

In The Matter of:
Donald Martin (#8540960), Licensed Real Estate Broker/Respondent

WHEREAS Respondent Don Martin, a licensed real estate broker, licensed by the State of New Jersey, is subject to the provisions of the Real Estate Brokers and Salesperson's Act, N.J.S.A. 45:15-1 et seq.; and

WHEREAS at all times relevant hereto, Respondent Martin was and continues to be licensed as broker of record of Don Martin Realty, Inc. at the office located at 602 New Jersey Avenue, North Wildwood, NJ; and

WHEREAS the Real Estate Commission has secured evidence which indicates that Respondent Martin has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate brokers and salespersons as referenced above; and

WHEREAS the Commission and Respondent Martin have agreed to settle this matter in lieu of any further administrative action; and

WHEREAS, Respondent listed a vacation rental located at 600 JFK Boulevard, Sea Crest Towers Unit 506, North Wildwood, NJ; and

WHEREAS, Respondent double booked two separate families for the same week of July 23, 2016; and

WHEREAS, Respondent admits that the owner of Seacrest Towers Unit 506, who had booking rights, did in fact inform his office of the property being rented; however, his staff never properly reviewed the information or informed the tenants of the situation; and

WHEREAS all funds were returned to the tenant on July 23, 2016; and

WHEREAS Martin was actively licensed and failed to protect his client by double booking the vacation rental, in violation of N.J.A.C 11:5-6.4 (a); and

WHEREAS Respondent Martin acknowledges that he has been made aware of his right to a full and formal hearing on any violations which the Commission may allege he has committed, he is knowingly and voluntarily waiving the right to a hearing; and

IT IS THEREFORE AGREED TO BY THE PARTIES AND SO ORDERED that

Respondent Martin agrees to pay a fine in the amount of \$1,000.00, and it is further ordered and agreed that

Respondent Martin shall pay the fine within 30 days of the date of acceptance 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:

Division of Anti-Fraud Compliance/Collection Section
Department of Banking and Insurance
P.O. Box 325
Trenton, New Jersey 08625;

And it appearing that this matter can be resolved upon the consent of the parties, without resort to any other further administrative proceeding;

It is on this 18th day of May, 2018

ORDERED and AGREED that the terms of this Consent Order are approved by the Commission at a regular meeting on May 8, 2018; and

It is further ORDERED AND AGREED that the Commission reserves the right to take further administrative action if the terms of this Consent Order are not fully complied with or if it obtains any other information that the respondent may have violated the Real Estate Brokers and Salesperson's Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.



Patrick J. Mullen
Director of Banking

RESPONDENT CERTIFICATION

I, Don Martin, hereby certify that

1. I am not under any disability, mental or physical, or under the influence of any medication, intoxicants or other substances that would impair my ability to knowingly and voluntarily execute this Consent Agreement; and further
2. I am entering into this agreement knowingly and voluntarily, that I have not been subject to any coercion or threats regarding the execution of this Consent Agreement and that other than terms set forth above, no promises, representations or inducements have been made to me to secure my acceptance of the provisions of this Consent Agreement; and
3. I hereby certify that I have read and agree to the terms and conditions of the Consent Order as set forth above and agree to the entry of this Order

Consented to as to
Form, Content and Entry

Dated: 4/27/18


Don Martin, Respondent