

State of Maryland

DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
REAL ESTATE COMMISSION OF MARYLAND
100 S. CHARLES STREET - BALTIMORE, MARYLAND 21201
Tower 1
(410) 230-6200
OUTSIDE BALTIMORE METRO AREA, TOLL FREE
1-888-218-5925 TTY USERS CALL: THE MD RELAY SERVICE

Mrec.brokers@maryland.gov

PLEASE READ THESE INSTRUCTIONS BEFORE COMPLETING THE COMPLAINT AND GUARANTY CLAIM FORM – FAILURE TO FOLLOW THE INSTRUCTIONS MAY DELAY PROCESSING OF YOUR COMPLAINT/CLAIM

INSTRUCTIONS

DO NOT SUBMIT INSTRUCTIONS, FACT PAGE OR GUARANTY FUND SHEET WITH YOUR COMPLAINT/CLAIM. Retain for your records

1. This form permits you to document a complaint against a real estate licensee (Part 3 of the complaint form) and/or a claim for reimbursement from the Guaranty Fund (Part 4 of the complaint form). NOTE: A complaint against a licensee and a claim for reimbursement from the Guaranty Fund are two distinct actions. It is quite possible that the actions of a real estate licensee may warrant the filing of a complaint but do not satisfy the requirements of the law for reimbursement from the Guaranty Fund (see discussion of the Guaranty Fund that follows).

2. All information must be typewritten or clearly printed.

3. Write "Unknown" in empty spaces if the information is not known.

4. In order for your complaint to be processed, you must submit copies of all supporting documentation, to include but not limited to contracts, receipts, canceled checks, estimates, correspondence, etc. Recovery from the Guaranty fund **CANNOT** be approved without evidence of your financial loss, which can be proven by submission of receipts, canceled checks, or estimates from a licensed contractor that support the actual monetary loss claimed.

5. Be certain to designate in Section 2 each person (licensee) you deem responsible for the issues/losses raised in this complaint and/or claim.

FACTS YOU SHOULD KNOW WHEN FILING A REAL ESTATE COMPLAINT

- Your complaint and/or Guaranty Fund claim and supporting evidence will be reviewed by the Real Estate Commission. The complaint and/or claim can be dismissed without a hearing if the Commission determines it does not fall under the Commission's jurisdiction, is unsupported by the facts, or is made in bad faith. In addition, your Guaranty Fund claim can also be dismissed without a hearing if your statement and supporting evidence do not entitle you to a payment from the Fund.
- The Real Estate Commission only accepts complaints against individuals with real estate licenses. A complaint must also be based on circumstances which occurred in a real estate transaction. The Commission has no jurisdiction over new home builders, home inspectors, unlicensed home sellers, mortgage brokers, or title companies. The Commission has no authority to address disputes between a buyer and seller concerning entitlement to an earnest money deposit.
- Complaints must be submitted in writing on the real estate complaint and Guaranty Fund claim form. **IT IS NECESSARY THAT COMPLAINTS ARE ACCOMPANIED BY COPIES OF ALL PERTINENT SUPPORTING DOCUMENTATION.**
- Each case is reviewed in order of the date received. Complaints are initially reviewed to determine whether they fall within the jurisdiction of the Commission. Those that do are then assigned a case number and a letter of acknowledgment is sent to the complainant. Copies of complaints are sent to each licensee named in the allegations for their response to the allegations. Once a response is received, a review process takes place and the evidence in the file determines the case's progress. The case is either administratively dismissed or assigned for investigation. Another review follows the investigation and a complaint may then be assigned for review by a panel of Commissioners.
- A complaint that results in recommended charges against a licensee is reviewed by the Attorney General's Office for legal sufficiency. Cases deemed to be legally sufficient are sent to the Office of Administrative Hearings ("OAH") for a hearing date. The time frame for completing hearings is not under the control of the Commission as the OAH operates independently of the Commission.
- Complaints may be dismissed at any stage of the proceedings. All dismissals are approved by the Commissioners of the Real Estate Commission. All dismissals approved by the Commissioners are final.
- **A COMPLAINT ALLEGING AN ADVERTISING VIOLATION NEED NOT BE FILED UNDER OATH AND MAY BE MADE ANONYMOUSLY USING THIS FORM, BUT MUST STILL BE ACCOMPANIED BY DOCUMENTARY OR OTHER EVIDENCE.**

