approved continuing education course. (REC Exhibit 9.)

10. On March 14, 2011 Mr. Singh sent an e-mail to Ms. Hannon advising that he would correct the problem regarding the title of a course he was offering and, in the future, he would make certain that instructors would not promote courses which were being offered by Real Estate Empower, Inc. (REC Exhibit 10.)

11. On March 22, 2011, Ms. Hannon informed Mr. Singh that the only title and outline which could be approved was for the Maryland Real Estate Commission Supervision course and she would need to know the name of the Commission trained instructor who would be teaching

the course. Mr. Singh replied that the course was "...supposed to be the 'MREC Required Supervision Course'..." and that he was the Commission trained instructor. (REC Exhibit 11.)

12. On July 15, 2011, Ms. Hannon noted in an e-mail that Mr. Singh had submitted information indicating that he was requesting approval to offer "MD Fair Housing" as a three hours course. The course had previously been offered and was approved to be offered as a one and one-half hour course. Ms. Hannon testified that she also questioned the amount of time the course would focus on fair housing law and issues in Maryland. Ms. Hannon testified that the submission caused some confusion. She, therefore, requested that Mr. Singh advise whether he intended to expand the course into a longer version and advised him to submit a detailed outline for review if he intended to expand the course. Mr. Singh replied that he was intending to expand the course and would drop the shorter version of the course once the longer version of the course was approved. (REC Exhibit 12.) Mr. Singh did submit a revised outline and the course was approved. (REC Exhibit 14.)

13. On July 26, 2011, Mr. Singh contacted Ms. Hannon by e-mail and asked whether a class participant who was seven minutes late for a course should be given credit for the course. Ms. Hannon referred Mr. Singh to the Maryland Code of Regulations which provides that a participant may not receive course credit if the participant arrives after instruction has begun. (REC Exhibit 13.)

14. On October 18, 2011, Ms. Hannon notified Mr. Singh by e-mail that, during the course of a continuing education audit, a licensee presented continuing education certificates which were signed by Mr. Singh and all of the school's certificates were missing the approved topic category required by COMAR 09.11.06.08G(1)(c). Mr. Singh was instructed to update his

format so that all certificates of completion issued by Real Estate Empower, Inc. would include all information required by COMAR 09.11.06.08G(1)(a) through (e). (Exhibit 15.)

15. On October 27, 2011, Ms. Hannon notified Mr. Singh by e-mail that he had signed a certificate for Clio Koutzoumis for three credit hours although the course was only approved for one and one-half credit hours. She requested that Mr. Singh provide the sign-in sheets for the course. (Exhibit 16). Mr. Singh replied the same day stating that "...there must have been a typo on the certificate." Ms. Hannon responded that at least 28 licensees were apparently given course completion certificates for more hours than the school had approval to offer and the students completed. She informed Mr. Singh that inaccurate certificates may form the basis on which a course provider's approval may be denied, suspended, or withdrawn. (REC Exhibit 17.) On November 9, 2011, Mr. Singh replied and advised that the computer system which was being used at the time the incorrect certificates were issued had been replaced and the school was checking each certificate before it was issued. (REC Exhibit 18.)

16. On November 22, 2011, Ms. Hannon notified Mr. Singh by e-mail that the Commission had been provided with an advertisement from ZipRealty, Inc. of California for a Maryland continuing education class offered by Mr. Singh. She informed him that "Allowing other individuals or entities to assume any duties of an approved Maryland provider could result in loss of the provider's approval." (REC Exhibit 19.) Mr. Singh replied on December 5, 2011 expressing shock, stating that the advertisement had never been set up with ZipRealty, Inc., and stating that he would be firing both the instructor and monitor for the class. (REC Exhibit 20.) Ms. Hannon testified that it was later learned that the monitor for the course was a ZipRealty, Inc. associate. (REC Exhibit 21.)

17. In January, 2012, Real Estate Empower, Inc. submitted an outline for a course entitled "HAFA Short Sales". Ms. Hannon testified that she verified that the wording of the course description and outline segments which were submitted were identical to an ABR copyrighted outline which required an exam. Mr. Singh responded to Ms. Hannon's inquiry concerning the outline: "This is an outline that we developed and own." (REC Exhibit 22.) Ms. Hannon replied "Your outline is ABR's copyrighted timed outline, which requires an exam. If you have ABR's approval to offer without an exam, please provide a copy." (REC Exhibit 24.) At the Commission's hearing. Mr. Singh asserted that he had helped to write the outline and was therefore entitled to offer the class. He stated that the class was not offered due to a lack of interest.

