

MARYLAND REAL ESTATE  
COMMISSION

\*

BEFORE THE

\*

MARYLAND REAL

v.

\*

ESTATE COMMISSION

KEVIN RIFFLE

\*

CASE NO. 2020-RE-54

\* \* \* \* \*

**CONSENT ORDER AND SETTLEMENT AGREEMENT**

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Eugenia Daly. Based on the complaint, the Commission determined that administrative charges against Kevin Riffle, the Respondent Real Estate Salesperson (“Respondent”), license registration number 05-628097, were 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 Commission and the Respondent agree 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 Kevin Riffle is currently licensed by the Commission as a Real Estate Salesperson and holds license registration number 05-628097. 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. This case arises out of a listing agreement fully ratified on May 20, 2019, for 718 Coybay Drive, located in Annapolis, Maryland. The Respondent was the listing agent representing the seller in this transaction.

3. On June 13, 2019, the buyer’s agent was informed that the buyer’s earnest money deposit was returned by the bank for insufficient funds. The Respondent was notified of the bounced earnest money deposit check on June 18, 2019 at 6:30 p.m. while on vacation in Central America but that a cashier’s check would be delivered the next day. Respondent failed to inform his client about the bounced earnest money deposit check. The cashier’s check was delivered the next day.

4. The Respondent was informed on June 24, 2019 at 7:57 p.m. while still on vacation that the cashier’s check subsequently provided by the buyer for the earnest money deposit had also been returned unpaid by the bank, marked “Retired/Ineligible Routing Number.” The Respondent

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failed to inform his client of this information until mid-day on June 26, 2019. The sales contract was then terminated when the buyer's loan was denied.

5. Respondent admits that he violated Business Occupations and Professions Article ("BOP") §§ 17-322(b)(25), (32) and (33), and Code of Maryland Regulations ("COMAR") 09.11.02.02(A), which provide, in pertinent part:

**§ 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:

...

(25) engages in conduct that demonstrates...incompetency...;

...

(32) violates any other provision of this title;

...

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

**COMAR 09.11.02.02(A) Relations to the Client.**

A. In accepting employment as an agent, the licensee shall protect and promote the interests 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 BOP § 17-322(b)(25), (32) and (33), and COMAR 09.11.02.02(A), and agrees to pay a civil penalty of

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\$2,000.00.

8. The Respondent consents to the payment of the \$2,000.00 civil penalty within thirty (30) days of the execution of this Consent Order and Settlement Agreement.

9. If the Respondent does not pay the \$2,000.00 civil penalty within the prescribed thirty (30) days, the Respondent's license registration number 05-628097 will be automatically suspended until the payment is made.

**BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 5<sup>th</sup> DAY OF May, 2022 BY THE MARYLAND REAL ESTATE COMMISSION:**

**ORDERED** that the Respondent's conduct violated BOP §§ 17-322(b)(25), (32) and (33), and COMAR 09.11.02.02(A) in the manner set forth above; and it is further

**ORDERED** that the Respondent be assessed a total civil penalty of \$2,000.00 for the violations, which 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 if payment of the civil penalty is not made within thirty (30) days, the Respondent's license registration number 05-628097 will be automatically suspended until the payment is made; and it is further

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

4-29-22  
Date

SIGNATURE ON FILE  
Kevin R. [Signature]  
Respondent Kevin R. [Signature]

MARYLAND REAL ESTATE COMMISSION:

5/5/2022  
Date

By: SIGNATURE ON FILE