

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**In the Matter of the Audit of** \*

**Susan Robertson** \*

**CASE NO. 010-RE-2023**

**For a Salesperson License** \*

\* \* \* \* \*

**OPINION AND FINAL ORDER**

Ms. Susan Robertson ("Respondent") is licensed by the Maryland Real Estate Commission (the "Commission") as a salesperson. On or about May 9, 2022, she applied for renewal of her real estate salesperson license. In that application, Ms. Robertson answered in the affirmative in response to the question on the on-line application: "have you completed the CE courses required since your last renewal?" After her license was renewed, she was randomly selected for a Continuing Education audit that showed she had completed none of the 15 hours of credit required to renew her license for the 2022 renewal period. Charges were issued against Respondent, and she requested a hearing in front of the Commission.

On May 15, 2024, a hearing on the allegations against Respondent was held by a panel of Commissioners, consisting of Commissioners Sandy Olson, Jacinta Bottoms-Spencer, and Jean-Jacques Ellong (the "May 15<sup>th</sup> Hearing"). Hope Sachs, Assistant Attorney General, appeared as the Presenter of Evidence for the Commission. Ms. Robertson appeared without counsel. The proceedings were electronically recorded, and Respondent was placed under oath.

**SUMMARY OF EVIDENCE**

On behalf of the Commission, five (5) exhibits were submitted.

Preliminary Exhibit 1 – Commission Hearing Notices, dated May 8, 2024 and April 15, 2024.

Preliminary Exhibit 2 – Statement of Charges and Order for Hearing, dated January 22,

2024

Preliminary Exhibit 3 – A copy of the Complaint filed by the MREC against Respondent, dated July 5, 2022.

Preliminary Exhibit 4 – Printouts from Respondent's licensing record.

Preliminary Exhibit 5 – A copy of the Commission's Report of Investigation relating to Respondent's missing Continuing Education.

### **FINDINGS OF FACT**

From the testimony and exhibits presented, and with an opportunity to observe the demeanor of Ms. Robertson and to assess her credibility, the Commission finds the relevant facts to be these:

1. Respondent is licensed by the Maryland Real Estate Commission (the "Commission") as a salesperson.

2. On or about May 9, 2022, Respondent applied for renewal of her real estate salesperson license.

3. Respondent was required to complete fifteen (15) clock hours of Continuing Education for the renewal period.

4. In her renewal application, Respondent claimed she completed the required Continuing Education. Specifically, she answered "yes" in response to the online application's question "Have you completed the CE courses required since your last renewal?"

5. Respondent was randomly selected for a Continuing Education audit by the Commission.

6. The Continuing Education audit revealed that Respondent had not completed any of the Continuing Education courses required for the 2022 renewal period.

7. The Respondent failed to complete three (3) hours of Continuing Education for the 2020 renewal period.

8. The Respondent failed to provide a response to the Commission's correspondence regarding the allegations in its complaint.

9. Respondent has no history of disciplinary action from the Commission.

### **DISCUSSION**

The purpose of licensure by the Commission is to protect the public by allowing only those individuals with good character and reputation, as well as sufficient age and education, to obtain a real estate salesperson license. Md. Code Ann., Bus. Occ. & Prof. ("BOP") § 17-303. Once licensed, an individual is required to complete fifteen (15) clock hours of Continuing Education each two-year licensing period to renew. BOP § 17-315(a). In its statement of charges, the Commission alleged Respondent violated said provision by not satisfying these Continuing Education requirements for the 2022 renewal period. The burden of establishing allegations that a respondent violated a law or regulation is on the Presenter of Evidence. Code of Maryland Regulations ("COMAR") 09.01.02.16.

In her narrative testimony, the Respondent did not dispute failing to complete the required Continuing Education and acknowledged her responsibility in failing to do so. She explained that this occurred during the time of the COVID pandemic, that she had switched from one brokerage to another during this period, and that she had never received any communication from her previous broker about the matter. She testified that she was not notified of the complaint against her.

The Respondent further explained she had never signed anything indicating that she had completed the Continuing Education courses or told the Commission that she had completed the

Continuing Education. She added that once she was informed of the matter by her current broker, she took care of the matter. The Respondent also testified that she did not renew her license and never paid anything to renew it, and that she didn't know how it was renewed. She also testified that her old broker handled the renewal for her. She acknowledged not notifying the Commission that she had changed brokers, explaining that at the time she didn't know how to update her information.

The evidence regarding the Respondent's Continuing Education is clear. In sum, on her renewal application, Respondent claimed to have completed the required Continuing Education. The evidence before the Commission indicates otherwise. Respondent does not dispute that she did not complete the Continuing Education; and the Commission does not find credible her assertion that her license was renewed by someone else. It is a licensee's responsibility to renew their license, as it is their responsibility to inform the Commission of a change in brokerage, and to know how to do that. They are expected to take responsibility for their license and the obligations associated with it.

Respondent violated BOP § 17-315. Under BOP § 17-322(b)(32) the Commission may reprimand a licensee or suspend or revoke a license if the licensee "violates any other provision of this title." Furthermore:

- (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5,000 for each violation.
- (2) To determine the amount of the penalty imposed, the Commission shall consider:
  - (i) the seriousness of the violation;
  - (ii) the harm caused by the violation;
  - (iii) the good faith of the licensee; and
  - (iv) any history of previous violations by the licensee.

Md. Code Ann., Bus. Occ. & Prof. § 17-322(c). Continuing Education is a bedrock of the

Commission's mission. The Commission takes the requirements seriously. Indeed, the General Assembly saw fit to mandate by law that the Commission's licensees keep up to date on various topics. Failure to complete Continuing Education requirements puts consumers and even other licensees at financial and personal risk. The evidence indicates the Respondent failed to satisfy the Continuing Education requirements for two renewal periods. It is the Commission's position that the violation of BOP § 17-315 requires a civil penalty. In her closing, Ms. Sachs noted that the Respondent was not trying to act deceitfully or to harm anyone. Moreover, she demonstrated good faith by admitting to not taking the Continuing Education classes. In light of that, and given the Respondent has no disciplinary history with the Commission, the imposition of the maximum amount is unnecessary.

#### **CONCLUSIONS OF LAW**

Based on the Findings of Fact, and for the reasons set forth in the above Discussion, the Commission concludes that Susan Robertson failed to meet Continuing Education requirements as required and is, therefore, in violation of BOP § 17-315. The Commission further concludes that Respondent is subject to the imposition of a \$3,200.00 civil penalty.

#### **ORDER**

In consideration of the Findings of Fact, Discussion, and Conclusions of Law it is this 30 day of August, 2024, by the Maryland Real Estate Commission, **ORDERED** that:

1. The charges of the Commission against Respondent, Susan Robertson, are **UPHELD**;
2. A civil penalty in the amount of \$3,200.00 shall be assessed against Respondent, Susan Robertson;
3. All real estate licenses held by the Respondent, Susan Robertson, shall be suspended until the civil penalty is paid; and

4. The records and publications of the Maryland Real Estate Commission shall reflect this decision.

MARYLAND REAL ESTATE COMMISSION

By:   
Commissioner

**NOTE:** A judicial review of this Final Order may be sought in the Circuit Court of Maryland in which the Appellant resides or has her principal place of business, or in the Circuit Court for Baltimore City. A petition for judicial review must be filed with the court within 30 days after the mailing of this Order.