

In The Matter of:

Michael Contino (# 0338620), Licensed Real Estate Salesperson / Respondent

WHEREAS Respondent Michael Contino, a licensed Real Estate Salesperson 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 Michael Contino was and continues to be licensed with the Berkshire Hathaway Fox & Roach branch Office located at 109 34th Street, Ocean City, NJ 08226; and

WHEREAS the Real Estate Commission has secured evidence which indicates that Respondent Contino 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 Contino have agreed to settle this matter in lieu of any further administrative action; and

WHEREAS on or about September 23, 2014, the seller and buyer entered into a contract of sale for the property located 518 West Surf Road, Ocean City, New Jersey; and

WHEREAS Contino represented the buyer in the above transaction; and

WHEREAS the seller was represented by Patricia Barry, licensed salesperson, licensed with the Berkshire Hathaway Fox & Roach branch Office located at 352 Stokes Road, Medford, NJ 08055; and

WHEREAS on October 19, 2014, Contino allowed the buyer to access the home/vacation property by using the lockbox code and property key without the consent of the seller, for the purposes of showing the property to her son. Contino was not present; and

WHEREAS Contino represented that he was running late and trusted the buyer with the keys to the property prior to his arrival at same. He arrived within 10 minutes of the buyer entering the property; and

WHEREAS on or about November 21, 2014 the closing occurred between the buyer and the seller; and

WHEREAS, Respondent Contino admits that he acted in violation of N.J.A.C. 11:5-6.4(a) by providing the lockbox code and key access to the buyer without the permission of the home owner, thereby allowing the buyer to enter the home unattended by a licensee; and

WHEREAS Respondent Contino 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 and his right to have 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 counsel; and

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

Respondent Contino agrees to pay a fine in the amount of \$1500.00; and it is further ordered and agreed that

Respondent Contino 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;**

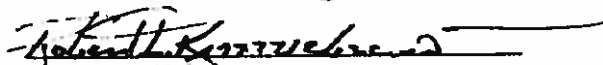
Respondent Contino agrees to take an additional 3 hour continuing education course in the area of agency which will not count towards the continuing education requirement for the 2015-2017 renewal term within ninety days of the approval of this consent order;

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 28th day of January, 2016

ORDERED and AGREED that the terms of this Consent Order are approved by the Commission at a regular meeting on January 12, 2016 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;



Robert L. Kinnebrew
Executive Director
New Jersey Real Estate Commission

RESPONDENT CERTIFICATION

I, Michael Contino, 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: 11/20/15



Michael Contino, Respondent