

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER ESS-19-012
)	(REC Ref. No. 10007614)
Complainant,)	
)	CONSENT ORDER
v.)	
)	
PAULA LYDEN, licensed New Jersey real estate)	
salesperson (Ref. No. 1434835))	
)	
Respondent.)	

THIS MATTER having been opened to the New Jersey Real Estate Commission (the "Commission") in the Department of Banking and Insurance, State of New Jersey, upon information that Paula Lyden ("Lyden"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Lyden is subject to the provisions of the New Jersey Real Estate License Act, N.J.S.A. 45:15-1 to -42 and corresponding regulations, N.J.A.C. 11:5-1.1 to -12.18; and

WHEREAS the Real Estate Commission staff has alleged that Lyden has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Lyden acknowledges that she is aware of her right to a plenary hearing on any violations which the Commission may allege she has committed and her right to have the advice of counsel on matters to which this Consent Order pertains and she is knowingly and voluntarily waiving the right to a hearing and counsel; and

WHEREAS the Commission and Lyden, in order to avoid the costs and uncertainty of further litigation and to resolve the matter with finality, hereby agree to this Consent Order, fully disposing of all the issues in controversy in this matter with prejudice; and

WHEREAS the terms of this Consent Order were approved by the Commission at a regular meeting on May 25, 2021; and

IT APPEARING that the matter against Lyden should be resolved upon the consent of the parties, without resort to a formal hearing on the aforementioned violations, and further good cause appearing:

NOW, THEREFORE, IT IS on this 7th day of June, 2021

ORDERED AND AGREED that Respondent Lyden admits the following facts:

1. Lyden is an actively licensed New Jersey real estate salesperson, who was first licensed on September 18, 2014, and is currently licensed through Italski, LLC d/b/a Striker Realty, licensed New Jersey real estate broker, whose primary office is located at 918 North Wood Ave, Linden, New Jersey. Lyden works out of the Striker Realty branch office located at 58 East Mt. Pleasant Avenue, Livingston, New Jersey; and

2. At all relevant times herein, Lyden represented Clearview Equities, LLC ("Clearview") as listing agent; and

3. Clearview is in the business of purchasing foreclosure properties at sheriff's sales, renovating and then re-selling such properties; and

4. In or around September of 2017, Lyden was contacted by Joshua Frenkel, the principal of Clearview, and informed that Clearview had purchased the property located at 829 Kennedy Boulevard, Bayonne, New Jersey (the "Property") at a sheriff's sale. At that time, Lyden was instructed to list the Property for sale; and

5. On or about October 2, 2017, Lyden, on behalf of Striker Realty, entered into a listing agreement with Clearview to list the Property for sale. On the same date, Lyden marketed the Property for sale on the Hudson County Multiple Listing Service. The seller was listed as Clearview; and

6. On or about October 19, 2017, Clearview entered into a contract to sell the Property to buyers Melissa Schwaderer and Friday S. Matthews. The buyers were represented by licensed New Jersey real estate salesperson Carol Wernli in the subject transaction; and

7. Lyden never verified Clearview's ownership of the Property prior to marketing it for sale or prior to her client's entry into the above contract of sale; and

8. In fact, Clearview's purchase of the Property was cancelled and therefore it never took title to the Property; and

9. On or about April 27, 2018, the buyers discovered that Clearview was not the owner of the Property. The subject transaction was cancelled, and the buyers' escrow funds were returned to them in full; and it is further

ORDERED AND AGREED that based on the above facts, Respondent Lyden admits to the following:

1. Respondent Paula Lyden's conduct is in violation of N.J.S.A. 45:15-17(e), incompetency, in that by failing to confirm that her client, Clearview, was the legal owner of the Property prior to marketing the Property and entering into a contract of sale, Lyden engaged in conduct demonstrating incompetency.

Based on the above, it is hereby:

ORDERED AND AGREED that the remaining allegations contained in the Order to Show Cause served on Lyden at the inception of this matter are hereby dismissed; and it is further

ORDERED AND AGREED that Lyden shall pay in full the outstanding balance of the fine assessed against her in conjunction with the Consent Order entered into in Case Number 10004775 within ninety (90) days of the full execution of this Consent Order; and it is further

ORDERED AND AGREED that Lyden shall pay a fine in the amount of four thousand dollars (\$4,000) within ninety (90) days of the full execution of this Consent Order. The fine shall be paid by certified check, cashier's check or money order made payable to the "State of New Jersey" and sent to the Division of Anti-Fraud Compliance/Collection Section, Department of Banking and Insurance, P.O. Box 325, Trenton, New Jersey, 08625. All unpaid fines will be referred for collection and may result in a lien/judgment being placed on property, interception of state income tax refunds through the Set Off of Individual Liability (SOIL) program in the Division of Taxation and/or levy on bank accounts; and it is further

ORDERED AND AGREED that Lyden's New Jersey real estate salesperson's license shall be suspended for a period of thirty (30) days from the full execution of this Consent Order; and it is further

ORDERED AND AGREED that any license issued to Lyden, upon the completion of the term of suspension ordered herein, shall be held on a probationary basis for a period of one (1) year from the full execution of this Consent Order. During the probationary period, the following conditions shall apply:

- a. It shall be Lyden's obligation to inform any employing broker that her license is on probation; and

b. Any employing broker must notify the Commission within 72 hours if he or she receives any information indicating that Lyden may have violated the New Jersey Real Estate Licensing Law or corresponding regulations; and

c. Lyden must notify the Commission within 72 hours if she is charged with, or convicted of, any criminal or disorderly persons offense; and it is further

ORDERED AND AGREED that in the event that Lyden fails to pay the aforementioned fines in full, within the time periods set forth in this Consent Order, that failure shall be grounds for the immediate suspension of her license upon motion of Commission staff; and it is further

ORDERED AND AGREED that Lyden shall complete three (3) hours of continuing education in the core topic area of "Disclosure." The continuing education ordered herein shall not count towards the ordinary continuing education requirement for biennial license renewal. Proof of completion of the continuing education shall be submitted to Commission staff within ninety (90) days of the full execution of this Consent Order; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10007614. The Commission reserves the right to take further administrative action if it obtains any other information that Lyden may have violated the New Jersey Real Estate License Act, N.J.S.A. 45:15-1 to -42 and corresponding regulations, N.J.A.C. 11:5-1.1 to -12.18; and it is further

ORDERED AND AGREED that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and it is further

ORDERED AND AGREED that by signing below, Lyden confirms that:

a. She is not under any disability, mental or physical, nor under the influence of any medication, intoxicant or other substance that would impair her ability to knowingly and voluntarily execute this Consent Order, and

b. She is entering into this agreement knowingly and voluntarily, that she has not been subject to any coercion or threats regarding the execution of this Consent Order and that other than the other terms set forth above, no promises, representations or inducements have been made to her to secure her acceptance of the provisions of this Consent Order.

Dated: June 7, 2021


Linda Stefanik
President
New Jersey Real Estate Commission

Dated: 5-7, 2021


Paula Lyden
Respondent

Dated:

Subscribed and sworn to before me on this 7th day of May, 2021


Notary Public

ZITLALITH PEREZ
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50043304
My Commission Expires 8/15/2021