

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER BUR-15-022
)	REC Ref. Nos. 10002679 & 10003014
)	
Complainant,)	CONSENT ORDER
)	
v.)	
)	
ROBIN ANITA GORDON WALLACE, formerly)	
licensed New Jersey real estate broker (Ref. No.)	
0455990) and formerly licensed real estate instructor)	
and GORDON-WALLACE REALTY, LLC formerly)	
licensed real estate broker (Ref. No. 1111815))	
)	
)	
Respondents.)	

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 Robin Anita Gordon-Wallace may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Respondent Robin Anita Gordon Wallace is a formerly licensed real estate broker and formerly licensed real estate instructor. She was most recently licensed as broker of record of Gordon-Wallace Realty, LLC. Her license expired on June 30, 2015 and has not been renewed or reinstated. Her instructor's license expired on February 28, 2015 and has not been renewed or reinstated; and

WHEREAS Robin Anita Gordon-Wallace 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 Gordon-Wallace may have violated various provisions of the real estate laws of

the State of New Jersey, as more particularly set forth in the Order to Show Cause issued against them under Docket Number BUR-15-022 ("the OTSC"); and

WHEREAS Robin Anita Gordon-Wallace acknowledges that she is aware of her right to a hearing on any violations which the Commission may allege she has committed and having obtained the advice of counsel on the matters to which this Consent Order pertains, she is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Robin Anita Gordon-Wallace, 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 OCTOBER 5, 2016; 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 11th day of OCTOBER, 2016

ORDERED AND AGREED that Robin Anita Gordon-Wallace admits the following facts:

1. In August, 2014, Respondent Gordon-Wallace Realty maintained an escrow account ending in 7016 at Wells Fargo which was changed on April 10, 2015 to a TD Bank account ending in 3849; and

2. On or about August 12, 2014, Dayna Hinson as buyer presented an offer to purchase the property located at 5 Spicer Place, Lawnside, New Jersey. Respondent Robin Anita Gordon Wallace acted as the listing agent on the above transaction; and

3. Hinson paid a deposit in the amount of \$5,000 by a check that was made payable to Respondent Gordon Wallace Realty on August 12, 2014; and

4. The transaction was terminated as of October, 2014 and the buyer repeatedly requested the return of her \$5,000 deposit; and

5. The funds were returned by Gordon Wallace Realty via a \$5,000 Bank of America cashier's check on February 23, 2015; and

6. On September 18, 2014, Pamela and Roger Burden as buyers entered into a contract to purchase the property located at 8 Pembroke Lane, Willingboro, NJ and gave a check in the amount of \$1,000 deposit to Respondent Robin Anita Gordon Wallace as a deposit; and

7. The transaction was terminated as of October, 2014. The funds were returned on November 5, 2014 via official check from the South Jersey Federal Credit Union; and

8. Respondent Gordon Wallace informed a Commission investigator that the escrow account ending in 7016 at Wells Fargo was closed in February, 2014 due to an "outstanding balance" and due to the fact there was a pending levy by the Internal Revenue Service and that no escrow account was open for Gordon Wallace Realty from October, 2014 through April 2015; and

9. On several occasions, Real Estate Commission investigators attempted to conduct an investigation and audit of the records of Respondent Gordon Wallace Realty. However, the office address on file with the Commission was found to be a vacant office with no indication that a real estate office was maintained there. It appeared that Respondents moved their office several times without notifying the Real Estate Commission of same in a timely manner. Investigators were able to locate Respondents at a prior address. The investigators requested that

Respondent Robin Anita Gordon Wallace produce business records for their inspection. She was unable to do so; and

10. When questioned by Commission investigators as to the whereabouts of the deposit monies that she collected, Respondent Robin Anita Gordon Wallace stated that when her escrow account was closed, she transferred the monies into the personal bank account of her husband, Barry Wallace which was maintained at Bank of America. No information was provided regarding any accounts maintained at South Jersey Federal Credit Union, however, it was determined that the account there appeared to be a personal bank account; and

11. Respondent Robin Anita Gordon Wallace admits that she failed to maintain business records in the manner in which they are required by N.J.A.C. 11:5-5.4(b); and

15. Respondent Robin Anita Gordon Wallace failed to maintain signage on the exterior of the office that indicated that the premises contained the office of a licensed real estate broker; and it is further

ORDERED AND AGREED that the conduct of Robin Anita Gordon-Wallace as set forth above constitutes violations of:

16. N.J.S.A. 45:15-17(o) and N.J.A.C. 11:5.1(a) and (c) in that she commingled the money of her principals with her own and failed to maintain in a special account, separate and apart from personal or other business accounts, all monies received by the Respondents acting in the capacity of a real estate broker or as an escrow agent or the temporary custodian of the funds of others in real estate transactions; and

17. N.J.S.A. 45:15-12.5 in that she failed to deposit and maintain in an account separate and apart from all other personal and business accounts, the funds of others received while acting in the capacity of a real estate broker; and

18. N.J.A.C. 11:5-5.4 in that she failed to maintain records for Respondent Gordon Wallace Realty, LLC as required by that rule; and

21. N.J.A.C. 11:5-6.4(a) in that by her above described actions, she failed to deal fairly with all parties to the transaction; and

ORDERED AND AGREED that Robin Anita Gordon-Wallace accepts responsibility for the above violations; and it is further

ORDERED AND AGREED that the real estate instructor license of Robin Anita Gordon-Wallace shall be revoked for a period of ten (10) years from the date of the Commission's approval of this Consent Order and her license as a real estate broker and the license of Gordon Wallace Realty, LLC are revoked for a period of ten (10) years which revocation shall be retroactive to July 1, 2015 when the broker licenses expired; and it is further

ORDERED AND AGREED that Robin Anita Gordon-Wallace shall be ineligible to hold a license as a real estate salesperson for a period of two (2) years from the date of the Commission's approval of this Consent Order; and it is further

ORDERED AND AGREED that Robin Anita Gordon-Wallace shall pay a fine in the total amount of \$10,000 which fine shall be paid in full before any real estate license is issued to her; and it is further

ORDERED AND AGREED that the fine shall be payable in installments to begin thirty (30) days from 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 the license reinstatement application submitted by Gordon-Wallace is hereby withdrawn; and it is further

ORDERED AND AGREED that the allegations contained in paragraphs 22 and 23 of the Order to Show Cause are administratively dismissed and paragraphs 24, 25 and 26 of the Order to Show Cause are merged into paragraph 18 of this Consent Order; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation files #10002679 and #10003014 as incorporated in the Order to Show Cause filed in this matter. The Commission reserves the right to take further administrative action if it obtains any other information that Robin Anita Gordon-Wallace 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, Robin Anita Gordon-Wallace confirms that:

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

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

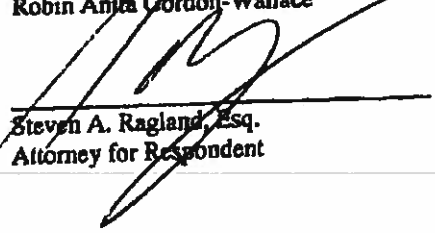
Dated: 10/11, 2016


Robert L. Kirmiebrew
Executive Director
New Jersey Real Estate Commission

Consented to as to
Form, Content and Entry

Dated: 10/4, 2016


Robin Anita Gordon-Wallace


Steven A. Ragland, Esq.
Attorney for Respondent