

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2008-RE-173

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v.

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HUBERT BRUCKER
LONG & FOSTER REAL ESTATE INC.
4650 East West Highway
Bethesda, Maryland 20814
Lic. Reg. #05-27049

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CONSENT ORDER AND SETTLEMENT AGREEMENT

On September 6, 2007, the Maryland Real Estate Commission ("Commission") filed a complaint against Hubert Brucker, the Respondent real estate salesperson, license registration number 05-27049. Based on the complaint, and an investigation, the Commission issued a Statement of Charges and Order for Hearing dated January 20, 2009. The matter was transmitted to the Office of Administrative Hearings and a hearing on the administrative charges was scheduled for November 6, 2009 at 10:00 a.m. in Hunt Valley, Maryland. To resolve this matter without a formal hearing, the Commission and the Respondent have 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. The Respondent is licensed by the Commission as a real estate salesperson affiliated with Long & Foster Real Estate, Inc., license registration number 05-27049. 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. On or about May 9, 2005, George Buchanan, seller, entered into a contract to sell his property, 11404 Newport Mill Road, Silver Spring, Maryland, ("the property") to Sakhoy Lay, buyer. The Respondent was the buyer's agent in the transaction.

3. Mr. Buchanan and Mr. Lay verbally agreed that Mr. Buchanan would rent back a portion of the property after the settlement. The Respondent did not see to it that the agreement concerning the terms of the seller's post-settlement occupancy was in writing, expressing the exact agreement of the parties and that such written agreement was provided to the parties.

4. The Respondent admits that by failing to see to it that the agreement concerning the terms of the seller's post-settlement occupancy was in writing expressing

the exact agreement of the parties, and that such written agreement was provided to the parties, he has violated §17-322(b)(33) Business and Occupations Article, Annotated Code of Maryland ("BOP") and COMAR 09.11.02.01H, 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 09.11.02.01-H

For the protection of all parties with whom he 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.

5. The Respondent consents to the entry of an Order by the Commission that he has violated BOP §17-322(b)(33) and COMAR 09.11.02.01H and he agrees to the imposition of a **REPRIMAND** against his license registration number 05-27049 based on the violations.

6. 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.

7. The Commission agrees that the Respondent's execution of this Consent Order and Settlement Agreement is the full and final settlement of this matter, Case No. 08-RE-173.

October **BASED ON THESE STIPULATIONS, IT IS THIS 26th DAY OF**
COMMISSION:

ORDERED that the Respondent has violated BOP §17-322(b)(33) and COMAR 09.11.02.01H, and it is further

ORDERED that based on the violations a **REPRIMAND** is imposed against the Respondent's license registration number 05-27049, and it is further

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

MARYLAND REAL ESTATE COMMISSION:

By: Katherine F. Connelly
Katherine F. Connelly, Executive Director

AGREED:

10/22/09
Date

Hubert Brucker
Hubert Brucker, Respondent