

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION) DOCKET NUMBER REC-E-21-002
) (REC File No. 10007749)
Complainant,)
) ORDER TO SHOW CAUSE
v.)
)
CANDICE WALKER, licensed New Jersey)
real estate salesperson (Ref. No. 1538215))
)
Respondent.)

THIS MATTER being commenced by the New Jersey Real Estate Commission (the “Commission”) in the Department of Banking and Insurance, State of New Jersey, on its own motion, pursuant to the provisions of N.J.S.A. 45:15-17, 45:15-17.1, 45:15-18 and N.J.A.C. 11:5-1.1 to -12.18, and it appearing that:

1. Respondent Candice Walker (“Walker”) is a licensed New Jersey real estate salesperson, who was first licensed on April 20, 2015. Walker’s license is currently inactive. At all relevant times herein, Walker was licensed through Urban Dwelling JC LLC, d/b/a Keller Williams Realty City Life JC, licensed New Jersey real estate broker (“KW City Life”), whose main office is located at 190 Christopher Columbus Drive, Jersey City, New Jersey 07302; and

2. At all relevant times herein, Walker represented both Chaviwan Chromrat (the “Landlord”) and Kali M. Crandall (the “Tenant”) as dual agent in a lease transaction involving the property located at 82 Coles Street, Apartment 3, Jersey City, New Jersey (the “Property”); and

3. On approximately August 14, 2018, the Tenant tendered three money orders to Walker, in the total amount of \$2,250, which represented the security deposit for the Tenant’s

lease of the Property. At Walker's instruction, the Tenant left the "payee" section of the money orders blank; and

4. Walker inserted her own name in the "payee" section of all three money orders and on or about August 21, 2018, Walker deposited the money orders into her own personal bank account; and

5. On approximately September 12, 2018, the Tenant and Landlord executed a lease agreement for the Property. The agreement provided that the Tenant agreed to pay the Landlord a security deposit in the amount of \$2,250, which the agreement stated was to be maintained by the Landlord; and

6. Walker converted the above security deposit monies to her own use and never forwarded the funds to KW City Life or to the Landlord; and

7. After being made aware of the missing funds, KW City Life promptly reimbursed the Landlord and Tenant for Walker's theft of the security deposit funds and reported this matter to the Commission; and

8. Walker's conduct is in violation of N.J.S.A. 45:15-12.8, in that Walker, while acting as temporary guardian of the Tenant's security deposit funds in the above-described transaction, failed to immediately, upon receipt of said funds, account for and deliver the funds to her broker for deposit into the trust account maintained by KW City Life; and

9. Walker made a substantial misrepresentation, in violation of N.J.S.A. 45:15-17(a), by misrepresenting that the monies tendered to her by the Tenant would be used for the security deposit for the lease of the Property, when in fact Walker intended to convert the funds to her own use; and

10. Walker's conduct is in violation of N.J.S.A. 45:15-17(d), in that Walker failed to pay over the security deposit monies to her broker or to the Landlord, as more fully described above; and

11. Walker's conduct is in violation of N.J.S.A. 45:15-17(l), in that Walker's intentional theft of the security deposit funds, as more fully described above, constitutes fraud and dishonest dealing; and

12. Walker's conduct is in violation of N.J.S.A. 45:15-17(o), in that by depositing the Tenant's security deposit funds into her own personal bank account, Walker commingled the property of her principal with her own; and

13. Walker's conduct is in violation of N.J.A.C. 11:5-6.4(a), in that Walker breached her fiduciary duty to protect and promote the interests of her clients, the Tenant and the Landlord, by stealing security deposit funds, which were entrusted to her for the purpose of facilitating the lease of the Property, as more fully described above.

And for good cause shown,

IT IS on this 27th day of July, 2021

ORDERED that Respondent Candice Walker shall show cause why her real estate license should not be suspended or revoked and/or why fines or other sanctions should not be imposed pursuant to N.J.S.A. 45:15-17 and N.J.A.C. 11:5-1.1. Respondent shall file a written Answer to the charges in this Order to Show Cause as required by N.J.A.C. 11:5-11.2 within twenty (20) days of the service of this Order. As required by N.J.A.C. 11:5-11.2, Respondent's written Answer must include specific admissions or denials of all allegations in this Order to Show Cause, state the factual basis of each and every factual allegation denied, and assert any defenses

that Respondent intends to present in the event that this matter is deemed a contested case and a plenary hearing is held; and

IT IS FURTHER ORDERED that failure to comply with all of the requirements of N.J.A.C. 11:5-11.2 may result in a determination that there are no material facts or issues of law in dispute and any presentation made to the Commission will be limited to the issue of the severity of any sanction or penalty to be imposed; and

IT IS FURTHER ORDERED that the Commission will review this Order to Show Cause and Answer(s) filed, if any, at a meeting scheduled on or after the 10th day of August, 2021 at 9:30 a.m. to determine whether there is a material fact or issue of law contested. No appearance is required at that time; and

IT IS FURTHER ORDERED that if the Commission determines that there is a material fact or issue of law contested, a hearing will be scheduled for a future date; and

IT IS FURTHER ORDERED that if the Commission determines that there is no material fact or issue of law contested, a hearing shall be scheduled at which the Respondent will be limited to presenting witnesses and documentary evidence regarding the issue of the severity of any sanction or penalty to be imposed; and

IT IS FURTHER ORDERED that a copy of this Order be served upon the Respondent as provided in N.J.S.A. 45:15-18, which service may be accomplished by serving a copy of this Order on the Respondent personally, or by delivering a copy thereof to her last known business address via certified mail.



Marlene Caride, Commissioner
New Jersey Department of Banking and Insurance
New Jersey Real Estate Commission