

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 502-RE-2024

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v.

HANS PERKASA,

Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by James Cuvicello and Stephanie Cuvicello (now known as Stephanie Ann Pekula) (“Complainants”) against Hans Perkasa, a licensed real estate salesperson (“Respondent”). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing against the Respondent dated September 24, 2024 and transmitted this matter to the Office of Administrative Hearings (“OAH”) for a hearing. By a Notice of Hearing dated October 28, 2024, the OAH scheduled this matter for hearing on January 15, 2025. To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement, which provides for 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. 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 is currently licensed by the Commission as a real estate salesperson affiliated with Epique Realty, license registration number 05-663586.
3. Prior to July 10, 2024, the Respondent had been a real estate salesperson affiliated with EXP Realty LLC.
4. On or about July 21, 2023, the Complainants listed their property, 408 Kings College Drive, Arnold, Maryland, for sale through Coldwell Banker.
5. On or about July 22, 2023, the Respondent showed the property to prospective buyers virtually and, serving as the prospective buyers’ agent, presented the buyers’ offer to purchase the property to the Complainants through their broker, Coldwell Banker.
6. The buyers the Respondent represented offered to purchase the Complainants’ property “as is” with no inspections for \$620,000 with an earnest money deposit of \$6500 and a settlement date of September 18, 2023.

7. Also on July 22, 2023, the Respondent posted a video on social media depicting a black snake in a home he had shown to his buyers.

8. On July 23, 2023, the Complainants accepted and ratified the contract offer presented by the Respondent on his buyers' behalf.

9. On August 1, 2023, the Respondent posted photos of the Complainants' property on social media and stated that he had sold the "snake house" for \$629,000 when in fact the transaction had not closed.

10. The Complainants and the buyers agreed to have separate closings.

11. The Complainants signed the settlement papers on the agreed upon settlement date, August 18, 2023.

12. Also on August 18, 2023, the Respondent notified the Complainants' listing agent that the buyers' contractors had viewed the property during the buyers' August 18, 2023 pre-settlement walk though, found mold and other defects, and, as a result, the buyers wanted to extend the settlement date by a week.

13. The Complainants did not agree to the extension and the transaction was terminated.

14. The Complainants subsequently accepted an offer from different buyers with inspections for \$610,000 and a seller credit of \$10,000 with a settlement date of September 13, 2023.

15. Based on the facts described above, the Respondent admits, and consents to the entry of an Order by the Commission, that he has violated, and is subject to, Md. Code Ann., Business and Occupations Article ("BOP") §§17-322(b)(19) and (33) and Code of Maryland Regulations ("COMAR") 09.11.02.01C and 09.11.02.02A, which provide:

§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:

(19) advertises in any misleading or untruthful manner or violates § 17-527.2 of this title;

* * *

(33) violates any regulation adopted under this title or any provision of the code of ethics;

* * *

COMAR 09.11.02.01

C. The licensee shall protect the public against fraud, misrepresentation or unethical practices in the real estate field. The licensee shall endeavor to eliminate in the community any practices which could be damaging to the public or to the dignity and integrity of the real estate profession. The licensee shall assist the Commission charged with regulating the practices of brokers, associate brokers and salespersons in this state.

COMAR 09.11.02.02

A. In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the licensee from his statutory obligations towards the other parties to the transaction.

16. Based on the Respondent's violations, the Respondent further consents to the entry of an Order by the Commission, imposing on the Respondent a civil monetary penalty of two thousand dollars (\$2000), which the Respondent agrees to pay within 30 days of the entry of this Consent Order and Settlement Agreement by the Commission.

17. The Respondent further consents to the entry of an Order by the Commission that should he fail to pay the civil monetary penalty he agreed in paragraph 16 of this Consent Order and Settlement Agreement, the Respondent's real estate license, registration number 05-663586, and any other Maryland real estate licenses that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as payment is made.

18. 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.

19. The Respondent acknowledges that he had the opportunity to consult with private counsel of the Respondent's choosing at the Respondent's expense to provide advice and counsel concerning the terms of this Consent Order and Settlement Agreement. The Respondent agrees and acknowledges that he enters this Consent Order and Settlement Agreement knowingly, intelligently, voluntarily, and willingly having read this Consent Order and Settlement Agreement in full and understood the terms.

20. The Respondent acknowledges and agrees that this Consent Order and Settlement Agreement shall constitute the Commission's Final Order concerning Case No. 2024-RE-502 and that the Commission may consider this Consent Order in connection with, and in deciding, any subsequent action or proceeding before the Commission, and that this Consent Order may, if relevant, be admitted into evidence in any matter before the Commission, its designee, and any court of competent jurisdiction.

21. The Commission and the Respondent agree that this matter shall be withdrawn from the OAH docket for settlement purposes pursuant to COMAR 09.01.03.07.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS ^{13th}
DAY OF January, **2025 BY THE MARYLAND REAL ESTATE**
COMMISSION:


ORDERED that the Respondent's has violated §§17-322(b)(19) and (33) and Code of Maryland Regulations ("COMAR") 09.11.02.01C and 09.11.02.02A, it is further,

ORDERED that based on the violations, the Respondent shall pay a civil monetary penalty of two thousand dollars (\$2000) within 30 days of the date of this Consent Order and Settlement Agreement, and it is further

ORDERED that should the Respondent fail to pay the \$2000 civil monetary penalty as ordered, the Respondent's real estate license, registration number 05-663586, and any other Maryland real estate licenses that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as payment is made, 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:

1/13/2025

DATE

Signed by:

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HANS PERKASA, Respondent