

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 798--RE-2022

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V.

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JOSEPH AVAMPATO
ALBERTI REALTY LLC
216 N. UNION AVENUE
HAVRE DE GRACE, MD 21078
LIC. REG. NO. 05-5002497
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 Richard Daubenberger (“Complainant”). Based on the complaint and the response thereto received from Respondent Real Estate Salesperson Joseph Avampato, license registration number 05-5002497, a Commission Panel determined it appropriate to bring administrative charges against the Respondent. Before the Commission issued a Statement of Charges and Order for Hearing against the Respondent, the Commission and the Respondent agree to enter into this Consent Order and Settlement Agreement, which provides for the imposition of disciplinary measures which are fair and equitable under these circumstances and are consistent with the best interests of the people of the State of Maryland, to resolve the complaint. 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. Respondent is licensed as a real estate salesperson, license registration number 05-5002497 and is currently affiliated with Alberti Realty LLC.
3. The Respondent also works for a company called MCE Properties, LLC that purchases houses in any condition.
4. The Respondent mailed flyers out to potential home sellers with his name but failed to include that he held a real estate license and the name of the brokerage.
5. According to the Respondent, he received his license in 2020 and made the mistake of not identifying his licensing status and the brokerage name.

6. The Respondent admits that by his acts and omissions described above he has violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §17-322(b)(18):

§17-322. Denials, Reprimands, suspensions, revocations and penalties

(b) Grounds –

(18) As a real estate broker, an associate real estate broker, or a real estate salesperson, advertises the sale or rent of or an offer to buy real property while failing to disclose in the advertisement the name of the advertiser and the fact that the advertiser is a real estate broker, an associate real broker, or a real estate salesperson.

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7. The Respondent consents to the entry of an Order by the Commission that he has violated BOP §17-322(b)(18) .

8. The Respondent agrees he is required to abide by the Maryland Real Estate Broker's Act, Md. Code Ann., Bus. Occ. & Prof. Art., §17-101 et. seq. and the Commission's regulations in all real estate transactions.

9. The Respondent agrees to pay a civil penalty in the amount of \$500.00 for the violation. The total of \$500.00 will be paid to the Real Estate Commission within 60 days of the date of the entry of this Consent Order and Settlement Agreement. The Respondent agrees that should they fail to make the payment within sixty (60) days of this Consent Order and Settlement Agreement, the real estate license registration number 05-5002497 shall be automatically suspended and shall continue to be suspended until the payment is made.

10. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to the issuance of a Statement of Charges and Order for Hearing by the Commission, an administrative hearing on the charges before the Commission or the Office of Administrative Hearings ("OAH"), the making of Findings of Fact and Conclusions of Law by the Commission or an Administrative Law Judge of the OAH, any and all further proceedings before the Commission, and any rights to petition for judicial review of this Consent Order and Settlement Agreement.

11. The Respondent enters into this Consent Order and Settlement Agreement voluntarily, knowingly, and willingly, after having the opportunity to consult with private counsel of his own choosing at his own expense.

12. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No. 798-RE-2022.

