

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER SUS-15-005
)	
Complainant)	CONSENT ORDER
)	(REC Ref. No. 10002585)
vs.)	
)	
RUSSELL A. BEIERLE, Jr., licensed New Jersey)	
real estate broker, (RB7810709) and broker of)	
record of Pinnacle Realty Associates, LLC, licensed)	
New Jersey real estate broker,)	
)	
Respondent.)	

THIS MATTER having been opened to the New Jersey Real Estate Commission (“Commission”) in the Department of Banking and Insurance, State of New Jersey, upon information that Russell A. Beierle may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Russell A. Beierle is subject to the provisions of the Real Estate Licensing Law, N.J.S.A. 45:15-1 et seq.; and

WHEREAS, the staff of the New Jersey Real Estate Commission (“Commission staff”) has alleged that Russell A. Beierle may have violated various provisions of the real estate laws of the State of New Jersey; and

WHEREAS Russell A. Beierle acknowledges that he is aware of his right to a hearing on any violations which the Commission may allege he has committed and having obtained the advice of counsel on the matters to which this Consent Order pertains, he is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Russell A. Beierle, in order to avoid the costs and uncertainty of further litigation and to resolve this 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 19, 2015; and

IT APPEARING that the matter against Respondent 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 20th day of May, 2015

ORDERED AND AGREED that Russell A. Beierle admits the following facts:

1. Russell A. Beierle is a licensed New Jersey real estate broker and is broker of record of Pinnacle Realty Associates, LLC, licensed New Jersey real estate broker located at 13A Main Street, Suite 2, Sparta, N.J. 07871; and

2. On or about August 1, 2014, Kim Gubernard, licensed New Jersey salesperson submitted to the New Jersey Real Estate Commission an application for approval of her experience as a salesperson so as to qualify to become a real estate broker in New Jersey. The application covered the period of December 1, 2012 to July 25, 2014 during which time Ms. Gubernard was employed with Pinnacle Realty Associates. On that application, Respondent Beierle indicated that Ms. Gubernard did not work full time as a salesperson while she was employed there; and

3. In preparation for the hearing of Ms. Gubernard's appeal on the initial denial of her application, Regulatory Officer Lauren Glantzberg served a Subpoena to Appear and Testify upon Respondent, returnable October 21, 2014 via certified mail, return receipt requested. On the scheduled return date, Respondent failed to appear at the Commission offices; and

IT IS FURTHER ORDERED AND AGREED that based on the above facts, Respondent Russell A. Beierle admits to the following:

1. Respondent is in violation of N.J.S.A. 45:15-17(e) in that he failed to comply with a duly served subpoena; and

Based on the above, it is hereby:

ORDERED AND AGREED that Russell A. Beierle shall pay a total fine in the amount of \$500.00; and it is further

ORDERED AND AGREED that the fine shall be paid within 30 days of the date of this Consent Order. The fine shall be payable by certified check, cashier's check or money order 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 this Consent Order encompasses only the information in Commission investigation file #10002585 as set forth above. The Commission reserves the right to take further administrative action if it obtains any other information that Russell A. Beierle may have violated the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.; and it is further

ORDERED AND AGREED that the balance of the allegations in the Order to Show Cause filed in this matter are hereby administratively dismissed; and it is further


ORDERED AND AGREED that by signing below, Russell A. Beierle confirms that:

a. he is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair his ability to knowingly and voluntarily execute this Consent Order; and

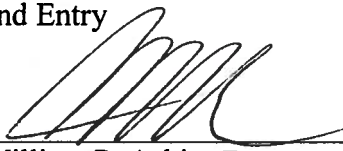
b. he is entering into this agreement knowingly and voluntarily, that he has not been subject to any coercion or threats regarding his execution of this Consent Order and that other than the other terms set forth above, no promises, representations or inducements have been made to him to secure his acceptance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

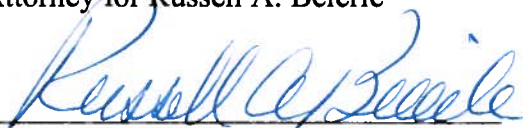
Dated: 5/20/15


Robert L. Kimmiebrew
Executive Director
New Jersey Real Estate Commission

Consented to as to Form, Content
and Entry


William P. Askin, Esq.
Attorney for Russell A. Beierle

Dated: 5/13/15


Russell A. Beierle