

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER ATL-16-023
)	REC Ref. No. 10001950
Complainant,)	
)	CONSENT ORDER
v.)	
)	
WILLIAM H. SMITH, licensed New Jersey real)	
estate salesperson, Ref. No. 8334892)	
)	
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 William H. Smith ("Smith"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Smith is a licensed New Jersey real estate salesperson, currently licensed with M L Ruberton Agency, licensed New Jersey broker, whose office is located at 401 12th Street, Hammonton, New Jersey. He was first licensed as a salesperson in August, 1989; and

WHEREAS Smith 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 secured evidence which indicates that Smith has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS on or about February 2, 2014, Smith entered into a contract to sell the property located at 143 Bevis Mill Road, Egg Harbor Township, New Jersey, which was owned by Smith; and

WHEREAS Smith acted as the listing agent in the above transaction; and

WHEREAS Smith failed to disclose the existence of a wetlands conservation easement in the marketing of the property, and also failed to disclose the easement to the prospective buyer during the course of the above transaction; and

WHEREAS the easement described above was granted by Smith to the New Jersey Department of Environmental Protection in 2008; and

WHEREAS Respondent Smith admits that he acted in violation of N.J.S.A. 45:15-17(c), incompetency, by failing to disclose the existence of the easement in the marketing of the property for sale; and

WHEREAS Respondent Smith admits that he acted in violation of N.J.A.C. 11:5-6.4(c), by failing to disclose all information material to the physical condition of the property which was known to him to a potential buyer; and

WHEREAS Smith 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 notice that he has the right to obtain the advice of counsel on matters to which this Consent Order pertains, he is knowingly and voluntarily waiving the right to a hearing and the right to an attorney; and

WHEREAS the Commission and Smith, 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 June 20, 2017; and

IT APPEARING that the matter against Smith 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 28th day of June, 2017

ORDERED AND AGREED that Smith shall pay a fine in the amount of \$1,000. The fine shall be paid in full within thirty (30) days of the full execution 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

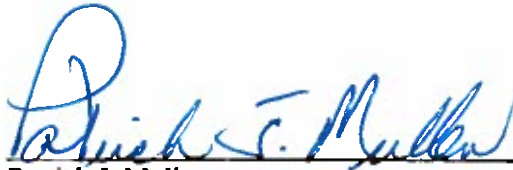
ORDERED AND AGREED that Smith shall complete three (3) hours of continuing education coursework in the subject area of "Agency", which shall be in addition to the continuing education requirement that all licensees must fulfill prior to the renewal of their license. Proof of the same shall be submitted to Real Estate Commission staff within ninety days of the approval of this order; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10001950. The Commission reserves the right to take further administrative action if it obtains any other information that Smith 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 by signing below, Smith 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 violation contained herein.



Patrick J. Mullen
Director, Division of Banking
Department of Banking and Insurance

Consented to as to
Form, Content and Entry

Respondent William H. Smith



William H. Smith

Dated: 5-26-17