

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

**In the Matter of the Audit of**

\*

**Rachel Rosenfeld**

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**CASE NO. 497-RE-2024**

**For a Salesperson License**

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**OPINION AND FINAL ORDER**

Ms. Rachel Rosenfeld (“Respondent”) is licensed by the Maryland Real Estate Commission (the “Commission”) as a salesperson. On or about August 14, 2023, she applied for renewal of her real estate salesperson license. In that application, Ms. Rosenfeld 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 was missing 7.5 of the required 15 hours of credit required to renew her license for the 2023 period. Charges were issued against Respondent, and she requested a hearing in front of the Commission.

On October 16, 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 “October 16<sup>th</sup> Hearing”). Hope Sachs, Assistant Attorney General, appeared as the Presenter of Evidence for the Commission. Ms. Rosenfeld 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; Statement of Charges and Order for Hearing, dated May 13, 2024.

Preliminary Exhibit 2 – Printouts from the Commission’s licensing system showing the

## Respondent's license history and continuing education

Preliminary Exhibit 3 – A copy of the Commission's Report of Investigation relating to Respondent's missing Continuing Education.

Preliminary Exhibit 4 – Hearing Notice rescheduling the hearing, dated October 7, 2024.

The Respondent submitted: a letter from her brokerage, Weichert Referral Associates, dated June 18, 2024; copies of email correspondence; a letter from the Commission to another licensee

### **FINDINGS OF FACT**

From the testimony and exhibits presented, and with an opportunity to observe the demeanor of Ms. Rosenfeld 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 August 14, 2023, 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's license was renewed.
6. The Commission randomly selected the Respondent for a Continuing Education audit.

7. The Continuing Education audit revealed that Respondent had not completed 7.5 of the 15 hours of Continuing Education required for the renewal.

8. After being notified of her Continuing Education deficiency for the 2023 renewal period, the Respondent completed the missing courses.

9. The Respondent's license was inactive for the two-year period preceding her renewal in August 2023.

10. The Respondent has not been engaged in providing brokerage services since renewing her license.

11. 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 her 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.

The facts in this case are straightforward. In this case, there is no dispute that the Respondent failed to complete all the required Continuing Education for the 2023 renewal period. At the October 16<sup>th</sup> hearing, the Respondent explained this was attributable to a

misunderstanding. After having taken a break from practicing real estate – and allowing her license to lapse – she decided to return to the profession and sought to reactivate her license. She explained that she contacted her CE provider to determine what she needed to do to reactivate her license. The CE provider gave her information about what courses were required and provided her a “course bundle.” She took the CE courses provided to her and what she thought was the requisite number of courses. But she did not take enough CE to cover both the current period and the time in which her license was inactive. Ms. Rosenfeld explained she thought she was up to date, not realizing that the Commission applied the courses she took to an earlier period, *i.e.*, to the period while her license was inactive before applying it to the more recent period.

This is not a case where a licensee blithely ignored or neglected the requirement to take CE while continuing to practice real estate. Instead, the Commission is satisfied that the CE deficiency was inadvertent. It appears the Respondent relied in good faith on information provided to her by the CE provider. Moreover, while a licensee bears the ultimate responsibility to ensure their CE is current, the circumstances indicate no intent to deceive. The Respondent, having decided to return to practicing real estate, proactively endeavored to take the necessary steps to do so. After being notified of the deficiency, she promptly completed the remaining courses.

Continuing Education is a bedrock of the Commission’s mission, and the Commission takes the requirements seriously. The Respondent was required to complete 15 hours of Continuing Education and did not do so. But there is no indication her actions were motivated by a desire to deceive or defraud. To the contrary, all indications are that the Respondent was acting in good faith and made a sincere effort to comply with her CE requirements. Moreover, she did

not engage in brokerage services during the period of her CE deficit. Her failure to complete an additional 7.5 hours is attributable to confusion and miscommunication.

### CONCLUSIONS OF LAW


Based on the Findings of Fact, and for the reasons set forth in the above Discussion, the Commission concludes that Rachel Rosenfeld failed to meet Continuing Education requirements as required by BOP § 17-315(a), but given the totality of the circumstances, dismissal of all charges in this case is warranted.

### ORDER

In consideration of the Findings of Fact, Discussion, and Conclusions of Law it is this 11th day of March, 2025, by the Maryland Real Estate Commission, **ORDERED** that:

1. The charges of the Commission are **DISMISSED**;
2. The records and publications of the Maryland Real Estate Commission shall reflect this decision.

### MARYLAND REAL ESTATE COMMISSION

By:  **EXECUTIVE DIRECTOR**  
for 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.