

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**MARYLAND REAL ESTATE  
COMMISSION**

**V.**

**GERALD D. SHALLENBERGER  
Heritage Realty, Inc.  
1490 Chatham Court  
Crofton, Maryland 21114**

**Case No: 2008-RE-537 GF**

\* \* \* \* \*

**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Frederick and Phyllis Cruz ("Complainants"). Based on the complaint and an investigation, the Commission determined that administrative charges against the Respondent, real estate broker, Gerald D. Shallenberger, affiliated with Heritage Realty, license registration number, 01-16092 ("Respondent"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the respondent have agreed to enter into this 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 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, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Respondent was, at the time of the event at issue, affiliated with Heritage Realty, Inc., as a broker, license registration number 01-16092.
3. The Complainants' alleged Respondent failed to perform duties to earn a commission in the purchase of a home in Annapolis, Maryland and made discriminating statements during settlement.
4. It is further alleged the Respondent failed to maintain accurate records of this transaction and has failed to provide the Commission with any documents pertaining to this transaction.
5. The Respondent admits that by failing to provide such documentation to the Commission he has violated COMAR 09.11.01.07 which provides:

**Title 09 Department of labor, Licensing and Regulation  
Subtitle 11 Real Estate Commission  
Chapter 01 General Regulations  
.07 Records of Transactions**

**Licensees shall maintain adequate records of all real estate transactions engaged in by them as licensed real estate brokers or salesmen. If a licensee has custody or possession of money belongs to others, in the absence of proper written instructions from the parties involved in the transaction to the contrary, these funds may not be intermingled with funds belonging to the licensee, but rather they shall be deposited and retained as required in a non- interest bearing escrow account clearly designated as containing funds held for others. The records of transactions, including bank accounts or deposits referred to in these regulations, shall be available during usual business hours for inspection by the Commission, its field representatives, or other employees.**

6. The Respondent consents to the entry of an Order that his conduct, as described in this Consent Order, violates COMAR 09.11.01.07 and he consents to the imposition of a Reprimand against his real estate broker license registration number 01-16092.
7. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, 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.
8. The Commission accepts this Consent Order as the full and final resolution of Complaint No. 2008-RE-537 GF.

**BASED ON THESE STIPULATIONS, IT IS THIS 30th DAY OF July, 2010 BY THE MARYLAND REAL ESTATE COMMISSION.**

**ORDERED** that the Respondent violated COMAR 09.11.01.07 by failing to maintain adequate records of all documents pertaining to this transaction; and it is further

**ORDERED** that the Respondent have a Reprimand placed against his real estate broker license registration number 01-16092, and it is further

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

**MARYLAND REAL ESTATE COMMISSION:**

7/30/10

By:

(COMMISSIONER'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)

Executive Director

*Kelly*

**AGREED:**

7/26/2010  
Date

RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

*G*

*GD*

Gerald D. Shallenberger, Respondent