

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER BER-15-003
	)	
Complainant	)	CONSENT ORDER AS TO
	)	KATHLEEN COSTA
	)	(REC Ref. No. 13-28646)
	)	
vs.	)	
	)	
SABRINA TIFLINSKY, licensed New Jersey	)	
real estate salesperson, (SP0902988) and	)	
KATHLEEN COSTA, licensed New Jersey	)	
real estate broker-salesperson, (SB8543523)	)	
	)	
Respondents.	)	

---

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 Kathleen Costa may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS, Kathleen Costa 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 (“Commission staff”) has alleged that Kathleen Costa may have violated various provisions of the real estate laws of the State of New Jersey; and

WHEREAS Kathleen Costa acknowledges that she is aware of her right to a hearing on any violations which the Commission may allege she has committed and having obtained the advice of counsel on the matters to which this Consent Order pertains, she is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Kathleen Costa, 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 July 21, 2015; 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 27<sup>th</sup> day of July, 2015

ORDERED AND AGREED that Kathleen Costa admits the following facts:

1. Respondent Kathleen Costa is a licensed New Jersey broker-salesperson and at all times relevant hereto was the branch office manager of the Englewood Cliffs, N.J. office of Ridgeco Properties, Inc.; and

2. Sabrina Tiflinsky is a licensed New Jersey real estate salesperson who works out of the Englewood Cliffs, N.J. branch office of Ridgeco Properties Inc., licensed New Jersey real estate broker; and

3. On or about March 26, 2013 as agent for buyer Premier Developers, LLC, Sabrina Tiflinsky prepared and presented an "all cash" offer to purchase the property located at 264 Forest Avenue, Fort Lee, N.J. which was owned by Jeanne Zuckerman. The property was listed for sale by Coldwell Banker. Peter Tiflinsky signed the offer as a member/owner of Premier Developers, LLC; and

4. Peter Tiflinsky is the husband of salesperson Sabrina Tiflinsky; and

5. The offer was presented on a New Jersey Association of Realtors® form contract of sale and stated in paragraph 3 that a deposit of \$50,250 had been paid and was to be kept on deposit by the participating broker (Respondent's employer, Ridgeco Properties); and

6. The contract provided that closing would take place 60 days after both parties executed it. After the closing was postponed several times, seller's attorney served a "Time of the Essence" letter on the buyer's attorney setting the closing for July 19, 2013. The buyer did not appear and it was later learned that he did not have the funds to proceed to closing. The contract of sale was subsequently cancelled by the seller; and

7. On or about July 19, 2013, seller Zuckerman instructed the listing agent to place the property back on the market and to insure that the deposit money would continue to be held in escrow pending any eventual sale of the property. It was then that the seller learned that there was in fact no deposit being held either by Ridgeco Realty or the buyer's attorney; and

8. As branch office manager, Respondent Costa had the obligation to supervise Respondent Tiflinsky and oversee the Zuckerman/Premier Properties transaction. Respondent Costa admitted to a Real Estate Commission investigator that she did not review the contract, nor did she verify the deposit; and

and it is further

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

1. Respondent Costa is in violation of N.J.A.C. 11:5-4.5 in that as branch office manager of Ridgeco Properties, she failed to properly supervise the activities of Respondent Tiflinsky;

Based on the above, it is hereby:

ORDERED AND AGREED that Ms. Costa shall pay a total fine in the amount of \$2,000.00; and it is further

ORDERED AND AGREED that Ms. Costa shall complete the 30 hour course on agency and ethics that is a part of the broker pre-licensure education course and shall supply proof of same to the Commission staff on or before November 1, 2015. This shall be in addition to the continuing education requirement that all licensees must fulfill; and it is further

ORDERED AND AGREED that the fine shall be paid within 30 days of the date 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 this Consent Order encompasses only the information in Commission investigation file #13-28646 as set forth above. The Commission reserves the right to take further administrative action if it obtains any other information that Kathleen Costa 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 the balance of the allegations in the Order to Show Cause filed in this matter are hereby administratively dismissed; and it is further


ORDERED AND AGREED that by signing below, Kathleen Costa confirms that:

a. she is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair her ability to knowingly and voluntarily execute this Consent Order; and

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

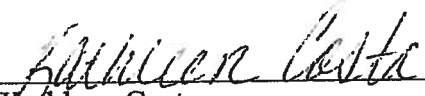
ORDERED AND AGREED that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein.

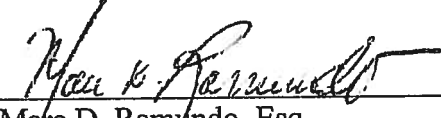
Dated: 7/28/15

  
\_\_\_\_\_  
Robert L. Kinniebrew  
Executive Director  
New Jersey Real Estate Commission

Consented to as to  
Form, Content and Entry

Dated: July 15<sup>th</sup>, 2015

  
\_\_\_\_\_  
Kathleen Costa

  
\_\_\_\_\_  
Marc D. Ramundo, Esq.  
Attorney for Kathleen Costa