BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE COMMISSION	*	
	*	CASE NO. 2017-RE-492
V.	*	
CATHERINE JOUET Respondent	*	

* * * * * * * * * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") on a complaint filed by Mark and Silvia Sarnecki ("Complainants") against Catherine Jouet ("Respondent"), on or about May 18, 2017. Based on the complaint and an investigation, the Commission determined that charges were warranted. Prior to the issuance of charges, and 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 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. 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. The Respondent's license, number 05-624388, is currently set to expire on March 18, 2021.

2. The Respondent was the buyers' agent in the Complainants' purchase of the property located at 9620 Marshall Corner Road, in White Plains, Maryland. The contract was fully ratified on August 8, 2016.

3. The Complainants noticed that a question on the disclosure form provided by the sellers asking whether the plumbing system was in operating condition was checked "no". Notwithstanding the Complainants' request that the Respondent obtain additional information, she failed to do so, stating that it was likely just a mistake, and that an inspection would find any issues.

4. A few months after settlement, the Complainants began to have problems with discolored water after heavy rain. They discovered that the neighbors and former

tenants knew of problems with the water, and the Complainants ultimately had to have a new well installed. Had the Respondent inquired of the sellers, information about the well could have been obtained.

5. The Respondent admits that she has violated Business Occupations and Professions Article §§17-322(b)(25), and (33), as well as Code of Maryland Regulations ("COMAR") 09.11.02.02A which provide:

> **Business Occupation and Professions Article**
> **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 bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings;
>
> (33) violates any regulation adopted under this title or any provision of the code of ethics;
>
> **Code of Maryland Regulations**
> **09.11.02**
> **.02 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 consents to the entry of an Order finding that she has committed the above violations and, as penalty, agrees to a reprimand and a civil penalty of One Thousand Dollars ($1,000.00). The civil penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement.

7. The Respondent, by entering into this Consent Order and Settlement Agreement, expressly waives the right to the filing of charges, an administrative hearing before the Office of Administrative Hearings on the charges, the making of Findings of Fact and Conclusions of Law by an administrative law judge, any and all further proceedings before the Commission and any rights to appeal from this Consent Order.

8. The parties agree to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 2017-RE-492, that it shall constitute a Final Order of the Commission, and shall be enforceable as such.

9. The Respondent shall abide by the provisions of the Maryland Real Estate Brokers Act and applicable regulations with regard to all relevant future activities.

10. The Respondent enters into this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 10th DAY OF January, 2020 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED, that the Respondent has violated BOP Art. §§17-322(b)(25), and (33), and COMAR 09.11.02.02A; and it is further

ORDERED, that based on the violations, the Respondent be and hereby is reprimanded; and it is further

ORDERED, that based on the violations, the Respondent is assessed a civil penalty of One Thousand Dollars ($1,000.00), which amount is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED, that the Commission's records and publications reflect the violations and civil penalty imposed on the Respondent; and it is further

ORDERED, that this Consent Order and Settlement Agreement shall constitute a Final Order of the Maryland Real Estate Commission.

AGREED:

SIGNATURE ON FILE	**SIGNATURE ON FILE**
CATHERINE JOUET Respondent	MICHAEL KASNIC Executive Director Maryland Real Estate Commission
12/26/2019 Date	10 January 2020 Date

SIGNATURE ON FILE

SIGNATURE ON FILE