

BEFORE THE MARYLAND REAL ESTATE COMMISSION

**MARYLAND REAL ESTATE
COMMISSION**

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CASE NO. 354-RE-2023

V.

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SANDRA Y. STEWART

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Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

On or about April 30, 2024, the Maryland Real Estate Commission ("Commission") issued a Statement of Charges and Order for Hearing ("Charge Letter") against the Respondent, Sandra Y. Stewart ("Respondent") and transmitted this matter to the Office of Administrative Hearings ("OAH") for a hearing. By a Notice of Hearing dated June 11, 2024, the OAH scheduled this matter for hearing on September 18, 2024. To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement to provide for the imposition of disciplinary measures that are fair, equitable, and consistent with the best interest of the people of the State of Maryland.

The Commission and the Respondent agree and stipulate as follows:

1. The Respondent is currently licensed by the Commission as a real estate broker affiliated with Homesmart, license registration number 521201.¹ 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 enters into this Consent Order in the spirit of conciliation and cooperation and in an effort to avoid litigation. Neither this Consent Order nor the Respondent's consent to a final order of the Commission pursuant to this agreement shall constitute an admission by the Respondent of a violation of the Maryland Real Estate Broker's Act ("Act") (codified at Title 17 of the Business Occupations and Professions Article ("BOP")). Had this matter proceeded to an evidentiary hearing on the merits, the Commission would have offered evidence proving the following:

- a. On October 17, 2018, Glenn Bonner, a licensed real estate salesperson registered with a Coldwell Banker Realty branch office that the Respondent managed, prepared an offer for his clients ("Buyers") to purchase the property known as 9624 Stuart Lane, Clinton, Maryland 20735 ("Property") without first ensuring that the Buyers received a copy of the Residential Real Property

¹ In October 2018, the Respondent was a branch office manager affiliated with Coldwell Banker Realty.

Disclosure/Disclaimer Statement from the Seller. Furthermore, Mr. Bonner failed to obtain the Residential Real Property Disclosure/Disclaimer Statement from the Seller after the Buyers requested that he do so.

3. Based on the facts described above, the Commission alleged that the Respondent failed to exercise reasonable and adequate supervision over the activities and provision of real estate brokerage services by Mr. Bonner, a salesperson registered with her branch office. Specifically, the Commission alleged in the Charge Letter that the Respondent violated the Act at BOP §§17-320(d) and 17-322(b)(34) which provide:

§ 17-320. Contractors or employees providing real estate brokerage services

(d)(1) A branch office manager, as defined in § 17-518(d) of this title, shall exercise reasonable and adequate supervision over the provision of real estate brokerage services by any sales agent or associate broker registered with that office.

(2) The responsibility of the branch office manager to supervise sales agents and associate brokers registered to the manager's office is in addition to, and not in lieu of, the responsibility of the broker set forth in subsection (c) of this section.

**§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:

(34) violates § 17-320(d) of this subtitle by failing as a branch office manager to exercise reasonable and adequate supervision over the provision of real estate brokerage services by any salesperson or associate broker registered with that office;

4. The Respondent consents to the entry of an Order that she has violated BOP §§17-320(d) and 17-322(b)(34). As a penalty for the violations the Respondent agrees to accept the imposition of a REPRIMAND against the Respondent's license registration number 521201. The Respondent further agrees to pay a civil penalty of \$1,750.00 within 30 days of this Consent Order and Settlement Agreement. Additionally, the Respondent agrees to complete three (3) credit hours of continuing education on contracts and three (3) credit hours of continuing education on agency within 90 days of execution of this Consent Order and Settlement Agreement.

5. Should the Respondent fail to pay the civil penalty of \$1,750.00 within 30 days of execution of this Consent Order and Settlement Agreement, the Respondent agrees that the Respondent's real estate license registration number 521201, and any other real estate licenses

that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as payment is made.

6. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to an administrative hearing before the Office of Administrative Hearings, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, any further proceedings before the Commission, and any rights to appeal from this Consent Order and Settlement Agreement.

7. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 354-RE-2023.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 22ND DAY OF OCTOBER, 2024 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent has violated BOP §§17-320(d) and 17-322(b)(34); and it is further

ORDERED that based on the violations, the Respondent agrees: to accept the imposition of a REPRIMAND against the Respondent's license registration number 521201; pay a civil penalty of \$1,750.00 within 30 days of this Consent Order and Settlement Agreement; and to complete three (3) credit hours of continuing education on contracts and three (3) credit hours of continuing education on agency within 90 days of execution of this Consent Order and Settlement Agreement; and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: 

SCOTT LEDERER
EXECUTIVE DIRECTOR

AGREED:


SANDRA Y. STEWART, RESPONDENT

10/22/2024
DATE