

MARYLAND REAL ESTATE
COMMISSION

v.

MICHAEL A. OPUTA

Respondent

* BEFORE THE
* MARYLAND REAL
* ESTATE COMMISSION
*
* CASE NO. 2021-RE-521

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Sharon B. Taylor ("Complainant"). Based on the complaint, the Commission determined that administrative charges against Michael A. Oputa, the Respondent real estate salesperson ("Respondent"), license registration number 01-323403, are appropriate and that an administrative hearing on these charges should be held. The Commission transmitted the matter to the Office of Administrative Hearings ("OAH"). The OAH scheduled a hearing for April 12, 2024 at 10:00 a.m.

Prior to the hearing, the Commission and the Respondent (the "Parties") agreed to enter into this Consent Order and Settlement Agreement. ("Consent Order") to provide for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interests of the people of the State of Maryland.

The Parties agree and stipulate as follows:

1. Respondent Michael A. Oputa is currently licensed by the Commission as a real estate salesperson and holds license registration number 01-323403. 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. On or about December 12, 2020, the Complainant entered into a Residential Contract of Sale for the purchase of property located at 2610 Chapel Lake Drive, Unit 205, in Gambrills, MD (the "Property"). The Complainant was represented by the Respondent as the buyer's agent in this transaction. The contract to purchase the Property was contingent upon the sale of another property owned by the Complainant. On or about February 1, 2021, the sellers notified Respondent that they were unilaterally terminating the contract based on the fact that the contingency had not been satisfied. Respondent failed to notify the Complainant that the contract had been terminated.

3. The Respondent admits that his conduct violated Code of Maryland Regulations ("COMAR") 09.11.02.02-A which provides:

COMAR 09.11.02.02-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 his statutory obligations towards the other parties to the transaction.

4. The Parties, by entering into the Consent Order, expressly waive 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 Parties may be entitled in this matter and any rights to appeal from the Commission's Order.

5. The Respondent agrees to pay a civil penalty of \$250.00 within fifteen (15) days of the execution of this Consent Order and Settlement Agreement.

6. If the Respondent does not pay the \$250.00 civil penalty within the prescribed fifteen (15) days, the Respondent's license registration number 01-323403 will be automatically suspended until the payment is made.

BASED ON THESE AGREEMENTS AND STIPULATIONS, IT IS THIS 16th **DAY OF** April, 2024 **BY THE MARYLAND REAL ESTATE COMMISSION:**

ORDERED that the conduct of the Respondent is in violation of COMAR 09.11.02.02-A; and it is further

ORDERED that a reprimand is placed against Respondent's license registration number 01-323403; and it is further

ORDERED that the Respondent must pay a civil penalty of \$250.00 within fifteen (15) days of the execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that if the Respondent does not pay the civil penalty within the prescribed fifteen (15) days, the Respondent's license registration number 01-323403 will be automatically suspended until the payment is made.

ORDERED that the records of the Maryland Real Estate Commission will reflect the contents of the Consent Order and Settlement Agreement.

4/13/24
Date

SIGNATURE ON FILE

Respondent Michael A. Oputa

RE C

MARYLAND REAL ESTATE COMMISSION

4/16/24
Date

SIGNATURE ON FILE

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MARYLAND REAL ESTATE COMMISSION

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