18. Ms. Hannon testified that in February, 2012, she reviewed continuing education certificates signed by Mr. Singh for Ms. Cynthia Davis. Those certificates did not have a topic letter listed on them. Further, certificates which Mr. Singh was using for District of Columbia continuing education courses, which lacked identifying language, were so similar to those used for Maryland courses that there was a problem in distinguishing them. (REC Exhibit 23.) Ms. Hannon stated that this incident was the third time she was required to remind Mr. Singh regarding the completion of certificates.

19. In July and August, 2012, correspondence between Ms. Hannon and Amy Kania of the Maryland Higher Education Commission disclosed that in 2011, Real Estate Empower, Inc. had only one graduate who did not receive a license in the District of Columbia or Virginia and who did not take the Maryland exam. Ms. Hannon stated that since there was only one person in the class, Real Estate Empower, Inc. was providing private instruction and was not operating as a career school. (REC Exhibit 25.)

20. On December 21, 2012, the Maryland Higher Education Commission notified Mr. Singh that Real Estate Empower did not meet at least one of the minimum performance standards in 2012 for a private career school in that there was a 0% licensure exam pass rate for Principles and Practices of Real Estate, a 60 hours course. Mr. Singh was instructed to submit for review and approval a plan of corrective action and advised that if the corrective actions of the school failed to bring the program's performance standard into compliance with the minimum standards which were reflected in the school's next annual report, a Notice of Deficiencies would be issued to the school. Performance Data for 2010 showed no students enrolled at the school; one student enrolled in 2011 and one student enrolled in 2012, both of whom had graduated but neither of whom had passed the real estate licensing examination. (REC Exhibit 26.) Ms. Hannon noted that she spoke with Mr. Singh on December 21, 2012 and reminded him again that if there was no Principles and Practices course offered then he could not offer continuing education courses. She also informed him that although she was not withdrawing approval for courses which had previously been approved, she would not approve new continuing education courses.

Mr. Singh provided a corrective action plan to the Maryland Higher Education Commission in which he stated that one identified student, who completed the program at the end of the last annual report, would be taking the licensing examination within the first two weeks of January, 2013 and that another session for roughly ten students would be held at the end of January. (REC Exhibit 27.) Ms. Hannon testified that the identified student referred to in Mr. Singh's letter did not take the licensing examination.

21. On December 28, 2012, the Maryland Higher Education Commission responded to Real Estate Empower, Inc.'s plan of corrective action by providing feedback and considerations for the next session of the Real Estate Salesperson Pre-Licensing Program. (REC Exhibit 28.)

22. On February 13, 2013 Ms. Hannon informed Mr. Singh by e-mail that a licensee had provided two certificates of completion from Real Estate Empower, Inc. for courses with expired approvals. She requested that he advise her whether Real Estate Empower, Inc. had issued those certificates. (REC Exhibit 29.) On March 7, 2012 in an e-mail to Commission Executive Director Katherine Connelly, Mr. Singh acknowledged that "...unfortunately we had 2 classes which we did not know had expired...". (REC Exhibit 30.)

The Commission subsequently requested and received the sign-in/out sheets for courses. (REC Exhibit 31 and 32.) Ms. Hannon testified that the sign in/out sheet for the Agency course did not list a Commission approved instructor.

23. On March 19, 2013 Mr. Singh requested a meeting with the Commission's Education Committee to discuss his ability to again offer continuing education courses. (REC Exhibit 33.) A meeting was scheduled for April 17, 2013. (REC Exhibit 36.)

24. On April 2, 2013 Mr. Singh responded to the feedback to his Corrective Action Plan from the Maryland Higher Education Commission. (REC Exhibit 34.)

25. On April 10, 2013, the Maryland Higher Education Commission accepted Real Estate Empower, Inc.'s Corrective Action Plan and advised that only if the licensure exam pass rate for the program is below 50 percent for two consecutive years will the school be cited for deficiencies. (REC Exhibit 37.)

26. The Commission found, on or about April 12, 2013, upon review of sign-in/out sheets for January 13 and 26, 2013 that three licensees who were not approved by the

Commission to teach the Agency course had taught those courses on behalf of Real Estate Empower, Inc. (REC Exhibit 38.)

