

MARYLAND REAL ESTATE
COMMISSION

v.

DAVID BARRETT,

Respondent

* BEFORE THE MARYLAND
* REAL ESTATE COMMISSION
* COMPLAINT NO. 2012-RE-306

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission ("Commission") based on a complaint filed by Paula Humes, Complainant, against David Barrett ("Respondent"). Based on that complaint, the Commission determined that administrative charges against the Respondent were appropriate and that the case should be referred to the Office of Administrative Hearings ("OAH") for the scheduling of a hearing. This matter was scheduled to be heard at the OAH on February 26, 2013; however, the Commission and the Respondent reached an agreement to resolve the matter in lieu of that hearing. The Commission and the Respondent consent to the entry of this Order as final resolution of this action as to administrative charges against the Respondent in Complaint No. 2012-RE-306.

IT IS STIPULATED BY THE PARTIES THAT:

1. At the time of the events at issue in this case, Andre C. Scott was licensed as a real estate salesperson (License No. 05-606860) and was affiliated with Haven Real Estate Centers, LLC.
2. Mr. Scott prepared a Residential Brokerage Agreement, dated on or about July 13, 2011, for 3830 Walters Lane, District Heights, Maryland.
3. The Respondent worked as Mr. Scott's administrative assistant during the course of the real estate transaction at issue, i.e., a contract offer dated November 15,

2011 which was accepted on December 3, 2011 for the purchase/sale of 3830 Walters Lane.

4. The Respondent was licensed by the Commission as a real estate salesperson from June 23, 2005 to June 23, 2007 (License No. 05-603746).

5. The Respondent was not licensed in any capacity by the Commission at the time of the listing and during the course of the transaction at issue in this matter.

6. When the listing was obtained, Mr. Scott had the Respondent enter the listing into the multiple list service and enter his (Respondent's) name as the listing agent, with Mr. Scott as the alternate listing agent.

7. On December 1, 2011, the Respondent signed the Notice to Buyer and Seller of Buyer's Rights and Seller's Obligations under Maryland's Single Family Residential Property Condition Disclosure Loss form as the seller's agent.

8. On December 29, 2011, the Respondent's electronic signature was applied to the Confirmation of Brokerage Commission form as the authorized agent for Haven Realty Centers, LLC.

9. The Respondent provided real estate brokerage services without being licensed.

10. The Respondent knew, or should have known, that he was not licensed by the Commission.

11. By entering into this Consent Order, the Respondent expressly waives the right to a hearing or any further proceeding to which he may be entitled in this matter, and any rights to appeal from this Consent Order.

12. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and having had the opportunity to seek the advice of counsel.

13. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 et seq., and regulations of the Commission in future real estate transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS 27th day of February 2013, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent David Barrett has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-301(a)(2) and 17-322(b)(32), and it is further .

ORDERED that the Respondent is assessed a total civil penalty of \$1,500.00 for those violations, which amount is payable to the Commission within 30 days of the date on which this Consent Order is executed by the Commission, and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this Consent Order.

SIGNATURE ON FILE

DAVID BARRETT

2/27/13
DATE

SIGNATURE ON FILE

COMMISSIONER
MARYLAND REAL ESTATE COMMISSION