

HOUSE BILL 520

C3

4lr2700
CF SB 461

By: **Delegate A. Johnson**

Introduced and read first time: January 24, 2024

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 26, 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.



(i) be in writing; and

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

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

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

(4) A COMPLAINT ALLEGING AN ADVERTISING VIOLATION:

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

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

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

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

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

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

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

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

(iii) If an exception is not filed within the time allowed under 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.

Speaker of the House of Delegates.

President of the Senate.