27. On April 23, 2013, Katherine Connelly, Executive Director wrote to Mr. Singh on behalf of the Education Committee. Mr. Singh was advised that:

“The Education Committee understands that the school opened in April 2010 as a private career school under Maryland Higher Education Commission (MHEC). Shortly thereafter, as requested, continuing education courses were approved. However, no pre-licensing students have tested and passed the salesperson exam, which resulted in MHEC issuing a deficiency notice.

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Because the school has not been meeting its obligations to prepare students to pass the exam and provide real estate services, to waive or exempt Real Estate Empower, Inc. from that basic obligation would violate sections of both law and regulation and give unfair business advantage over other providers. For these reasons, the Education Committee denies your appeal.

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With the expectation that your corrective action plan to MHEC will bring compliance, the two CE classes which have not expired may be offered until June 30, 2013, when the school’s status will again be reviewed.”

(REC Exhibit 39.)

28. On June 9, 2013, Mr. Singh advised the Commission by e-mail that one student had passed the licensing exam and that the school had therefore met the requirements for a pre-licensing school. (REC Exhibit 40.)

29. On June 12, 2014, Stephanie Baker advised Ms. Hannon, by e-mail that the Secretary of the Maryland Higher Education Commission had accepted the school’s corrective action plan, that the school had advised that a student who completed the program in the 2012 Annual Report cycle had recently passed the licensing exam, and that the school’s performance would be evaluated again with the 2013 annual report. (REC Exhibit 41.)

30. After being advised that individuals who were teaching the MREC Agency-Residential and MREC Required Supervision courses were not Commission authorized instructors, Mr. Singh informed Ms. Hannon that the sign-in sheet for those courses offered on January 17 and 26 and February 9, 2013 had incorrect information and he provided her with the names of Commission approved instructors who he stated had taught the courses. (REC Exhibit 42.)

31. On June 20, 2013, an employee of Real Estate Empower, Inc. submitted a list of locations for courses taught by the school on January 13, 17, 23, 26, 2013; February 7, 9, 21, and 23, 2013; and March 5, 2013 by e-mail to Ms. Hannon. Ms. Hannon testified that she noted on the e-mail that one of the instructors for the courses did not have any continuing education credits banked for the course he instructed. She also testified that her notes on the e-mail reflect that she denied Mr. Singh's request to submit courses for approval in a shorter time period than is required. (REC Exhibit 43.)

32. On June 18, 2013 Mr. Singh sent an e-mail to Ms. Hannon explaining that incorrect instructors appeared on the sign-in/sign out sheets for classes offered in January, February and March, 2013 because his office administrator had assigned the instructors months in advance. He stated that she subsequently made changes to the instructors after she became familiar with which instructors were approved to teach the MREC Agency and MREC Broker Supervision courses but had failed to change the information on the sign-in/sign out sheets. Ms. Hannon testified that her notes on the e-mail reflect her conversation with Sam Hankin who advised that he had taught MREC Broker Supervision courses for Real Estate Empower, Inc. despite the fact that he was not a Commission approved instructor. (REC Exhibit 44.)

33. On June 21, 2013 Ms. Hannon sent an e-mail to Mr. Singh detailing problems with some of his course submissions. (REC Exhibit 45.)

34. On June 25, 2013 Mr. Singh submitted an e-mail list of instructors for the MREC Agency-Residential and MREC Broker Supervision courses. Ms. Hannon testified that all of the proposed instructors were Commission trained and approved to teach those courses. (REC Exhibit 46.)

35. Ms. Hannon testified that Mr. Singh submitted sign-in/sign out sheets for courses taught by him on July 20, 2013 to show to the Commission that the courses had been taught by a Commission approved instructor. (REC Exhibit 47.)

36. On August 14, 2013, the Maryland Higher Education Commission granted approval to Real Estate Empower, Inc. to operate four additional classrooms at specific locations. (REC Exhibit 48.)

37. On September 17, 2013, an employee of Real Estate Empower, Inc. contacted Ms. Hannon by e-mail and advised that he had incorrectly "banked" 9 credits for an individual when the individual had only "banked" 5 credits for classes taken on July 20, 2013. He requested Ms. Hannon's assistance in correcting the problem. (REC Exhibit 49.)