CLAIMS AGAINST GUARANTY FUND

PLEASE READ THE FOLLOWING CAREFULLY AS IT DESCRIBES THE APPLICABILITY AND LIMITATIONS OF THE GUARANTY FUND:

1. A claim must be submitted to the Commission within 3 years after the claimant discovers or, by the exercise of ordinary diligence, should have discovered the loss or damage. A claim must be based on an act or omission that occurs in the provision of real estate brokerage services by:

- a licensed real estate broker;
- a licensed associate real estate broker;
- a licensed real estate salesperson; or
- an unlicensed employee of a licensed real estate broker.

2. A claim must involve a transaction that relates to real estate that is located in the State and be based on an act or omission:

- in which money or property is obtained from a person by theft, embezzlement, false pretenses, or forgery; or
- that constitutes fraud or misrepresentation.

3. The amount recovered for any claim against the Guaranty Fund may not exceed \$50,000 for each claim.

4. A person may not recover from the Guaranty Fund for any loss that relates to:

- the purchase of any interest in a limited partnership that is formed for the purpose of investment in real estate;
- a joint venture that is promoted by a licensed real estate broker, a licensed associate real estate broker, or licensed real estate salesperson for the purpose of investment in real estate by 2 or more individuals; or
- the purchase of commercial paper that is secured by real estate.

5. A claim under the Guaranty Fund may not be made by:

- the spouse of the licensee or the unlicensed employee alleged to be responsible for the act or omission giving rise to the claim; or
- the personal representative of the spouse of the licensee or the unlicensed employee alleged to be responsible for the act or omission giving rise to the claim.

MARYLAND REAL ESTATE COMMISSION
COMPLAINT & GUARANTY FUND CLAIM
Division of Labor
Division of Occupational & Professional Licensing
Real Estate Commission of Maryland
100 S. Charles St. Tower 1
Baltimore, MD 21201
(410) 230-6200

DO NOT WRITE IN THIS SPACE

Date Received _____

Complaint No. _____

1. COMPLAINT FILED BY

NOTE: FOR A COMPLAINT OF AN ADVERTISING VIOLATION ONLY, IF YOU CHOOSE TO SUBMIT IT ANONYMOUSLY, INDICATE "ANONYMOUS" AFTER "FIRST NAME" AND LEAVE THE REMAINDER OF THIS SECTION BLANK.

Complainant # 1

First Name _____ Middle _____ Last Name _____

Indicate your current mailing address below:

Street _____ City _____ State _____ Zip Code _____

Phone _____

E-mail address _____

Complainant # 2 (If applicable)

First Name _____ Middle _____ Last Name _____

Street _____ City _____ State _____ Zip Code _____
(only if the address is different from the first complainant)

Phone _____

E-mail address _____

2.

COMPLAINT FILED AGAINST

Licensee # 1

First Name _____ Last Name _____

Licensee email address (If known) _____

Company Name _____

Company Address _____

Telephone Number (If known) _____

Licensee # 2 (If applicable)

First Name _____ Last Name _____

Licensee Email address (If known) _____

Company Name _____

Company Address _____

Telephone Number (If known) _____

3.

Nature of Complaint
Please give a brief description of complaint
(Use additional pages if needed)

4.

Guaranty Fund Claim

Describe and itemize your claim, **IF ANY**, you are making against the Fund

Total Claim \$_____

5. I have read the Real Estate Guaranty Fund Law concerning my right to file a claim for compensation.
_____ I **AM** (or) _____ I **AM NOT** making a claim against the Fund (select one).

6. I do solemnly declare and affirm under penalty of perjury that the contents of the foregoing statement are true and correct to the best of my knowledge. **NOTE: FOR A COMPLAINT OF AN ADVERTISING VIOLATION ONLY, IF YOU CHOOSE TO SUBMIT IT ANONYMOUSLY, TYPE OR WRITE "ANONYMOUS" IN THE SIGNATURE BLOCK AND INDICATE THE SUBMISSION DATE.**

Signature _____

Date _____