

BEFORE THE MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF THE CLAIM *
 OF ELIZABETH MITCHELL, *
 CLAIMANT, AGAINST THE *
 MARYLAND REAL ESTATE *
 COMMISSION GUARANTY FUND * Case No. 2018-RE-087 G.F.
 RESP: ELLEN KING *
 LICENSE NO: 588034 *

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 Agent and listed a home owned by her and her husband. The Claimant, pursuant to the terms of the contract, had a radon test performed and high levels of radon were found. It was discovered that the respondent had obtained an estimate from a remediation company to remediate the radon prior to the ratification of the contract. The contract was terminated and claimant feels she is entitled to her inspection costs. While the respondent may not have known the exact level of radon within the property, she knew or should have known that high levels of radon existed, a material fact that should have been disclosed. 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 inspection costs in the amount of \$1,532.00. Accordingly, the Commission hereby awards the Claimant One Thousand Five Hundred Thirty-Two Dollars and zero from the Maryland Real Estate Commission Guaranty Fund, and Orders that:

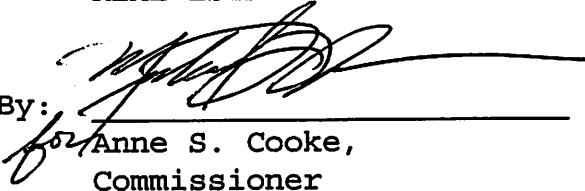
1. Pursuant to Business Occupations and Professions Article 17, Section 412(a) any real estate licenses held by the Respondent are suspended and the Respondent is ineligible for any real estate license until the Respondent has repaid any money paid from the Real Estate Guaranty Fund pursuant to this 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 Respondent. 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.

24 April 2018
Date

MARYLAND STATE
REAL ESTATE COMMISSION

By: 
Anne S. Cooke,
Commissioner

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24 April 2018
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MARYLAND STATE
REAL ESTATE COMMISSION

By: **SIGNATURE ON FILE**
Anne S. Cooke,
Commissioner