

MARYLAND REAL ESTATE
COMMISSION

V.

THURMAN SCOTT GRAHAM
METRO REAL ESTATE
6215 Greenbelt Road, Suite 309
College Park, MD 20740

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
* CASE NO. 2007-RE-0756
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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Stephen K. Knox ("Complainant"). Based on the complaint, the Commission determined that administrative charges against Thurman S. Graham, the Respondent Real Estate Broker ("Respondent"), license registration number 01-3615, are appropriate and that an administrative hearing on those charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings ("OAH"). The OAH scheduled a hearing for August 25, 2010 at 10:00 a.m. at Leonardtown, Maryland.

Prior to the hearing, the Commission and the Respondent 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. Respondent Thurman S. Graham is currently licensed by the Commission as a Real Estate Broker for Metro Real Estate, license registration number 01-3615. 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. On or about June 19, 2007, Complainant Stephen K. Knox filed a complaint against the Respondent. Respondent was representing the buyer of 46351 Columbia Drive, Lexington Park, Maryland ("the Property") owned by Complainant. The parties entered into a contract for the purchase of the Property on December 6, 2006. The buyer submitted a check to Metro Real Estate on or about December 13, 2006, in the amount of \$1,000.00 as the earnest money deposit for purchase of the Property.

3. A few days prior to the scheduled settlement, Complainant was notified that settlement would not occur. Complainant requested that the earnest money deposit be released to him but was informed that the check had been returned for non-sufficient funds.

4. Complainant was not notified by Respondent of the return of the earnest money deposit check until January 25, 2007 although the check had actually been returned for non-sufficient funds on December 15, 2006.

5. The Respondent admits that his conduct violated COMAR 09.11.02.02-A which provides:

CODE OF MARYLAND REGULATIONS

Title 09 Department of Labor Licensing and Regulation

Subtitle 11 Real Estate Commission

Chapter 02 Code of Ethics

.01 Relations to the Client.

A. In accepting employment as an agent, the licensee shall protect and promote the interest of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the licensee from the statutory obligations towards the other parties to the transaction.

6. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and 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.

7. The Respondent consents to the entry of an Order that his conduct violated COMAR 09.11.02.02-A, he agrees to attend a three hour continuing education class on real estate contracts within six months of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315, and he agrees to pay a civil penalty of \$1,500.00 within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

8. If the Respondent does not complete the required class within the proscribed six month period, the Respondent's license registration number 01-3615 will be suspended until such time as the classes are completed.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 24th
DAY OF August, 2010 BY THE MARYLAND REAL ESTATE
COMMISSION:

ORDERED that the Respondent's conduct violated COMAR 09.11.02.02-A; and it is further

ORDERED that the Respondent must attend a three hour continuing education class on real estate contracts within six months of the execution of this Consent Order and Settlement Agreement beyond the continuing education requirements found in BOP § 17-315; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$1,500.00 for the violation, which amount is payable to the Commission within thirty (30) days of the execution of this Consent Order and Settlement Agreement; and it is further

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

8/17/10
Date

SIGNATURE ON FILE
[Signature]
Respondent Thurman S. Graham

MARYLAND REAL ESTATE COMMISSION:

8/24/10
Date

By: SIGNATURE ON FILE
[Signature]
Deputy Director