

BEFORE THE MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF THE CLAIM *
OF DENISE ROTERT *
CLAIMANT, AGAINST *
THE MARYLAND REAL ESTATE *
COMMISSION GUARANTY FUND * Case No. 554-RE-2020 G.F.
RESP: HOLLYBUCHANAN *
LICENSE NO: 580459 *

PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant has established a valid claim against the Maryland Real Estate Commission Guaranty Fund. It has been established that the above named Respondent was acting as a Real Estate Salesperson in a Property Management for property located at 13836 Tablon Drive in Silver Spring, Maryland. A property management agreement was signed between the Complainant and the Respondent on July 9, 2005. The Respondent collected a monthly rental amount of \$1950.00 from the tenants and deposited the funds into a bank account at Capital One. The bank then issued a check to the Claimant in the amount of \$1500.00 each month. In early 2020, the Claimant began experiencing problems in receiving her funds and discovered that the Respondent had opened a separate account and had begun placing the rental funds into the alternate account of which the Claimant did not have access. The Claimant suffered a financial loss as a result of the respondents' actions in failing to deposit the rental proceeds into the agreed account.

The Claimant is entitled to reimbursement under The Annotated Code of Maryland, Business Occupations and Professions Article, Title 17, Section 505. It has further been established that, as a result of the actions by the Respondent, the Claimant has sustained an actual loss of the rental proceeds and has filed a claim in the amount of \$2,500.00. Accordingly, the Commission hereby awards the Claimant Two Thousand Five Hundred Dollars and zero cents (\$2,500.00), from the Maryland Real Estate Commission Guaranty Fund, and Orders that:

1. Pursuant to Business Occupations and Professions Article 17, Section 412(a) any real estate licenses held by the Respondents are suspended and the Respondents are ineligible for any real estate license until the Respondents have repaid any money paid from the Real Estate Guaranty Fund pursuant to this Order, under Code of Maryland Regulations 09.11.01.23A, with 12% annual interest.

2. The records and publications of the Maryland Real Estate Commission reflect this decision.

3. This decision is a proposed decision only and may be challenged by either the Claimant or the Respondents. If either party disagrees with this Proposed Order they may file written exceptions with the Commission. Any exceptions must be in writing addressed to the Executive Director signed below, Maryland Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202 and must be received within thirty (30) days of receipt of this decision. If neither party files written exceptions, this proposed decision will become final at the end of the thirty (30) day period.

8/20/2021
Date

MARYLAND STATE
REAL ESTATE COMMISSION

By: **SIGNATURE ON FILE**
Michael L. Kasnic
Executive Director

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