38. On October 8, 2013 Stephanie Baker of the Maryland Higher Education Commission sent an e-mail to Mr. Singh in which she noted conflicting and confusing information in Real Estate Empower, Inc.'s enrollment agreement and catalog. She also noted that she was still waiting for a program modification application and a revised, proposed re-take policy for final examinations. She gave Mr. Singh a deadline of October 18, 2013 to submit the program modification application; revised, proposed re-take policy; and the enrollment agreement and

catalog with corrections. She advised that failure to submit the required documents could result in a Notice of Deficiencies and fines. (REC Exhibit 50.)

39. On October 8, 2013, Dean Kendall of the Maryland Higher Education Commission sent an e-mail to Mr. Singh stating that:

Additionally, the Real Estate Empower web page below shows that the “fee ends” on a specific date. This is in direct conflict with what we discussed in our meeting. It constitutes a blatant inducement to enroll-expressly prohibited by regulation. This was made clear to you during our meeting. Remove all references to the \$99 tuition immediately until you receive notification from MHEC that it may be implemented.”

Mr. Singh responded that he would make the changes to the website. (REC Exhibit 51.)

40. Ms. Hannon testified that in response to an e-mail from an employee of Real Estate Empower, Inc. who was unsuccessfully attempting to submit courses for the Commission’s approval, she advised that the school had outstanding issues with the Commission as a pre-licensing provider and the school had not responded to 7 previous requests for continuing education outlines. (REC Exhibit 52.)

41. On October 16, 2013 an employee of Real Estate Empower, Inc. submitted four course outlines, two of which were not approved by the Commission. (REC Exhibit 53.)

42. On October 23, 2013, Ms. Hannon advised Mr. Singh by e-mail that one of the course outlines which had been submitted on October 16, 2013 (HAFA Short Sales) was denied approval and stated; “This outline was denied in 2010 as it is ABR’s copyrighted timed outline, which requires an exam.” (REC Exhibit 54.)

43. Between October 25, 2013 and October 28, 2013 a series of e-mails were exchanged between Ms. Hannon, Mr. Singh, and Ms. Baker on the issue of whether Real Estate Empower, Inc. had addressed the problems noted in the October 8, 2013 e-mails (REC Exhibits 50 and 51). Ms. Baker informed Ms. Hannon that the concerns regarding the school’s fee, advertising, new

enrollment agreement and catalog had been addressed although she still had "...concerns as there are a number of issues we addressed repeatedly with him before he got them fixed...". (REC Exhibit 55.)

44. On October 28, 2013 Stephanie Baker of the Maryland Higher Education Commission wrote to Mr. Singh regarding a complaint which had been filed against the school and other areas of concern including the school's "...failure to use its approved enrollment contract to establish terms of enrollment between the student and the school, noncompliant website advertisements, and tuition discounting/not following the school's published tuition and fees." She explained that the complaint concerned the school's policy on re-taking final examinations. She stated that the school had complied with the request of Maryland Higher Education Commission staff that the school administer the initial version of the final examination to the complainant who re-took the examination and passed. Therefore, the complaint was considered closed. She also advised that the school had been asked to submit a revised test re-take policy and had complied. She stated that: "Moving forward, the school is expected to ensure that approved documents are used for enrolling students, to operate only in accordance with the school's conditions of approval, and to maintain only advertising that is in accordance with how the school is approved to operate." Attached to the letter was a document entitled "Real Estate Empower-Compliance Issues" setting forth 5 compliance issues: Enrollment Contracts, Tuition/Fees, School Name, Re-Take Policy, and Website Advertisements. (REC Exhibit 56.)

45. On November 6, 2013 Ms. Hannon sent an e-mail request to Mr. Singh for detailed outlines for three courses by November 20, 2013. She stated that, as noted on the e-mail, she did

not receive a response from Mr. Singh and the courses were deleted from the pending record. (REC Exhibit 57.)

46. On December 5, 2013, the Commission received e-mails from Carl Kessler in which he advised the Commission that he had signed up to attend two classes offered by Real Estate Empower, Inc. but had not attended the classes. Nonetheless, he received a completion certificate for the classes and the continuing education credit hours were submitted to the Commission. (REC Exhibit 58.)

