

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 50-RE-2022

*

V.

*

~~JOEL MAHER,~~

Respondent

*

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Ralph and Vickie Rohrer (“Complainants”) against Joel Maher (“Respondent”). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing against the Respondent (“Charge Letter”) and transmitted this matter to the Office of Administrative Hearings (“OAH”) for a hearing. By a Notice of Hearing dated December 22, 2023, the OAH scheduled this matter for hearing on March 4, 2024 at 10:00 a.m. 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 that are fair, equitable, and 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. The Commission most recently licensed the Respondent as a real estate salesperson affiliated with Coldwell Banker Realty, license registration number 05-623873, from December 1, 2021 through March 4, 2023, when the Respondent’s license expired without renewal.
3. The Respondent served as the listing agent for a property known as 119 Naylor Street, Salisbury Maryland (“property”).
4. On or about February 27, 2021, the Complainants submitted an all-cash offer to purchase the property through their buyers’ agent that included a purchase price escalation addendum and had no contingencies.
5. The Respondent failed to present the Complainants’ offer to the seller of the property.

6. The Respondent admits that by his failure to present the Complainants offer to the property's seller he violated BOP §17-322(b)(32) and (33), §17-532(c)(ii)(3), and COMAR 09.11.02.02H(1), 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:

(32) violates any other provision of this title;

(33) violates any regulation adopted under this title or any provision of the code of ethics;

§17-532. Duties to client.

(c) *In general.* - (1) A licensee shall (ii) promote the interest of the client by: (3) unless otherwise specified in the brokerage agreement, presenting in a timely manner all written offers or counteroffers to and from the client, even if the real estate is subject to an existing contract of sale or lease;

COMAR 09.11.02.02

H. (1) A licensee shall present all written offers or counteroffers received by the licensee to the client, as required by Business Occupations and Professions Article, §17-532(c)(ii)(3), Annotated Code of Maryland, in accordance with §H(2) of this regulation.

(2) Unless otherwise specified in the brokerage agreement, all written offers or counteroffers shall be presented to the client:

- (a) In full; and
- (b) In hard copy or electronic format.

7. The Respondent consents to the entry of an Order that he has violated BOP §17-322(b)(32) and (33), §17-532(c)(ii)(3), and COMAR 09.11.02.02H(1).

8. As a penalty for the violations, the Respondent agrees to pay a civil monetary penalty of two thousand five hundred dollars (\$2500). The Respondent further agrees that he shall not apply for reinstatement and renewal of his expired license registration number 05-623873 or otherwise apply for new license from the Commission unless and until he has paid the civil penalty in full.

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

10. The Respondent enters this Consent Order and Settlement Agreement voluntarily, willingly, and knowingly having had the opportunity to consult with counsel of his choosing.

11. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 50-RE-2022.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 15th
~~DAY OF March, 2024 BY THE MARYLAND REAL ESTATE~~
COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b)(32) and (33), §17-532(c)(ii)(3), and COMAR 09.11.02.02H(1), it is further.

ORDERED that based on the violations, the Commission imposes a civil penalty on Respondent of two thousand five hundred dollars (\$2500), and it is further

ORDERED that the Respondent shall not apply for reinstatement and renewal of his expired license registration number 05-623873 or otherwise apply for new license from the Commission unless and until he has paid the civil penalty in full, 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:

By: _____

CHAIRPERSON

SIGNATURE ON FILE

AGREED:
SIGNATURE ON FILE

JOEL MAHER, RESPONDENT

DATE

2/28/24