

In The Matter of:

Octavio Mendes (#1328435), Licensed Real Estate Broker/Respondent

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WHEREAS Respondent Octavio Mendes, a licensed real estate broker 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 Octavio Mendes was and continues to be licensed as broker of record of Midtown Direct Realty, LLC d/b/a Keller Williams Midtown Direct Realty whose main office is located at 181 Maplewood Avenue, Maplewood, NJ; and

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

WHEREAS Mendes admits that he acted in violation of N.J.A.C. 11:5-4.2(a)(1) by failing to supervise a salesperson under his employ, specifically in that Marcia Miller executed a listing agreement without a list price and failed to place the listing in the Multiple Listing System within 48 hours; and

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

Respondent Mendes 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:

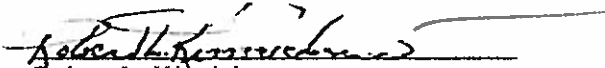
Division of Anti-Fraud Compliance/Collection Section  
Department of Banking and Insurance  
P.O. Box 325  
Trenton, New Jersey 08625;

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 17<sup>th</sup> day of August, 2016

ORDERED and AGREED that the terms of this Consent Order are approved by the Commission at a regular meeting on July 26, 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. Kinniebrew  
Executive Director  
New Jersey Real Estate Commission

**RESPONDENT CERTIFICATION**

I, Octavio Mendes, 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: 04-09-2016

  
Octavio Mendes, Respondent

ELISABETE ALMEIDA  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 7/1/2018

Sworn to and subscribed  
before me this  
14 day of April, 2016.