47. On December 10, 2013, Steve Long, Assistant Executive Director of the Commission sent an e-mail to Patricia Hannon advising that sign-in sheets provided by Real Estate Employer showed Mr. Kessler's name for two courses and on one sheet, his name was marked "no show" while the space next to his name was left blank on the other sheet. (REC Exhibit 59.)

48. In a series of e-mails, dated December 4, 2013 through December 11, 2013, Stephanie Baker of the Maryland Higher Education Commission requested additional information regarding students of Real Estate Empower, Inc. who took and passed the salesperson licensing examination. Ms. Baker also expressed concerns regarding several informal complaints concerning general disorganization, lack of oversight, and inconsistently applied school policies, which she had received from students and instructors. (REC Exhibit 60.)

49. On January 6, 2014, the Maryland Higher Education Commission sent a letter to Mr. Singh as owner of Real Estate Empower, Inc. informing him that the school had not met the conditions set forth in the Code of Maryland Regulations for operation of a private career school and enclosing a Notice of Deficiencies detailing the conditions that had not been met by the school. Mr. Singh was advised of his hearing rights and was informed that if the school failed to

fully comply by addressing the cited deficiencies, his authority to operate Real Estate Empower, Inc. would be subject to revocation. (REC Exhibit 61.)

50. On January 6, 2014, Stephanie Baker of the Maryland Higher Education Commission also sent an e-mail to Mr. Singh attaching the Notice of Deficiencies, with exhibits, indicating that the school had violated regulations related to admission/entrance requirements, instructional programs, and enrollment contracts at its separate classroom site in Bel Air, Maryland. (REC Exhibit 62.)

51. On January 8, 2014, a Notice of Withdrawal and Suspension of Approval to offer Continuing Education classes was sent by certified mail, regular mail and e-mail to Mr. Singh based on the Maryland Higher Education Commission's Notice of Deficiencies. The letter informed Mr. Singh that: "As to Real Estate Empower's continuing education programs, COMAR 09.11.06.03J(2) (copy attached) sets out the requirement of a Maryland continuing education provider to maintain its status as an educational institution under the laws of Maryland. Failure to do so is a basis upon which continuing education course approval can be denied, suspended or withdrawn." (REC Exhibit 63.)

52. In a series of e-mails between January 8, 2014 and January 9, 2014, Mr. Singh disputed the validity of a complaint filed against Real Estate Empower by Ms. Ginny Meeks, Further, in a January 11, 2014 Ms. Hannon advised Mr. Singh by e-mail that:

"A review of MHEC's 1/6/14 Notice of Deficiencies shows continuing non-compliance. MHEC has required you to immediately cease enrollment of new students at all locations and not start any new program sessions...The basic obligation is to pre-licensing. Continuing education is secondary and our Notice mirrors MHEC's. When the restrictions are lifted by MHEC, then consideration may be given to restoring CE approvals."

(REC Exhibit 64.)

53. On March 31, 2014, the Maryland Higher Education Commission informed Mr. Singh that it had concluded that the issues described in the January 6, 2014 Notice of Deficiencies had been resolved and that based on the school's history of good faith in working with the Commission and its cooperation in enacting corrective actions, the \$15,000.00 Notice of Deficiencies fine had been reduced to \$1,500.00. Further, Mr. Singh was advised that upon payment of the fine the Notice of Deficiencies would be considered closed. Attached to the March 31, 2014 letter was another letter, dated March 25, 2014, to Mr. Singh from the Maryland Higher Education Commission on the subject of a site visit and Notice of Deficiencies follow-up. (REC Exhibit 65.)

54. On April 4, 2014, the Maryland Higher Education Commission notified Mr. Singh by letter that payment of the Notice of Deficiencies fine had been received and the Notice of Deficiencies would be considered closed. (REC Exhibit 66.)

55. On April 7, 2014 Mr. Singh submitted an e-mail request to the Commission to offer Maryland continuing education classes again. He was advised that the Commission's Education Committee, which had met with him in April, 2013, might wish to meet with him again. (REC Exhibit 67.)

56. On April 15, 2014, the Commission received a letter from Mr. Singh for consideration by the Commission's Education Committee on April 16, 2014. In the letter Mr. Singh requested the Commission to grant him authority to again offer continuing education classes and explained the school's corrective action plan. (REC Exhibit 68.)

