

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION  
V.  
WILLIAM (TONY) MCCONKEY

OAH No.: DLR-REC-24-10-04921  
AGENCY No.: 08-RE-852

AND

CLAIM OF LAURI DONOVAN  
AGAINST THE MARYLAND REAL  
ESTATE COMMISSION GUARANTY  
FUND

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint and Guaranty Fund claim filed by Lauri Donovan ("Ms. Donovan") against William A. "Tony" McConkey, the Respondent real estate salesperson, license registration number 05-34698 ("Respondent").

Based on the complaint and Guaranty Fund claim, the Commission conducted an investigation. Following the investigation, the Commission issued a Statement of Charges and Order for Hearing dated January 13, 2010 in which the Commission alleged that the Respondent had violated provisions of the Maryland Real Estate Broker's Act, Bus. Occ. & Prof. Art., Title 17 ("BOP") as well as provisions of the Commission's Code of Ethics, Code of Maryland Regulations ("COMAR"), 09.11.02 and in which the Commission determined that Ms. Donovan was entitled to a hearing on her claim against the Commission's Guaranty Fund.

The Commission transmitted this matter to the Office of Administrative Hearings ("OAH") to conduct a contested case hearing. This matter was consolidated for hearing with *Commission v. McConkey/Claim of Angela Powell*, OAH Case No. DLR-REC-24-10-12270, Agency Case No. 08-RE-641 and *Commission v. McConkey/Claim of Milligan*, OAH Case No. DLR-REC-24-10-04919, Agency Case No. 07-RE-278 and a hearing on the regulatory charges and the Guaranty Fund claims in all three cases was scheduled by the OAH for October 25-29, 2010 at the OAH in Hunt Valley, Maryland before Administrative Law Judge D. Harrison Pratt.

On October 25, 2010, prior to the beginning of the hearing, the Commission and the Respondent reached an agreement to resolve the regulatory charges in this matter. The agreement was placed on the record at the OAH before Administrative Law Judge D. Harrison Pratt. This Consent Order memorializes the agreement which provides 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 William A. "Tony" McConkey is currently licensed by the Commission as a real estate salesperson affiliated with Re/Max Supreme Properties, license registration number 05-34698. The license expires July 19, 2012. At the time of the transaction at issue, the Respondent was licensed by the Commission as a real estate salesperson affiliated with broker Re/Max Executive. 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 had a practice whereby he would contact real property owners who were on the verge of having their property foreclosed upon and offer to help them save the property from foreclosure.

3. Ms. Donovan was the owner of 412 Manor Road, Arnold, Maryland 21012. In 2007, Ms. Donovan was on the verge of having her property foreclosed upon.

4. In October 2007, the Respondent sent to Ms. Donovan a letter on Re/Max Executive letterhead in which he stated that he was able to save homeowners from going to foreclosure by paying their mortgage and utilities while searching for a buyer for their property. Ms. Donovan contacted the Respondent in response to his letter seeking his assistance to save her home from foreclosure.

5. The Respondent admits that by his acts and omissions related to 412 Manor Road, Arnold, Maryland 21012 he knowingly and willfully violated the Protection of Homeowners in Foreclosure Act ("PHIFA"), Md. Code Ann., Real Property Art., Title 7, subtitle 3.

6. The Respondent consents to the entry of an Order by the Commission that by knowingly and willfully violating PHIFA he has violated BOP §17-322(b)(25) by engaging in conduct that demonstrates incompetency and improper dealings.

7. Based on his violation of BOP §17-322(b)(25), the Respondent consents to the entry of an Order by the Commission suspending any and all real estate licenses issued to him by the Commission for a period of one (1) year commencing on the date the Commission executes this Consent Order. The Respondent understands and agrees that at the conclusion of the one (1) year suspension period his license will not be automatically reinstated. To have his license reinstated, the Respondent will be required to apply for the reinstatement of his license and to appear at an application hearing before the Commission or its' designee. The burden of proof at the application hearing will be on the Respondent to show why his license should be reinstated. There is no guarantee that the Commission or its' designee will reinstate his license following the application hearing.

8. The Respondent further agrees that he will not oppose Ms. Donovan's Guaranty Fund claim.

9. The Respondent expressly waives his right to an administrative hearing on the regulatory charges and to participate in the hearing on Ms. Donovan's Guaranty Fund claim.

10. The Respondent expressly waives his right to any and all further proceedings before the Commission to which the Respondent may have been entitled in this matter.

11. The Respondent expressly waives his right to appeal from this Consent Order and to appeal from any future Order issued by the Commission awarding to Ms. Donovan money from the Commission's Guaranty Fund.

**BASED ON THESE AGREEMENTS AND STIPULATIONS THAT WERE PLACED ON THE RECORD ON OCTOBER 25, 2010 BEFORE ADMINISTRATIVE LAW JUDGE D. HARRISON PRATT AT THE OFFICE OF ADMINISTRATIVE HEARINGS, HUNT VALLEY, MARYLAND, IT IS THIS**  
*12<sup>th</sup>* **DAY OF November**, 2010 BY THE MARYLAND REAL ESTATE COMMISSION:

**ORDERED** that the Respondent William A. "Tony" McConkey, a licensed real estate salesperson, license registration number 05-34698 did knowingly and willfully violate the Protection of Homeowners in Foreclosure Act, Md. Code Ann., Real Property Art., Title 7, Subtitle 3; and it is further

**ORDERED** that by knowingly and willfully violating the Protection of Homeowner's in Foreclosure Act, Md. Code Ann., Real Property Art., Title 7, Subtitle 3, the Respondent engaged in conduct constituting incompetency and improper dealings in violation of BOP §17-322(h)(25); and it is further

**ORDERED** that as penalty for his violation of BOP §17-322(b)(25) any and all real estate licenses issued to the Respondent by the Maryland Real Estate Commission are **SUSPENDED** for a period of one (1) year commencing on the date of this Order; and it is further

**ORDERED** that at the conclusion of the one (1) year suspension period the Respondent's license will not be automatically reinstated. In order to have his license reinstated by the Commission, the Respondent shall be required to apply for the reinstatement of his license and to appear at an application hearing before the Commission or its' designee. The burden of proof at the application hearing will be on the Respondent to show why his license should be reinstated. There is no guarantee that the Commission or its' designee will reinstate the Respondent's real estate license following the application hearing; and it is further

**ORDERED** that the Respondent has expressly waived his right to an administrative hearing on the regulatory charges and to participate in the hearing on Ms. Donovan's Guaranty Fund claim. The Respondent has expressly waived his right to

any and all further proceedings before the Commission to which the Respondent may have been entitled in this matter. The Respondent has expressly waived his right to appeal from this Consent Order and to appeal from any future Order issued by the Commission awarding to Ms. Donovan money from the Commission's Guaranty Fund, and it is further

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

**MARYLAND REAL ESTATE COMMISSION:**

11/12/10  
Date

By: CS

(COMMISSIONER'S SIGNATURE APPEARS ON ORIGINAL ORDER)

RESPONDENT'S SIGNATURE APPEARS ON ORIGINAL ORDER

William A. Tony McConkey  
Respondent

RESPONDENT'S SIGNATURE APPEARS ON ORIGINAL ORDER

CS

Silver Spring, Maryland 20910  
Counsel for William A. Tony McConkey