

BEFORE THE MARYLAND REAL ESTATE COMMISSION

IN THE MATTER OF THE CLAIM *
 OF BENJAMIN SHIFRIN AND *
 ELIZABETH BURKHART, CLAIMANTS, *
 AGAINST THE MARYLAND REAL *
 ESTATE COMMISSION GUARANTY * Case No. 341-RE-2024 G.F.
 FUND *
 RESP: GILBERT MARSIGLIA *
 LICENSE NO: 2328 *
 GILBERT D. MARSIGLIA & *
 COMPANY *

PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant has established a valid claim against the Maryland Real Estate Commission Guaranty Fund. It has been established that the above named Respondent was acting as a Real Estate Broker in a Contract of Sale for property located at Vernon Road, in White Hall, Maryland. A deposit in the amount of \$2,000.00 was put into the escrow account of Gilbert Marsiglia & Company on December 28, 2022. Although settlement was scheduled for June 1, 2023, the complainants (buyers) state the contract is still ongoing. The Commission was advised that Gilbert Marsiglia had died and on October 6, 2023, an audit was performed on the escrow account for Gilbert Marsiglia & Company. It was determined that the escrow account had depleted funds and the \$2,000.00 escrow deposit was no longer in the account.

The Claimant is entitled to reimbursement under The Annotated Code of Maryland, Business Occupations and Professions Article, Title 17, Section 505. It has further been established that, as a result of the actions by the Respondent, the Claimant has sustained an actual loss of the escrow deposit in the amount of \$2,000.00.

Accordingly, the Commission hereby awards the Claimant Two Thousand Dollars and zero cents (\$2,000.00), from the Maryland Real Estate Commission Guaranty Fund, and Orders that:

1. Pursuant to Business Occupations and Professions Article 17, Section 412(a) any real estate licenses held by the Respondents are suspended and the Respondents are ineligible for any real estate license until the Respondents have repaid any money paid from the Real Estate Guaranty Fund pursuant to this Order, under Code of Maryland Regulations 09.11.01.23A, with 12% annual interest.
2. The records and publications of the Maryland Real Estate Commission reflect this decision.
3. This decision is a proposed decision only and may be challenged by either the Claimant or the Respondents. If either party disagrees with this Proposed Order they may file written exceptions with the Commission. Any exceptions must be in writing addressed to the Executive Director signed below, Maryland Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, Maryland 21202 and must be received within thirty (30) days of receipt of this decision. If neither party files written exceptions, this proposed decision will become final at the end of the thirty (30) day period.

Date 26 Oct 2023

MARYLAND STATE
REAL ESTATE COMMISSION

SIGNATURE ON FILE

By:

Michael L. Kasnic
Executive Director

SIGNATURE ON FILE