57. On April 21, 2014, the Commission advised Mr. Singh by letter, which was also forwarded by e-mail, that it had met on April 16, 2014 to consider Mr. Singh's request to re-start continuing education classes. The Education Committee advised Mr. Singh that after reviewing

his April 15, 2014 letter as well as a recap of prior continuing education issues, the Education Committee noticed a continuing pattern of conduct that fell below the requirements of COMAR 09.11.06.03 and, therefore, his request to resume submitting applications to offer continuing education classes was denied. (REC Exhibit 69.)

58. On April 21, 2014, Mr. Singh sent an e-mail to Ms. Hannon requesting a review with the Commission's Education Committee. (REC Exhibit 70.)

59. On April 28, 2014, Mr. Singh was advised that his request for an informal conference with the Education Committee had been received and an informal conference had been scheduled for May 21, 2014. On the same day, Mr. Singh sent an e-mail to the Commission advising that he would attend the informal conference. (REC Exhibit 71.)

60. At the informal conference Mr. Singh submitted a Corrective Action Plan. (REC Exhibit 72.)

61. On May 27, 2014, Mr. Singh was advised by letter that the Commission's Education Committee had referred the matter of again granting Real Estate Empower, Inc. authority to offer real estate continuing education classes to a panel of the Commission for a hearing on June 18, 2014.

62. At the hearing before the Commission, Ms. Hannon testified that, in the approximately 4 year period that Mr. Singh operated Real Estate Empower, Inc., she had spent more time working on issues involving Real Estate Empower, Inc. than she had spent on all of the other 60 schools which provide real estate continuing education courses combined.

63. At the hearing before the Commission, Ms. Baker testified that, in relation to other schools which offer real estate courses, she had probably spent more time working on the issues of Real Estate Empower, Inc. than on all of the other schools which offer real estate courses.

DISCUSSION

COMAR 09.11.06.03J. provides the following in regard to providers of real estate continuing education courses:

J. The following situations could form the basis on which course provider approval is denied, suspended, or withdrawn:

- (1) Submission of false information in an application for provider or course approval;
- (2) Failure of the course provider to maintain its status as a professional association or educational institution under the laws of Maryland;
- (3) Discipline by the Commission of a course provider who holds a real estate license in a matter relating to the licensee's provision of real estate brokerage services;
- (4) Repeated cancellation of scheduled courses by the course provider;
- (5) Failure of the course provider to reimburse prepaid fees to licensees after scheduled courses have been cancelled;
- (6) Issuance of blank certificates of course completion;
- (7) Repeated issuance of inaccurate certificates of course completion with regard to topic, course number, and course title;
- (8) Repeated issuance of certificates of course completion to licensees who were not entitled to them;
- (9) Failure to maintain the records required by the Commission, including rosters of attendees and sign-in sheets;
- (10) Failure to timely respond to inquiries and requests for records from the Commission; and

(11) Failure of the course provider or any representative of the course provider, including instructors and monitors, to comply with regulations governing continuing education.

The Commission finds that in 2011 Real Estate Empower, Inc. had only one graduate who did not receive a license in the District of Columbia or Virginia and did not take the Maryland real estate licensing examination. Since there was only one person in the class, Real Estate Empower, Inc. was essentially providing private instruction to a single individual and was not operating as a career school. (FF 19.)² Again in 2012, the school had only one student enrolled who also did not pass the real estate licensing examination. (FF 20.) Although Mr. Singh informed the Maryland Higher Education Commission that an identified student who had completed the program would be taking the real estate licensing examination in January, 2013, that student did not take the real estate licensing examination. (FF 20.) Although the Maryland Higher Education Commission accepted Real Estate Empower, Inc.'s corrective action plan in April 2013, it warned the school that if it failed to bring the program's performance standard into compliance with minimum standards in the school's next annual report, a Notice of Deficiencies would be issued. (FF 20 and 25.) On January 6, 2014, the Maryland Higher Education Commission sent a letter to Mr. Singh informing him that the school had not met the conditions set forth in COMAR for the operation of a private career school and enclosing a Notice of Deficiencies detailing the conditions that had not been met by the school including that the school had violated regulations related to admission/entrance requirements, instructional programs and enrollment contracts. Real Estate Empower, Inc. was directed by the Maryland Higher Education Commission to cease enrollment of new students at all of its locations and to refrain from starting any new program session at any of its locations as a result of the Notice of Deficiencies. (FF 49, 50 and 61.) The Commission therefore finds that Real Estate Empower,

² "FF" refers to the Commission's Findings of Fact.

