

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER MON-16-002
)	
Complainant,)	CONSENT ORDER
)	(REC Ref. No. 10003596)
v.)	
)	
ARCHIE G. CASTLE, a licensed)	
New Jersey real estate broker-salesperson,)	
(SB1007365))	
)	
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 Archie G. Castle may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Respondent Archie G. Castle is a licensed real estate broker-salesperson, currently employed with Jack Green Realty, whose office is located at 72 Main Street, Ocean Grove, New Jersey. Castle was licensed with The Connolly Agency, whose office is located at 220 Main Street, Avon, New Jersey from December 6, 2013 through September 4, 2015; and; and

WHEREAS Castle 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 has alleged that Castle 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 him under Docket Number MON-16-002; and

WHEREAS Archie Castle acknowledges that he is aware of his right to a hearing on any violations which the Commission may allege he has committed and having obtained 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

WHEREAS the Commission and Archie Castle, 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 May 23, 2017; 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 1st day of June, 2017

ORDERED AND AGREED that Archie Castle admits the following facts:

1. At all times relevant hereto, Castle was employed with The Connolly Agency and he was the listing agent for the rental of the premises located at 9 Heck Avenue, Ocean Grove, N.J. which was owned by Susan Antes. In August, 2015, Castle and the owner exchanged a series of text messages regarding his upcoming occupancy of the property, including those in which the owner discussed arranging for linen service and cleaning of the property prior to Castle moving in. On or about August 25, 2015 Castle moved into the property. However, no written lease agreement had been signed; and

2. On August 29, 2015, the owner went to the property when Castle was in residence. She later indicated that she had changed her mind about renting to Castle and requested that

Castle vacate the premises since she intended to use the premises for herself and family members. Castle did vacate the premises on September 3, 2015 and paid \$4,701 to the owner for the time that he had occupied the premises; and it is further

ORDERED AND AGREED that based on the above facts, Respondent Archie Castle admits to the following:

3. Castle is in violation of N.J.A.C. 11:5-6.4(a) in that violated his fiduciary duty when he moved into the premises without a signed lease; and it is further

ORDERED AND AGREED that Castle accepts responsibility for the above violation; and Based on the above, it is hereby:

ORDERED AND AGREED that Castle will complete three (3) hours of continuing education in the subject area of agency which will be in addition to the continuing education requirement that all licensees must fulfill prior to the renewal of their license; and it is further

ORDERED AND AGREED that Castle shall pay a fine in the total amount of \$2,000; and it is further

ORDERED AND AGREED that the fine shall be payable within 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 allegations contained in paragraphs 3 and 5 of the Order to Show Cause are administratively dismissed; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation files #10003596 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 Castle 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, Castle 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 violations contained herein.

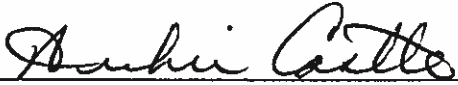
Dated: June 1, 2017



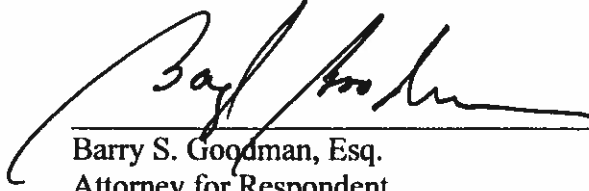
Patrick J. Mullen
Director of Banking
New Jersey Department of Banking and Insurance

Consented to as to
Form, Content and Entry

Dated: 5-18, 2017



Archie G. Castle



Barry S. Goodman, Esq.
Attorney for Respondent