

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

v.

*

CASE NO. 2006-RE-172

*

CHRISTIAN E. DENNISON
COLDWELL BANKER RESIDENTIAL BROKERAGE *
4 CHURCH CIRCLE
ANNAPOLIS, MARYLAND 21401 *
License Reg. No. 05-597925

*

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Matthew and Megan Back (“Complainants”) against Christian E. Dennison, license registration number 05-597925, (“Respondent”). Based on the complaint, the Commission conducted an investigation. Following the investigation, the Commission issued a Statement of Charges and Order for Hearing dated August 27, 2008 and transmitted this matter to the Office of Administrative Hearings to conduct a hearing on the administrative charges. The OAH scheduled a hearing for March 19, 2009 at 10:00 a.m. at the OAH in Hunt Valley, Maryland. Prior to the hearing, the Commission and the Respondent agreed to enter into this Consent Order and Settlement Agreement 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 Respondent agree and stipulate as follows:

1. Christian E. Dennison, license registration number 05-597925, is currently licensed by the Commission as a real estate salesperson affiliated with Coldwell Banker Residential Brokerage. 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 and his wife, Teresa Dennison, a real estate salesperson, license registration number 05-524738 (“Mrs. Dennison”), were the listing agents for a property known as 2820 Cox Neck Road, Chester, Maryland (“the property”) on behalf of John and Jane Roberts (“Sellers”).

3. On or about November 7, 2005, the Complainants submitted a contract offer to purchase the property.

4. By letter dated November 8, 2005, Mrs. Dennison notified the Complainants, through their buyer’s agent, that the Sellers had not accepted the offer as

written but would entertain a revised offer meeting certain requirements; e.g. an increased purchase price, an increased good faith deposit, an earlier settlement date, removing the home sale contingency, and having any inspections of the property be for informational purposes only.

5. On November 9, 2005, the Complainants, through their buyer's agent, submitted a revised offer agreeing to increase the purchase price, to increase the amount of the good faith deposit and to move up the settlement date. The offer continued to be contingent upon the sale of the Complainants' residence and on home inspections.

6. On November 11, 2005, the Respondent and Mrs. Dennison notified the Complainants, through their buyer's agent, and the Sellers, that they were stepping aside as the listing agents for the property so they could submit their own offer to purchase the property which would be substantially similar to the Complainants' offer but which would not include a home sale contingency.

7. At the time the Respondent and Mrs. Dennison notified the Complainants and the Sellers of their intentions to submit an offer to purchase the property the Sellers had not yet been presented with the Complainants' revised offer.

8. On November 14, 2005, the Complainants' revised offer was presented by another real estate salesperson affiliated with Coldwell Banker Residential Brokerage to the Sellers. The Sellers rejected the Complainants' revised offer.

9. On November 15, 2005 the Complainants filed a complaint with the Commission against the Respondent and Mrs. Dennison.

10. On November 17, 2005, the Respondent and Mrs. Dennison submitted to the Sellers their offer to purchase the property. After some negotiation, the Sellers accepted the Respondent and Mrs. Dennison's offer. The Respondent and Mrs. Dennison settled on the transaction on January 19, 2006.

11. The Respondent admits that by his conduct in this transaction he has violated section §17-322(b)(33), Business and Occupations Article, Annotated Code of Maryland ("BOP") and Code of Maryland Regulations (COMAR) 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:

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

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.

12. The Respondent consents to the entry of an Order that his conduct violates BOP §17-322(b)(33) and COMAR 09.11.02.02A and he agrees to pay a civil penalty of \$1500.00 in connection with the violation. The penalty is to be paid upon the Respondent's execution of this Consent Order and Settlement Agreement.

13. The Respondent further agrees to complete a 3 clock hour ethics continuing education course in addition to the continuing education requirements set forth in Md. Code Ann., Business Occupations and Professions Art., §17-315 and COMAR 09.11.06 and to submit to the Commission a copy of the certificates of completion for all continuing education courses, including the additional 3 clock hour ethics course, taken during the preceding 2 year term. The Respondent further agrees that he shall not qualify for renewal of his license, which expires January 5, 2011, unless and until he has complied with ¶12 and 13 of this Consent Order.

14. The Respondent, by entering into the Consent Order and Settlement Agreement, expressly waives the right to an administrative hearing on the charges and 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. The Respondent agrees this matter shall be withdrawn from the OAH docket pursuant to COMAR 09.01.03.07A.

15. The Commission agrees to accept the Respondent's payment of \$1500.00 penalty and execution of this Consent Order and Settlement Agreement as the full and final resolution of this matter Case No. 2006-RE-172.

March **BASED ON THESE STIPULATIONS, IT IS THIS 17th DAY OF**
COMMISSION: , 2009 BY THE MARYLAND REAL ESTATE

ORDERED that the Respondent Christian E. Dennison, license registration number 05-597925 has violated Md. Code Ann., Business Occupations and Professions Art., §17-322(b)(33) and Code of Maryland Regulations (COMAR) 09.11.02.02A; and it is further

ORDERED that the Respondent be assessed a civil penalty of \$1500.00 for the violation, which amount is payable to the Commission upon the Respondent's execution of this Consent Order and Settlement Agreement; and it is further

ORDERED that the Respondent shall complete a 3 clock hour ethics continuing education course in addition to the continuing education requirements set forth in Md.

Code Ann., Business Occupations and Professions Art., §17-315 and COMAR 09.11.06 and to submit to the Commission a copy of the certificates of completion for all continuing education courses, including the additional 3 clock hour ethics course, taken during the preceding 2 year term; and it is further

ORDERED that the Respondent shall not qualify for renewal of his license, which expires January 5, 2011, unless and until he has complied with ¶12 and 13 of this Consent Order and Settlement Agreement; 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: Katherine F. Connelly
Katherine F. Connelly, Executive Director

AGREED:

March 5, 2009
Date

Christian E. Dennison
Christian E. Dennison, Respondent