

SENATE BILL 461

C3

4lr2160
CF 4lr2700

By: **Senator Watson**

Introduced and read first time: January 22, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **State Real Estate Commission – Complaints – Advertising Violations**

3 FOR the purpose of providing that a complaint filed with the State Real Estate Commission
4 alleging an advertising violation may be made anonymously but must be
5 accompanied by documentary or other evidence; and generally relating to advertising
6 complaints and the State Real Estate Commission.

7 BY repealing and reenacting, with amendments,
8 Article – Business Occupations and Professions
9 Section 17–323
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2023 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Business Occupations and Professions**

15 17–323.

16 (a) Subject to the provisions of this section, the Commission shall commence
17 proceedings under § 17–322 of this subtitle on a complaint made to the Commission by a
18 member of the Commission or any other person.

19 (b) (1) A complaint shall:

20 (i) be in writing; and

21 (ii) state specifically the facts on which the complaint is based.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) [If] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
2 SUBSECTION, IF a complaint is made by any person other than a member of the
3 Commission, the complaint shall be made under oath by the person who submits the
4 complaint.

5 (3) [A] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A
6 complaint may be accompanied by documentary or other evidence.

7 (4) A COMPLAINT ALLEGING AN ADVERTISING VIOLATION:

8 (I) NEED NOT BE MADE UNDER OATH AND MAY BE MADE
9 ANONYMOUSLY; BUT

10 (II) SHALL BE ACCOMPANIED BY DOCUMENTARY OR OTHER
11 EVIDENCE.

12 (c) (1) The Commission, or its designee, shall review each complaint received
13 by the Commission. A complaint shall be referred for investigation if, after a review under
14 this subsection, it is determined that the complaint:

15 (i) alleges facts that establish a prima facie case that is grounds for
16 disciplinary action under § 17–322 of this subtitle; and

17 (ii) meets the requirements of subsection (b) of this section.

18 (2) A complaint not referred for investigation under paragraph (1) of this
19 subsection shall be dismissed, and any appeal shall be taken under paragraph (3) of this
20 subsection.

21 (3) (i) If a complaint is dismissed under paragraph (2) of this
22 subsection, within 30 days from the date of the dismissal any member of the Commission
23 may file an exception to the decision.

24 (ii) If an exception is filed with the Commission under subparagraph
25 (i) of this paragraph, the Commission shall set a hearing on the matter by the full
26 Commission on whether the complaint satisfies the requirements of paragraph (1) of this
27 subsection. If the Commission determines that the complaint is satisfactory, the matter
28 shall be referred for an investigation.

29 (iii) If an exception is not filed within the time allowed under
30 subparagraph (i) of this paragraph:

31 1. the decision of the Commission is final; and

32 2. any party aggrieved by the decision may take a judicial
33 appeal as provided in § 17–329 of this subtitle.

1 (d) (1) On completion, an investigation shall be referred directly to the
2 Commission or its designee.

3 (2) If the Commission or its designee determines there is a reasonable basis
4 to believe any grounds exist for disciplinary action under § 17–322 of this subtitle, the
5 investigation shall be referred for a hearing in accordance with § 17–324 of this subtitle.

6 (3) A complaint not referred for a hearing by the Commission or its
7 designee shall be dismissed, and any party aggrieved by the decision may take a judicial
8 appeal as provided in § 17–329 of this subtitle.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.