Inc. failed to maintain its status as an educational institution under the laws of Maryland in that it was issued a Notice of Deficiency and fined by the Maryland Higher Education Commission because the school did not meet the conditions set forth in COMAR for the operation of a private career school. Although Real Estate Empower, Inc. has since addressed the issues described in the January 6, 2014 Notice of Deficiencies and has paid a reduced fine, the Commission notes that an Education Analyst for the Maryland Higher Education Commission has expressed concerns regarding several informal complaints concerning general disorganization, lack of oversight, and inconsistently applied school policies which have been received from students and instructors of Real Estate Empower, Inc. (FF 48.)

The Commission also finds that there have been two instances where inaccurate certificates of course completion with regard to topic, course number or course title have come to the Commission's attention. (FF 14 and 18.) In addition, Real Estate Empower, Inc. issued a certificate to a student for three credit hours although the course was only approved for one and one-half credit hours and has issued at least 28 other certificates with incorrect credit hours. (FF 15.) Further, in September, 2013, the Commission was informed by an employee of Real Estate Empower, Inc. that a licensee had been credited with more continuing education credits than had been earned. (FF 37.)

There have also been instances where certificates of course completion were issued to licensees who were not entitled to them. In the first instance, in February, 2013, certificates were issued for courses for which the Commission's approval had expired. (FF 22.) In the second instance, in December, 2013, a licensee received a completion certificate for two classes and continuing education credits were submitted to the Commission despite the fact that the licensee had not attended the classes. (FF 46 and 47.)

Further, the correct names of instructors who have taught real estate continuing education classes have not been entered on the sign-in/sign out sheets for those classes. (FF 30.)

The Commission also discovered that Real Estate Empower, Inc. had failed to comply with advertising policies set forth in COMAR 09.11.06.06 on two occasions in 2008, on one occasion in 2010, and on two occasions in 2012. (FF 3, 6, 8, 9, 10 and 16.) In October, 2013, the Maryland Higher Education Commission also found deficiencies in the school's website advertising and ordered those deficiencies corrected. (FF 44 and Exhibit 2 attached to Commission's Exhibit 62.)

The Commission further finds that Real Estate Empower, Inc. has used an instructor who was not authorized by the Commission to teach Broker Supervision courses and has used an instructor who lacked "banked" credits for the course taught. (FF 31 and 32.)

The Commission also finds that in October and November, 2013 Mr. Singh did not respond to requests for information from the Commission in violation of COMAR 09.11.03C.(5). (FF 40 and 45.)

Further, Mr. Singh did not evidence a familiarity with Commission regulations applicable to providers of real estate continuing education classes when he asked whether class participants who arrived late could be given credit for the course and when he sought approval for proposed courses in a shorter time period than provided in regulation. (See COMAR 09.11.06.08F.(1)(a) and (2) and COMAR 09.11.06.04A.) (FF 13 and 31.)

Based on a continued pattern of conduct cited above which did not comply with the requirements for a provider of real estate continuing education classes, the Commission concludes that the Commission's approval for Real Estate Empower, Inc. to offer real estate continuing education courses should be withdrawn for a period of two years.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact and Discussion, and having considered the arguments of Prabhjit Singh, President and operator of Real Estate Empower, Inc., the Commission concludes, as a matter of law that based on the failures of Real Estate Empower, Inc. to comply with Code of Maryland Regulations relating to the operation of a school which provides real estate continuing education classes, the Commission's approval of Real Estate Empower, Inc. as a provider of real estate continuing education classes should be withdrawn for a period of two years.

ORDER

The proposed denial of approval of Real Estate Empower, Inc. to be a Commission approved provider of real estate continuing education classes and the arguments of Prabhjit Singh, President and operator of Real Estate Empower, Inc. against such proposed action having been considered, it is this 16th day of July, 2014, by the Maryland Real Estate Commission **ORDERED:**

1. That the Commission's approval of Real Estate Empower, Inc. as an authorized provider of real estate continuing education classes shall be withdrawn for a period of two years;
2. That a copy of this Opinion and Final Order be provided to the Maryland Higher Education Commission; and
3. That the records and publications of the Maryland Real Estate Commission reflect this decision.

MARYLAND REAL ESTATE COMMISSION

SIGNATURE ON FILE

By: _____

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/her 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.