

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER GLO-17-016
)	(REC Ref. No. 10005123)
Complainant,)	
)	CONSENT ORDER
v.)	
)	
JASON FORSYTH, licensed New Jersey)	
real estate salesperson (Ref. No. 8241233))	
)	
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 Jason Forsyth ("Forsyth"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

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

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

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

WHEREAS the Commission and Forsyth, 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 Tuesday, April 10, 2018; and

IT APPEARING that the matter against Forsyth 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 11th day of April, 2018

ORDERED AND AGREED that Respondent Forsyth admits the following facts:

1. Forsyth is a licensed New Jersey real estate salesperson, who was first licensed in 2014, and is currently licensed with Fox & Roach LP d/b/a Berkshire Hathaway HomeServices Fox & Roach, Realtors – Mullica Hill, whose office is located at 157 Bridgeton Pike, Mullica Hill, New Jersey; and

2. Between July and September of 2016, Forsyth represented clients in three separate real estate transactions concerning properties located in the borough of Pitman, New Jersey; and

3. The borough of Pitman requires that a certificate of continued occupancy be obtained any time ownership in real property is transferred, prior to the use or inhabitation of such property; and

4. At no time during the course of the above transactions did Forsyth contact the local authorities to inquire as to the status of any outstanding municipal code violations. Two of the subject properties had outstanding violations; and

5. Certificates of Continued Occupancy were not requested for any of the subject properties prior to closing.

And it is further

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

1. Respondent Forsyth acted in violation of N.J.A.C. 11:5-6.4(b) (three counts), in that Forsyth failed to make a reasonable effort to obtain all information material to the physical condition of each of the three properties referenced above; and

Based on the above, it is hereby:

ORDERED AND AGREED that Forsyth shall pay a fine in the amount of one thousand, five hundred dollars (\$1,500). The fine shall be paid in full within one year of the approval of this Consent Order. A payment plan may be worked out with the Department of Banking and Insurance, Collection Section, whereby Forsyth may pay off the fine in monthly installments. 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 Forsyth shall complete twelve (12) hours of continuing education coursework, which shall consist of three (3) hours of each of the following subject areas: agency, disclosure, legal issues and New Jersey real estate brokers and salespersons statute and rules. The continuing education ordered herein shall not count towards the ordinary continuing education requirement for license renewal. Proof of completion of the continuing education coursework shall be submitted to Real Estate Commission staff within one year of the approval of this Consent Order; and it is further

ORDERED AND AGREED that Forsyth's real estate salesperson's license shall be held on a probationary basis for a period of six (6) months. During the probationary period the following conditions shall apply:


- a. It is Forsyth's obligation to inform any employing broker that his license is currently on probation
- b. Any employing broker must notify the Commission within 72 hours if he or she receives any information indicating that Forsyth may have violated the New Jersey Real Estate Licensing Law, or corresponding regulations; and
- c. Forsyth must notify the Commission within 72 hours if he is charged with, or convicted of, any criminal or disorderly persons offense; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10005123. The Commission reserves the right to take further administrative action if it obtains any other information that Forsyth may have violated the Real Estate

Brokers and Salespersons 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 provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein.

Dated: 4-6, 2018




Jason Forsyth

Dated: 4-6, 2018



Richard M. Datnall, Esq.
Attorney for Respondent

Dated: April 11, 2018



Patrick J. Mullen
Director of Banking
New Jersey Department of Banking and Insurance
Real Estate Commission

RESPONDENT CERTIFICATION

I, Jason Forsyth, hereby certify that:

1. I am not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair my ability to knowingly and voluntarily execute this Consent Order; and
2. I have received the advice of legal counsel on this matter and on the terms of the Consent Order, that 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 Order and that other than the other terms set forth above, no promises, representations or inducements have been made to me to secure my acceptance of the provisions of this Consent Order.

Dated: 4-5, 2018



Jason Forsyth