

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER CAM-15-016
)	
)	
Complainant)	CONSENT ORDER
)	REC Ref. No. 10003289
v.)	
)	
MICHAEL SULLIVAN, formerly licensed)	
New Jersey real estate salesperson,)	
(Ref. No. 1431792),)	
)	
Respondent.)	

THIS MATTER having been opened by the New Jersey Real Estate Commission staff (“REC”) in the Department of Banking and Insurance, State of New Jersey, upon information that Respondent Michael Sullivan (“Sullivan”), licensed New Jersey salesperson, may have violated various provisions of the real estate laws of the State of New Jersey; and

WHEREAS, Sullivan is a licensed New Jersey real estate salesperson employed with Richard A. Weidel Corporation, d/b/a Weidel Realtors, licensed New Jersey real estate broker. Sullivan works in the branch office of Weidel Realtors located at 405 New Hope Road, New Hope, Pa. 18938. He has been employed with Weidel Realtors since July 12, 2015; and

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

WHEREAS, the REC has secured evidence which indicates that Sullivan may have violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate brokers and salespersons as more specifically set forth in the Order to Show Cause filed in this matter; and

WHEREAS, evidence was presented and testimony was given at a hearing before the Real Estate Commission (“Commission”) on December 1, 2015; and

WHEREAS, the REC and Sullivan desire and have agreed to settle this matter in lieu of a decision being rendered by the Commission after a hearing, and to resolve this matter with finality, fully disposing of all the issues in controversy in this matter with prejudice; and

WHEREAS, Sullivan acknowledges that he has been advised that he has a right to proceed with the hearing on any violation which the REC may allege he has committed and having obtained the advice of legal counsel on the matter to which this Consent Order pertains, he has waived the right to proceed with the hearing; and

WHEREAS, Sullivan admits the following facts:

1. On March 6, 2014, Sullivan took and passed the real estate licensing examination. He truthfully disclosed that he had pending criminal charges; and
2. Sullivan was initially licensed as a real estate salesperson on April 17, 2014; and
3. On May 20, 2015, Sullivan entered a plea of guilty and was convicted on one count of conspiracy in the possession, distribution, manufacturing or dispensing of CDS, a crime of the third degree, in violation of N.J.S.A. 2C:5-2 and 2C:35-5A1. A judgment of conviction was entered on May 28, 2015 wherein he was sentenced to three years of probation; and

WHEREAS, Sullivan truthfully disclosed the conviction on his 2015-2017 license renewal application; and

WHEREAS, Sullivan has presented evidence of rehabilitation, pursuant to the Rehabilitated Convicted Offenders Act, N.J.S.A. 2C:168A-1 et seq., as follows:

- a. Sullivan is in compliance with the Court-ordered probation and has had no violations of probation. He is subject to reporting requirements and random drug testing which

to date have been completed without incident. He is eligible for early release from probation in November, 2016, provided that he remains in full compliance until then;

b. He was 30 years old at the time of the offense;

c. He was fully cooperative and candid with the law enforcement investigators as well as with the Real Estate Commission investigator;

d. He had a substance abuse problem during the time of his criminal offense. He had become addicted to drugs as a result of a back injury. He was also the victim of a random attack in New York City and suffered a head fracture and brain injury;

e. Sullivan obtained counseling services related to his drug dependency as well as accepting full responsibility for his criminal actions;

f. Sullivan provided a letter from a counselor at Summit Behavioral Health confirming his participation in outpatient counseling. Sullivan testified that he no longer associates with the same people that he did when he was using drugs;

g. Sullivan's broker manager Julie Smith of the New Hope, Pa. office of Weidel Realtors testified on his behalf and stated that Sullivan is a diligent worker and an asset to the company. In addition, Sullivan's father, Thomas Sullivan testified as to his son's work history, medical issues and subsequent drug dependency as well as his rehabilitation;

h. Sullivan is involved in community activities including donating his services as a disc jockey to charities;

i. Sullivan testified that he has completed the continuing education requirement for the 2015-2017 license term; and

WHEREAS, the terms of this Consent Order were approved by the Commission at a public meeting on March 22, 2016; and

IT APPEARING that the matter against Sullivan should be resolved upon the consent of the parties, and further good cause appearing;

NOW THEREFORE, on this 22nd day of March 2016 it is

ORDERED AND AGREED as follows:

1. Respondent Sullivan admits to violating N.J.S.A. 45:15-9 in that the conduct underlying his conviction was not consistent with the good moral character that all licensees must demonstrate; and

2. Sullivan's license as a real estate salesperson shall be held on probation for a period to run concurrently with his criminal probation. During the probation period, Sullivan shall notify the Commission within 72 hours in the event of any arrest or of the filing of criminal charges against him. In the event that Sullivan changes the broker with whom he is employed, he shall immediately notify the new broker of record of the terms of this Consent Order. Sullivan is to notify the Commission when his criminal probation has been terminated; and

3. Sullivan agrees that during the probationary term, he will attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or counselling on a regular basis and will provide confirmation of same to the Real Estate Commission staff every three months; and

4. This Consent Order pertains to all administrative actions and violations that were alleged or could have been alleged against Sullivan arising from the REC's investigation file #10003289; and

5. Sullivan acknowledges that 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

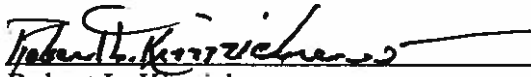
6. Sullivan further acknowledges that he is entering into this agreement knowingly and voluntarily, that he has not been subject to any coercion or threats regarding his execution of this Consent Order and that other than the terms set forth above, no promises, representations or inducements have been made to him to secure his acceptance of the provisions of this Consent Order; and

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

And for good cause shown,

IT IS ON THIS 20nd DAY OF March ~~FEBRUARY~~, 2016

Dated:


Robert L. Kinniebrew
Executive Director
New Jersey Real Estate Commission

Consented as to form, content and entry

Dated:

1/29/2016


Michael Sullivan

Dated:

1/29/2016


Brian E. Kasper, Esq.
Attorney for Respondent