

MARYLAND REAL ESTATE COMMISSION \*

BEFORE THE

\*

MARYLAND REAL

v.

\*

ESTATE COMMISSION

\*

COMPLAINT NO.: 2006-RE-367

THEODORE SPENADEL,

\*

Respondent

\*

\* \* \* \* \*

CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (“Commission”) based on a complaint filed by Linda Bogard against Theodore Spenadel (“Respondent”). Based on that complaint, the Commission determined that charges against the Respondent were appropriate and that a hearing on those charges should be held. This matter was scheduled for a hearing at the Office of Administrative Hearings on August 28, 2009, but the hearing was withdrawn by the Commission to allow for this resolution to occur. The Commission and the Respondent consent to the entry of this Order as final resolution of Complaint No. 06-RE-367 (as to the administrative charges against Respondent Spenadel).

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent was licensed as a real estate salesperson (License No. 05-575438) at the time of the events at issue and was affiliated with Spendalearn, LLC, d/b/a Help-U-Sell Premier.

2. The Respondent is currently licensed as an associate real estate broker and is affiliated with Chantilly Ventures LLC.

3. This complaint arose out of a sales contract between Linda Bogard, buyer, and William Kurstin, personal representative of the estate of David L. Kurstin and seller, for 13462 Villadest Drive, Highland, Maryland.

4. In November, 2005, Ms. Bogard viewed the property with Theodore Tepper, then affiliated with Re/Max Realty Services and acting as the listing agent.

5. Ms. Bogard did not make an offer and returned to her residence in Florida.

6. On or about November 15, 2005, Mr. Tepper faxed a copy of a contract to Ms. Bogard in Florida.

7. Certain sections of the contract were left blank.

8. Mr. Tepper also faxed an agency disclosure form and a Consent for Dual Agency form.

9. In the agency disclosure form, Mr. Tepper indicated that he was acting as a dual agent, and, in the Consent for Dual Agency form, that Re/Max Realty Services was acting as dual agent representing the seller and the buyer.

10. On or about November 16, 2005, Ms. Bogard returned the contract to the Respondent and included a sales price of \$475,000.00.

11. On or about November 25, 2005, Ms. Bogard returned to Maryland for the home inspection.

12. Ms. Bogard requested a "clean" copy of the contract, which the Respondent provided.

13. The contract price had been countered to \$480,000.00.

16. On an attached Addendum, the name of (Respondent) Ted Spenadel of Help-U-Sell had been added as buyer's agent.

17. Ms. Bogard was unaware of Mr. Spenadel; she believed Mr. Tepper had inadvertently included pages from another contract; and she placed lines through the sections mentioning the Respondent and Help-U-Sell.

18. The Respondent did not provide any type of agency disclosure form or buyer-broker agreement to Ms. Bogard.

19. Ms. Bogard had no contact with Mr. Spenadel during the course of this transaction, including through settlement.

20. Mr. Bogard was not made aware that an administrative fee of \$245.00 for Help-U-Sell would be charged to her at settlement, and she had not agreed to pay such fee.

21. Help-U-Sell was given a commission at settlement, although there had been no written agreement providing for such commission.

22. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and having had the opportunity to seek the advice of counsel.

23. By entering into this Consent Order, the Respondent expressly waives the right to any hearing or further proceeding to which he may be entitled in this matter and any rights to appeal from this Consent Order.

24. The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Maryland Annotated Code, Business Occupations and Professions Article, §17-101 *et seq.*, and regulations of the Commission in future real estate transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS <sup>17th</sup> ~~10~~ day of ~~Aug~~ <sup>Aug</sup>, 2009, BY THE

MARYLAND REAL ESTATE COMMISSION,

ORDERED that Respondent Theodore Spenadel has violated Maryland Annotated Code, Business Occupations and Professions Article, §§17-322(b)(30) and (32), 17-530(b), and 17-532(c)(1)(iv), (vi) and (vii), as well as Code of Maryland Regulations 09.11.02.01H, and it is further

ORDERED that the Respondent is assessed a total civil penalty of \$500.00, which amount is payable to the Commission within thirty days of the date this Order is signed by the Commission, and it is further

ORDERED that the Respondent complete a three-hour course in real estate agency and a three-hour course in real estate ethics (over and above statutory and regulatory requirements concerning continuing education) and provide written verification of successful completion to the Commission within 90 days of the date this Order is signed by the Commission, and it is further

ORDERED that, if payment of the civil penalty is not made within that 30-day period and/or if the Respondent fails to provide written verification of the successful completion of the courses in real estate agency and real estate ethics within the 90-day period, the Respondent's real estate license shall be automatically suspended until that payment is made and/or verification is received, and it is further

ORDERED that the Commission's records and publications shall reflect the terms of this

Consent Order.

Theodore Spenadel  
THEODORE SPENADEL

J. Nicholas D. Ambrose 8/17/09  
COMMISSIONER  
MARYLAND REAL ESTATE COMMISSION

8/10/09  
Date