

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

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CASE NO. 09-RE-547

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V.

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HARRY A. BARNABAE  
ONE REALTY  
1662 Marley Avenue  
Glen Burnie, Maryland 21060  
License No. 01-526520

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**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Veronica Jobus and Jerome Braunstein ("Complainants"). Based upon the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated December 15, 2010 against the Respondent real estate broker, Harry A. Barnabae, license registration number 01-526520, and transmitted this matter to the Office of Administrative Hearings for a hearing on the regulatory charges. The OAH scheduled a hearing for March 16, 2011 at 10:00 a.m. at the OAH in Hunt Valley, Maryland. Prior to the hearing date the Commission and the Respondent agreed to enter into this Consent Order which is fair and equitable in these circumstances and which is consistent with the best interest of the people of the State of Maryland and to fully and finally resolve this case without a formal hearing.

The Commission and the Respondent stipulate and agree 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.
2. The Respondent is currently licensed by the Commission as real estate broker doing business as One Realty, license registration number 01-526520. At the time of the transaction at issue he was a real estate salesperson affiliated with broker Integrity Realty.
3. On or about May 29, 2007 Veronica Jobus entered into a contract of sale to purchase a property known as 12347 Greenspring Avenue, Owings Mills, Maryland 2117 from seller, Marshall C. Bosley, Trustee.
4. The Respondent was the buyer's agent in the transaction representing Ms. Jobus.

5. The property is served by a private well. Baltimore County law requires a seller to notify a buyer in writing that a property is served by a private well and requires that a separate "Notice of Well Water Law" be provided to a buyer prior to conveyance.

6. The contract of sale for the property included an Addendum entitled "Baltimore County Notices and Disclosure Addendum". Paragraph 8 of that Addendum stated: "If the property is served by, or intended to be serviced by, a private water supply, attach separate Baltimore County Well Water Notice and Addendum."

7. The Baltimore County Well Water Notice and Addendum explains that under the law of Baltimore County a seller must provide a well with a water supply meeting a minimum water yield and that unless the buyer executes a waiver of testing, the test for minimum water yield must be made prior to the conveyance of the property. The Baltimore County Well Water Notice and Addendum also allows the buyer to make the contract contingent on the well testing.

8. The Respondent failed to ensure that the required Baltimore County Well Water Notice and Addendum was included with the contract of sale and signed by all parties to the contract and he failed to ensure the buyers were aware of Baltimore County law concerning properties serviced by wells.

9. The Respondent admits that he has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-322(b)(33) by violating COMAR 009.11.02.02B which provide:

**§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:

(33) violates any regulation adopted under this title or any provision of the code of ethics

**COMAR 09.11.02.02B**

In justice to those who place their interests in the licensee's care, the licensee shall endeavor always to be informed regarding laws, proposed legislation, governmental orders, and other essential information and public policies which effect those interests.

10. The Respondent consents to the entry of an Order that he has violated BOP §17-322(b)(33) by violating COMAR 09.11.02.02B. As penalty for the violation the Respondent agrees to pay a total civil penalty of \$1500.00 as follows: \$250.00 no later than May 1, 2011, \$250.00 no later than June 1, 2011, \$250.00 no later than July 1,

2011, \$250.00 no later than August 1, 2011; \$250.00 no later than September 1, 2011 and \$250.00 no later than October 1, 2011.

11. The Respondent further agrees to take a 3-hour legislative course that includes instruction on Baltimore County real estate law within 60 days of his execution of this Consent Order. The 3-hour legislative course referenced in this Consent Order shall be in addition to, and not substituted for, the continuing education course requirements set forth in BOP §17-315 and COMAR 09.11.06. Respondent agrees to provide to the Commission a certificate of completion from the instructor of the 3-hour legislative course referenced in this Consent Order within one week of his completion of the course.

12. The Respondent also agrees that should he fail to comply with the requirements set forth in paragraphs 10 and 11 of this Consent Order his license shall be automatically suspended until such time as he complies with said requirements.

13. The Respondent, by entering into the Consent Order, expressly waives the right to 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.

14. The Respondent enters this Consent Order voluntarily, knowingly, willingly and with the advice of counsel.

15. The Commission agrees to accept this Consent Order as the full and final resolution of Case No. 09-RE-547.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS**  
*23rd* DAY OF *March*, 2011, BY THE MARYLAND REAL  
ESTATE COMMISSION:

**ORDERED** that the Respondent, acting as a buyer's agent, violated BOP §17-322(b)(33) by violating COMAR 09.11.02.02B because he failed to ensure that a required Baltimore County Well Water Notice and Addendum was included with a contract of sale and signed by all parties to the contract and he failed to ensure that the buyers were aware of the Baltimore County law concerning properties serviced by wells; and it is further,

**ORDERED** that the Respondent is assessed a civil penalty of \$1500.00 for the violation, which amount is payable as follows: \$250.00 no later than May 1, 2011, \$250.00 no later than June 1, 2011, \$250.00 no later than July 1, 2011, \$250.00 no later than August 1, 2011, \$250.00 no later than September 1, 2011, and \$250.00 no later than October 1, 2011; and it is further

**ORDERED** that the Respondent, within 60 days of his execution of this Consent Order, shall take a 3-hour legislative course that includes instruction in Baltimore

