

BEFORE THE MARYLAND REAL ESTATE COMMISSION

In the Matter of the Audit of

*

Edward Dumitrache

*

CASE NO. 114-RE-2024

For a Salesperson License

*

* * * * * * * * * * * * *

OPINION AND FINAL ORDER

Mr. Edward Dumitrache (“Respondent”) is licensed by the Maryland Real Estate Commission (the “Commission”) as a salesperson. On or about July 10, 2023, he applied for renewal of his real estate salesperson license. In that application, Mr. Dumitrache 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 his license was renewed, he was randomly selected for a Continuing Education audit that showed he was missing six of the required 15 hours of credit required to renew his license for the 2023 period. Charges were issued against Respondent, and he requested a hearing in front of the Commission.

On August 21, 2024, a hearing on the allegations against Respondent was held by a panel of Commissioners, consisting of Commissioners Donna Horgan, Kambon Williams, and Michael Lord (the “August 21” Hearing”). Hope Sachs, Assistant Attorney General, appeared as the Presenter of Evidence for the Commission. Mr. Dumitrache appeared without counsel. The proceedings were electronically recorded, and Respondent was placed under oath.

SUMMARY OF EVIDENCE

On behalf of the Commission, four (4) preliminary exhibits were submitted:

Preliminary Exhibit 1 – Commission Hearing Notice, dated May 23, 2024

Preliminary Exhibit 2 – Statement of Charges and Order for Hearing, dated May 13, 2024

Preliminary Exhibit 3 – A printouts from the Commission’s licensing system showing the

Respondent's license history and continuing education

Preliminary Exhibit 4: 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 Mr. Dumitrache and to assess his 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 July 10, 2023, Respondent applied for renewal of his real estate salesperson license.
3. Respondent was required to complete fifteen (15) clock hours of Continuing Education for the renewal period.
4. In his renewal application, Respondent claimed he completed the required Continuing Education. Specifically, he answered "yes" in response to the online application's question "Have you completed the CE courses required since your last renewal?"
5. Respondent's license was renewed.
6. Respondent was randomly selected for a Continuing Education audit by the Commission.
7. The Continuing Education audit revealed that Respondent had not completed six of the required 15 hours of Continuing Education courses required for the renewal.
8. After being notified of his Continuing Education deficiency for the 2023 renewal period, the Respondent completed the missing courses.

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, as well as BOP §§ 17-322(b)(1), (3), (25), and (32), by not satisfying these Continuing Education requirements for the 2023 renewal period and nevertheless renewing his license. 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 this case, there is no dispute that the Respondent failed to complete the required Continuing Education for the 2023 renewal period. At the August 21st hearing, the Respondent explained that he had license renewals for three jurisdictions (Virginia, Maryland, and the District of Columbia) at the same time, that he completed 33 hours of courses, and assumed that he had completed the Continuing Education for Maryland. He also explained that during that time period his wife was pregnant, and they lost their baby. The Respondent further explained that the online platform didn't show what courses he was missing. He added that he had seven days remaining at the time he renewed and would have taken the missing classes had he been aware of the deficiency. He explained that he subsequently completed the missing classes, accepts full responsibility for what happened, learned his lesson and stated it will not happen again.

In her closing, Ms. Sachs explained that there was no dispute about whether the Continuing Education had been completed and the only issue was the nature of the penalty.

In sum, on his renewal application, the Respondent claimed to have completed the required Continuing Education. The evidence before the Commission indicates otherwise.

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. It is the Commission’s position that the violation of BOP § 17-315 requires a civil penalty. The Respondent has acknowledged his culpability, and he did not attempt to downplay his responsibility or mislead the Commission with respect to his actions. In her closing, Ms. Sachs noted that, although his actions were serious, he had nevertheless demonstrated good faith. She asserted there was no evidence of specific harm resulting from the Respondent’s actions, and that the Respondent had been open and honest and not making excuses. She proffered that the Respondent had no history of previous violations.

The Respondent was required to completed 15 hours of Continuing Education; and he did not do so. But there is no indication his actions were motivated by a desire to deceive or defraud. Moreover, the Commission recognizes the Respondent experienced a personal tragedy during the relevant time, 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 Edward Dumitrache failed to meet Continuing Education requirements as required and is, therefore, in violation of BOP § 17-315(a) and consequently BOP § 17-322(b)(32). The Respondent is not in violation of BOP §§ 17-322(b)(1), (3), or (25). The Commission further concludes that the Respondent is subject to the imposition of a \$600.00 civil penalty (a \$500.00 monetary fine plus a \$100.00 administrative charge).


ORDER

In consideration of the Findings of Fact, Discussion, and Conclusions of Law it is this 21st day of November, 2024, by the Maryland Real Estate Commission, **ORDERED** that:

1. The charges of the Commission pertaining to BOP § 17-315(a) and § 17-322(b)(32) against Respondent, Edward Dumitrache, are **UPHELD**;
2. The charges pertaining to BOP §§ 17-322(b)(1), (3), and (25) are **DISMISSED**;
3. A civil penalty in the amount of \$600.00 shall be assessed against Respondent, Edward Dumitrache;
4. All real estate licenses held by the Respondent, Edward Dumitrache, shall be suspended until the civil penalty is paid; and

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

MARYLAND REAL ESTATE COMMISSION

By:  on behalf of
Commissioner Donna Horgan

NOTE: A judicial review of this Final Order may be sought in the Circuit Court of Maryland in which the Appellant resides or has his 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.