

SENATE BILL 461

C3

4lr2160
CF HB 520

By: **Senator Watson**

Introduced and read first time: January 22, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: February 13, 2024

CHAPTER _____

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) be in writing; and

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

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

7 (3) **[A SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A**
8 complaint may be accompanied by documentary or other evidence.

9 (4) **A COMPLAINT ALLEGING AN ADVERTISING VIOLATION:**

10 (I) **NEED NOT BE MADE UNDER OATH AND MAY BE MADE**
11 **ANONYMOUSLY; BUT**

12 (II) **SHALL BE ACCOMPANIED BY DOCUMENTARY OR OTHER**
13 **EVIDENCE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.