**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

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| **MARYLAND REAL ESTATE COMMISSION** | * | |
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| **V.** | | |
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| **RICHARD A. PROCTOR**<br>**Long & Foster Real Estate Inc.**<br>**9171 Baltimore National Pike**<br>**Ellicott City, Maryland 21042** | * | **Case No: 187-RE-2010 GF**<br>**223-RE-2011 GF** |
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| **KEITH SHARP**<br>**Long & Foster Real Estate Inc.**<br>**9171 Baltimore National Pike**<br>**Ellicott City, Maryland 21042** | * | |
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| **ERIC R. SCHWARTZ**<br>**Long & Foster Real Estate Inc.**<br>**14941A Shady Grove Road**<br>**Rockville, Maryland 20850** | * | |
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**CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission ("Commission") as the result of a complaint filed by Nadya Beach ("Complainant"). Based on the complaint and an investigation, the Panel of Commissioners have determined that administrative charges against the Respondents, real estate associated broker, Richard A. Proctor (Rick) 03-78742, real estate salesperson Keith Sharp 05-607450, and real estate salesperson Eric R. Schwartz 05-607730, all affiliated with Long & Foster Real Estate Inc., ("Respondents"), are appropriate and that an administrative hearing on those charges should be held.

To resolve this matter without a formal hearing, the Commission and the Respondents have agreed to enter into this Consent Order to provide for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interest of the people of the State of Maryland. The Commission and the Respondents agree and stipulate as follows:

1. At all times relevant to the matters set forth in this Consent Order, the Commission has had jurisdiction over the subject matter and the Respondents.

2. The Respondents were, at the time of the event at issue, affiliated with Long & Foster Real Estate Inc.

3. The Complainant alleged she retained the Respondent (Schwartz) to represent her in the purchase of a home in Hagerstown, Maryland.

4. The Complainant alleges Respondents (Proctor and Sharp) to represented the sellers in the sale of the home in Hagerstown, Maryland.

5. It is alleged that at the time of the contract of sale there was a sinkhole in the backyard of the property. At that time, the Respondent Schwartz contacted Respondent Sharp who informed Respondent Schwartz that Respondents Proctor and Sharp were aware of the sinkhole and it would be repaired.

6. It is further alleged all three Respondents failed to make certain that all agreements for the repair of the sinkhole were in written form and executed by all parties.

7. The Respondents will admit that by failing to see that all financial obligation and commitments regarding real estate transactions are in writing they have violated COMAR 09.11.02.01 (H) which provides:

**Title 09 Department of labor, Licensing and Regulation**
**Subtitle 11 Real Estate Commission**
**Chapter 02 Code of Ethics**
**.01 Relations to the Public**

**(H)** For the protection of all parties with who the licensee deals, the licensee shall see to it that financial obligations and commitments regarding real estate transactions are in writing, expressing the exact agreement of the parties, and that copies of these agreements are placed in the hands of all parties involved within a reasonable time after the agreements are executed.

8. The Respondents consents to the entry of an Order that their conduct, as described in this Consent Order, violates COMAR 09.11.02.01 (H), and consents to the imposition of a Reprimand against their real estate licenses and take a 3 hour contract class within sixty days (60) from the date of the execution of this Consent Order. The class referenced in this Consent Order is in addition to the continuing education requirements and Respondents must submit the original certificate to the Commission by February 8, 2012. Should Respondents failed to complete the class and/ or submit proof of completion by February 8, 2012, the Commission will suspend his license until he has completed the class and provides the Commission proof of completion. This class would not be allowed to be credited towards the hours necessary to renew his license at the next renewal.

9. In addition, the Respondents consent to make the Complainant whole by splitting $1,350.00 between the three Respondents. This payment to the Complainant will be due within 30 days from the date of the execution of this Consent Order.

10. By entering into this Consent Order, the Respondent, expressly waives the right to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law, any and all further proceedings before the Commission to which the Respondent may be entitled in this matter and any rights to appeal from the Commission's Order.

11. The Commission accepts this Consent Order as the full and final resolution of Complaint Nos. 187-RE-2010 GF and 223-RE-2011 .

**BASED ON THESE STIPULATIONS, IT IS THIS** 9th **DAY OF** February, **2011 BY THE MARYLAND REAL ESTATE COMMISSION.**

**ORDERED** that the Respondent violated COMAR 09.11.02.01 (H), shall see to it that financial obligations and commitments regarding real estate transactions are in writing; and it is further

**ORDERED** that the Respondents have a Reprimand placed against their real estate licenses, and it is further

**ORDERED** the Respondents will take a 3 hour contract class within sixty days (60) and submit proof of completion by February 8, 2012.

**ORDERED** that should the Respondents fail to take the agreed upon classes within the sixty days of the execution of the Consent Order, the Commission will suspend the licenses of the Respondents until he has completed the class and provides the Commission proof of completion and that the Commission will proceed with charges against the Respondent and schedule an Administrative Hearing for the violations of COMAR 09.11.02.01 (H). This contract class would not be allowed to be credited towards the class necessary to renew their licenses at their next renewal

**ORDERED** that the Commission's records and publications reflect the violations and the penalty imposed on the Respondent.

**MARYLAND REAL ESTATE COMMISSION:**

SIGNATURE ON FILE

By: _____

**AGREED:**

SIGNATURE ON FILE

12/12/11
Date

RICHARD A. PROCTOR Respondent

SIGNATURE ON FILE

12-13-11
Date

KEITH SHARP Respondent

SIGNATURE ON FILE

12/9/11
Date

ERIC R. SCHWARTZ Respondent