

CONSENT ORDER NUMBER CO-17-019
(Rec Ref No. 10002827)

In The Matter of:

Michael M. Rusek (Ref. No. 0567254), Licensed Real Estate Salesperson/Respondent

WHEREAS Respondent Michael Rusek, a real estate salesperson licensed by the State of New Jersey, is subject to the provisions of the Real Estate Brokers and Salespersons Act, N.J.S.A. 45:15-1 et seq.; and

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

WHEREAS Respondent Rusek 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

WHEREAS Respondent Rusek is currently licensed with Ace & Associates Realty Group LLC, licensed real estate broker, whose office is located at 1025 Summit Avenue, Jersey City, New Jersey. From September 26, 2013 to May 24, 2016, he was licensed with S21 Inc. d/b/a Century 21 Semiao & Associates, licensed real estate broker, whose primary office is located at 761 Ridge Road, Lyndhurst, New Jersey; and

WHEREAS in or around February, 2016, Respondent Rusek facilitated the sale of the property located at 201 Dey Street, Harrison, New Jersey (the "Property"); and

WHEREAS on or about February 24, 2016, a contract of sale was executed by the seller and buyers of the Property. Paragraphs 32 and 33 of the contract of sale, titled "DECLARATION OF LICENSEE BUSINESS RELATIONSHIP(S)" and "BROKERS' INFORMATION AND COMMISSION" respectively, were crossed out. Under paragraph 42 of the contract of sale, titled

"ADDITIONAL CONTRACTUAL PROVISIONS" a handwritten note was included, which states: "Seller will pay a set commission to Michael Rusek at the time of closing"; and

WHEREAS Prior to closing, Respondent Rusek failed to submit any documentation or information regarding the Property or the subject transaction to his employing broker; and

WHEREAS on or about May 3, 2016, closing took place. After the transaction was discovered by his employing broker, Respondent Rusek directed that payment be issued to Century 21 Semiao & Associates; and

WHEREAS Respondent Rusek admits that he acted in violation of N.J.S.A. 45:15-1 and N.J.S.A. 45:15-3, in that he acted beyond the scope of his license by orchestrating the sale of the Property outside the supervision of a licensed real estate broker, as described above; and

WHEREAS Respondent Rusek admits that he acted in violation of N.J.S.A. 45:15-17(e), incompetency and unworthiness, in that he attempted to collect a commission from someone other than his employing broker.

IT IS THEREFORE AGREED BY THE PARTIES AND SO ORDERED that

Respondent Rusek shall pay a fine in the amount of twenty five hundred dollars (\$2,500); and it is further ordered and agreed that

Respondent Rusek shall pay the fine within 30 days of the date of the 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 Rusek shall take an additional three (3) hours of continuing education in the subject area of "Agency", which will not count towards the ordinary continuing education requirement for the 2017-2019 renewal term. Proof of completion of the same shall be submitted

to the Real Estate Commission within ninety (90) days of the approval of this Consent Order; and it is further ordered and agreed that

Respondent Rusek's salesperson's license shall be suspended for a period of three (3) months, effective upon the full execution of this Order.

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

It is on this 16th day of November, 2017

ORDERED and AGREED that the terms of this Consent Order are approved by the Commission at a regular meeting on November 14, 2017; and

It is further ORDERED and AGREED that the Commission reserves the right to take 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 Salespersons 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
New Jersey Department of Banking and Insurance
Real Estate Commission

RESPONDENT CERTIFICATION

I, Michael M. Rusek, hereby certify that

1. I am not under any disability, mental or physical, or under the influence of any medication, intoxicant or other substance 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 the 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
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



Michael M. Rusek, Respondent

Subscribed and sworn to before me on this 25 day of October, 2017



Notary Public

MALGORZATA PANEK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 23, 2021