

**BEFORE THE MARYLAND REAL ESTATE COMMISSION**

MARYLAND REAL ESTATE  
COMMISSION

\*

CASE NO. 307-RE-2023

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V.

\*

HARRY DUNSTAN III, Respondent  
COLDWELL BANKER REALTY  
Nicholas.dunstan@cbmove.com.

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**SETTLEMENT AGREEMENT AND CONSENT ORDER**

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of the Commission conducting a random audit of Harry Dunstan (“Respondent”) to determine whether the Respondent complied with the continuing education requirements in the Maryland Real Estate Broker’s Act (“Act”), Md. Code Ann., Business Occupations & Professions Article (“BOP”) §17-315 and related regulations in the Code of Maryland Regulations (“COMAR”) 09.11.06 et. seq. during the 2-year period preceding the Respondent’s application to renew the Respondent’s license registration number 05-652512. As a result of the audit, the Commission determined that the Respondent failed to comply with BOP §17-315 and opened a complaint. To resolve that Complaint, the Commission and the Respondent agree and stipulate as follows:

1. At all relevant times the Commission had, and continues to have, jurisdiction over the subject matter of the complaint and the Respondent, a Commission licensee.
2. The Act provides that “to qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction as provided in subsection (b) of this section during the preceding 2-year term.” BOP §17-315(a).
3. Under BOP §17-315(b), a licensee must complete the following specific continuing education instruction:
  - (a) At least 4.5 clock hours of continuing education instruction that relate to real estate that is intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided the subject matter is related to helping the public buy or sell real estate;
  - (b) At least one 3 clock hour course that outlines relevant changes that have occurred in federal, State, or local laws and regulations, court cases and industry trends that have an impact on those laws and regulations, or any combination of those laws, regulations, court cases, and industry trends;
  - (c) At least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising;

- (d) At least one 3 clock hour ethics course that includes a discussion of: the Maryland Code of Ethics; the practice of flipping; fraudulent real estate practices; and professionalism as it relates to the Maryland Code of Ethics, including a discussion related to conflict resolution and a licensee's duty to respect the public, peers, and property;
  - (e) At least one 3 clock hour court that includes the principles of real estate brokerage relationships and disclosures;
  - (f) For the renewal of a real estate broker license the renewal of the license of an individual designated as a branch office manager or team leader, at least one 3 clock hour course that includes the requirements of broker supervision.
4. To be acceptable for credit as a continuing education course under BOP §17-315, the course shall cover 1 or more topics approved by the Commission.
  5. The Respondent submitted an electronic application for the renewal/reinstatement of the Respondent's license for the renewal period beginning 7/24/2022 through 6/08/2024 certifying that the Respondent had completed the required 15 clock hours of continuing education instruction.
  6. Upon submission of the application, the Commission notified the Respondent that the Respondent's application had been selected for a random audit to confirm the Respondent's compliance with BOP §17-315 and requested that the Respondent submit documentary evidence to the Commission demonstrating the Respondent complied with BOP §17-315 before submitting the renewal application.
  7. Based on the audit the Commission determined that the Respondent failed to comply with BOP §17-315 by completing the required 15 clock hours of continuing education instruction before submitting a renewal application and failed to show good cause for being unable to meet the requirements. The audit also determined that the Respondent had failed to comply with BOP §17-315 for previous renewal periods.
  8. Based on the Respondents failure to comply with BOP §17-315, the Commission opened a complaint against the Respondent. Pursuant to BOP §17-322(b), "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: (1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; (32) violates any other provision of this title." Further, pursuant to BOP §17-322(c)(1) "Instead of, or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Commission may impose a penalty not exceeding \$5000 for each violation."
  9. To resolve the Commission's complaint against the Respondent without a formal hearing, the Respondent consents to the Commission entering an Order:
    - (a) Finding that the Respondent violated BOP §17-322(b) (1) and (32) by failing to comply with BOP §17-315;

(b) Requiring the Respondent to pay a civil penalty of \$1,500.00 and an administrative fee of \$100.00 for two renewal periods within sixty (60) days of the date of this Consent Order;

10. The Respondent acknowledges and agrees that the clock hours of continuing education instruction the Respondent completed to comply with the terms of this Settlement Agreement and Consent Order shall not apply to any future renewals of the Respondents' license.
11. The Respondent further agrees that should Respondent fail to comply with the terms of this Settlement Agreement and Consent Order, the Commission may automatically suspend any real estate licenses the Respondent holds without a formal hearing and may continue to suspend any real estate licenses the Respondent holds until the Respondent has fully complied with the terms of this Settlement Agreement and Consent Order.
12. By entering into this Settlement Agreement and Consent Order, the Respondent expressly waives the right to: have the Commission issue written charges against the Respondent; an administrative hearing before the Commission or its designee on the charges; the making of Findings of Fact and Conclusions of Law by the Commission or its designee; any other proceedings before the Commission; and rights to petition for judicial review in a court of competent jurisdiction; and any other rights of appeal from this Settlement Agreement and Consent Order.
13. Having read and understanding the terms of this Settlement Agreement and Consent Order, the Respondent enters this Settlement Agreement and Consent Order knowingly, voluntarily, and willingly, and acknowledges that the Respondent had the opportunity to obtain legal advice from private counsel before choosing to enter into this Settlement Agreement and Consent Order.
14. The Commission and the Respondent agree this Settlement Agreement and Consent Order shall serve as the final resolution of this matter, shall be a part of the Respondent's licensing record, and that the Commission's records and publications shall reflect the terms of this Settlement Agreement and Consent Order.

**BASED ON THE PARITES STIPULATIONS AND AGREEMENTS, IT IS THIS**  
8<sup>th</sup> **DAY OF August, 2023, BY THE MARLAND REAL ESTATE COMMISSION:**

**ORDERED** that the Respondent has violated BOP §17-322(b)(1) and (33) by failing to comply with the continuing education requirements in BOP §17-315; and it is further,

**ORDERED** that having considered the seriousness of the violation, the harm caused by the violation, the good faith of the licensee, and any history of previous violations by the licensee, the Commission imposes a civil penalty of \$3,000.00 for the violation and a \$200.00 administrative fee, which the Respondent shall pay to the Commission within sixty (60) days of the entry of this Settlement Agreement and Consent Order; and it is further

**ORDERED** that any clock hours of continuing education instruction Respondent completes to comply with the terms of this Settlement Agreement and Consent Order shall not apply to any future renewals; and it is further

**ORDERED** that should the Respondent fail to pay the civil penalty and administrative fee or complete the hours of continuing education instruction required by this Settlement Agreement and Consent Order and submit the course completion certificates to the Commission within sixty (60) days of the date of this Settlement Agreement and Consent Order, all real estate licenses the Respondent holds shall be automatically suspended without a formal hearing and shall continue to be suspended until the Respondent has fully complied with the terms of this Settlement Agreement and Consent Order; and it is further

**ORDERED** that the Commission's records and publications shall reflect the terms of this Settlement Agreement and Consent Order.

MARYLAND REAL ESTATE COMMISSION:

SIGNATURE ON FILE

By:

MICHAEL KASNIC  
EXECUTIVE DIRECTOR

AGREED

SIGNATURE ON FILE  
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08/02/23 3:49 PM EDT  
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8/2/23

HARRY DUNSTAN III,  
RESPONDENT

DATE