

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE COMMISSION	:	
	:	
v.	:	
	:	
JOHN RICHARD MCGHEE	:	Agency Case No. 573-RE-2022
	:	
Respondent	:	

CONSENT ORDER AND SETTLEMENT AGREEMENT

Introduction, Procedural Background, and Recitals

WHEREAS, this matter comes before the **MARYLAND REAL ESTATE COMMISSION** (sometime hereinafter, the “Commission”) as the result of a complaint filed by the **MARYLAND REAL ESTATE COMMISSION** (sometimes hereinafter “Claimant”) against **JOHN RICHARD MCGHEE**, license registration number 01-3781 (“Respondent”), said complaint based upon a complaint brought by Lucy Ashley Currie (sometimes hereinafter “Original Complainant”) against *inter alia* Lois Alberti (sometimes hereinafter “Real Estate Salesperson” or “Ms. Alberti”).

WHEREAS, based on the complaint, and a subsequent Commission investigation, the Commission issued a July 10, 2023 Statement of Charges and Order for Hearing (sometimes hereinafter the “Statement of Charges”) and transmitted this matter to the Office of Administrative Hearings for a hearing on regulatory charges only.

WHEREAS, to resolve this matter without a formal hearing, the Commission / Claimant and Respondent (collectively, the “Parties”) have agreed to enter into this Consent Order and Settlement Agreement (“Consent Order”) consistent with the best interests of the citizenry of the State of Maryland and in accordance with the terms herein set forth.

Agreement and Stipulation

NOW THEREFORE, the Parties agree and stipulate as follows:

1. The Commission licenses Respondent as *inter alia* a real estate broker with registration number 01-3781. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter pertinent thereto and over Respondent.

2. The Statement of Charges against Respondent arise out of a Residential Contract of Sale dated September 28 2018 and fully executed on September 29, 2018, pertaining to real property located at 748 Battle Avenue, Aberdeen, Maryland 21001 together with the improvements thereupon (the "Property"), and executed by Original Claimant as "Buyer" and by "Ms. Alberti" on behalf of BEHB LLC as "Seller."
3. The Statement of Charges alleges that "at the time of this transaction, the Respondent was licensed as a real estate broker in the state of Maryland, and was the buyer's agent in this transaction."
4. The Statement of Charges alleges that "the buyer had a home inspection performed at the Property which revealed many issues."
5. The Statement of Charges alleges that "[s]everal of the issues which were to be corrected required permits to be pulled."
6. The Statement of Charges alleges that "[n]either the listing agent nor the contractor hired by the listing agent to complete the repairs pulled any permits."
7. The Statement of Charges alleges that "the listing agent informed the buyer that the work which the listing agent had agreed to complete had in fact been completed."
8. The Statement of Charges alleges that "after settlement it was discovered that many of the repairs had not in fact been completed in a workmanlike manner."
9. The Statement of Charges alleges that "some of the outstanding issues included a leaking roof, sump pump piping incorrectly installed which has resulted in at least 3 episodes of basement flooding, and the floor being spongy in numerous areas."
10. The Statement of Charges alleges that "these conditions have rendered the property nearly uninhabitable."
11. The Statement of Charges alleges that "some of the issues have since been addressed by the listing agent, but that the remedies / repairs have been inadequate."
12. The Statement of Charges alleges that "Respondent did not ensure that a final walkthrough was completed prior to settlement."
13. The Statement of Charges alleges that "Respondent did not ensure that all of the repairs had been completed."
14. The Statement of Charges alleges that "had the Respondent performed his duties as the buyer's agent in a competent manner, many, if not all of the issues which arose may have been avoided,"
15. The Statement of Charges alleges that "Respondent has violated, and is subject to Business Occupations and Professions Article §§ 17-322(c)(1)(vi), along with Code of Maryland

Regulations (“COMAR”) 09.11.02.02A [pertaining respectively to “Duties to client” and “Relations to the Client”]...”

15. *To resolve the regulatory charges,*

a. Respondent consents to the entry of the ordered items herein contained and acknowledges that the Commission could present at a hearing with respect to this matter evidence consistent with the allegations set forth in the Statement of Charges.

b. Respondent agrees to pay to the Commission a monetary payment in the amount of TWO THOUSAND FIVE HUNDRED UNITED STATES DOLLARS (\$2,500.00) payable by certified or cashier’s check no later than February 14, 2024. Respondent shall deliver the payment to Jonathan P. Phillips, Assistant Attorney General, Office of the Attorney General, Maryland Department of Labor, 1100 N. Eutaw St., Room 605, Baltimore, Maryland 21201, who shall forward said payment to the Commission.

c. Respondent agrees to cooperate fully with all future requests for documentation, information, and records requested by the Commission requested by the Commission to determine compliance with the terms of this Consent Order.

d. Respondent agrees to cooperate fully with the Commission in the above-captioned matter and in matters pertaining to the underlying transaction which form the subject of this matter, including but not limited to testifying as a witness on behalf of the Commission at any hearings or proceedings scheduled in connection therewith.

16. Should Respondent fail to make the payment delineated herein according to the terms delineated herein, Respondent understands and agrees that any Commission-issued real estate licenses held by Respondent shall be automatically suspended and shall remain suspended until Respondent pays the Commission in full.

17. The Parties agree that the Commission shall withdraw this matter from the Office of Administrative Hearings docket for settlement purposes pursuant to COMAR 09.01.03.07.

18. The Parties agree that this Consent Order may be signed in counterparts and that electronic signatures shall have the same force and effect as handwritten signatures.

Order

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 23 DAY OF FEBRUARY, 2024 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that Respondent shall pay the Commission a monetary penalty in the amount of TWO THOUSAND FIVE HUNDRED UNITED STATES DOLLARS (\$2,500.00) payable by certified or cashier's check no later than February 14, 2024. Respondent shall deliver the payment to Jonathan P. Phillips, Assistant Attorney General, Office of the Attorney General, Maryland Department of Labor, 1100 N. Eutaw St., Room 605, Baltimore, Maryland 21201, who shall forward said payment to the Commission.

ORDERED that should Respondent fail to make the payment delineated in the previous paragraph according to the terms delineated in the previous paragraph, any Commission-issued real estate licenses held by Respondent shall be automatically suspended and shall remain suspended until Respondent pays the Commission in full.

MARYLAND REAL ESTATE COMMISSION

SIGNATURE ON FILE

BY: _____

Raquel Meyers
Executive Director

AGREED SIGNATURE ON FILE

John Richard McGhee, Respondent

Date

2/23/24

THE UNIVERSITY OF CHICAGO LIBRARY
1200 EAST 58TH STREET
CHICAGO, ILLINOIS 60637

DATE: 10/15/84
BY: [Signature]
TITLE: [Illegible]

REMARKS: [Illegible]

APPROVED FOR FILE

SIGNATURE ON FILE

[Signature]
Date

SIGNATURE ON FILE

[Signature]
Date