

Subsection (c) of this section is new language derived without substantive change from former Art. 56, § 217A(a)(2) and the second sentence of (3).

Subsection (d) of this section is new language derived without substantive change from former Art. 56, § 217A(a)(7) and (d)(2)(v).

In subsection (a)(1) of this section, the former reference to actual loss "as proven before the Commission" is deleted as unnecessary. The elements that a claimant must prove to support a claim are revised in § 4-410 of this subtitle.

In subsections (a)(2)(i)2. and (c)(1)(ii) of this section, the references to an "associate real estate broker" are added in conformity with provisions added throughout this title to provide a licensing scheme for associate real estate brokers. See the General Subcommittee Comment to this title.

In subsection (a)(2)(iii)1. of this section, the former reference to money or property being "unlawfully" obtained is deleted as surplusage and possibly misleading. The word "unlawfully" implies, but is not limited to, the element of criminality. The use of the word "unlawfully" in the context of the former section was vague and unnecessary since specific crimes and torts were listed as grounds on which an action could be based.

In subsection (a)(2)(iii)2. of this section, the former words "artifice" and "trickery", which do not have specific legal meaning, are deleted in light of the general references to "fraud" and "misrepresentation".

Also in subsection (a)(2)(iii)2. of this section, the former word "deceit" is deleted as included in the reference to "misrepresentation".

Defined terms: "Commission" § 4-101
 "Guaranty Fund" § 4-101
 "Licensed associate real estate broker" § 4-101
 "Licensed real estate" § 4-101
 "Licensed real estate broker" § 4-101
 "Person" § 1-101
 "Provide real estate brokerage services" § 4-101
 "Real estate salesperson" § 4-101