

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

*

CASE NO. 2021-RE-626

V.

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DUNG PHAM

Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Complainant Andrew J. Koschier (“Complainant”) against RESPONDENT (“Respondent”). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing against the Respondent (“Charge Letter”) and transmitted this matter to the Office of Administrative Hearings (“OAH”) for a hearing. By a Notice of Hearing dated December 22, 2023, the OAH scheduled this matter for hearing on March 6, 2024. 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 that are fair, equitable, and consistent with the best interest of the people of the State of Maryland.

The Commission and the Respondent agree and stipulate as follows:

1. 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 is currently licensed by the Commission as a real estate salesperson affiliated with Realty Advantage license registration number 05-682266.
3. The charges against the Respondent arise from a September 30, 2020 contract related to a property known as 119 Baltimore Avenue, Glen Burnie, MD 21061. The Commission alleges that the Respondent, a licensed real estate salesperson, acted as the listing agent in the transaction on behalf of Realty Advantage. The Commission alleges that Respondent failed to disclose a marital relationship with the seller. Furthermore, Respondent failed to disclose various home defects prior to settlement. These defects included but were not limited to leaking windows; recommended roof repair; structural issues with deck; tile issues in the bathroom; electrical system concerns throughout the home; furnace ceased to be operable; and a faulty HVAC system. The Commission alleges that the status of these latent defects was not disclosed to Claimant prior to settlement, along with the nature of the relationship between Respondent and seller.

4. The Respondent admits they have violated Business and Occupations Article, Annotated Code of Maryland ("BOP") §§17-322 and COMAR 09.11.02.02-D4 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:

(25) engages in conduct that demonstrates bad faith, incompetency, or untrustworthiness or that constitutes dishonest, fraudulent or improper dealing.

COMAR 09.11.02.02-D(4)

(4) The disclosure requirement of §D(3) of this regulation also applies when the licensee is acting on behalf of or representing:

- a) A member of the licensee's immediate family;
- (b) An entity in which the licensee has an ownership interest;
- (c) An employee of the real estate brokerage with which the licensee is affiliated;

or

- (d) An employee of a team or group of which the licensee is a member.

5. The Respondent consents to the entry of an Order that they have violated BOP §17-322 and COMAR 09.11.02.02-D4. As a penalty for the violations the Respondent agrees to pay a civil monetary penalty of \$500 within 10 days of this Consent Order and Settlement Agreement.

6. Should the Respondent fail to pay the civil penalty of \$500 by March 2, 2024 the Respondent agrees that the Respondent's real estate license registration number 05-682266, and any other real estate licenses that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as payment is made.

7. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to an administrative hearing before the Office of Administrative Hearings, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, any further proceedings before the Commission, and any rights to appeal from this Consent Order and Settlement Agreement.

7. The Commission agrees to accept this Consent Order and Settlement Agreement as the full and final resolution of Case No 2021-RE-626.

**BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 23
DAY OF February, 2024 BY THE MARYLAND REAL ESTATE
COMMISSION:**

ORDERED that the Respondent's has violated BOP § 17-322 and COMAR 09.11:02.02-D4, it is further,

ORDERED that based on the violations, the Respondent agrees to pay a civil monetary penalty of \$500 within 10 days 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:
SIGNATURE ON FILE**

By: _____
**RAQUEL M. MEYERS
ACTING EXECUTIVE DIRECTOR**

**AGREED:
SIGNATURE ON FILE**

DUNG PHAM, RESPONDENT

2/21/2024
DATE

1998-1999
The following information is provided for the purpose of
information only. It is not intended to be used as a
basis for any action.

SIGNATURE ON FILE

[Illegible Name]

SIGNATURE ON FILE

[Illegible Name]