

**NEW JERSEY REAL ESTATE COMMISSION**

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER CO-14-019
	)	
Complainant	)	CONSENT ORDER AS TO
	)	ROBERT J. LINDSAY
	)	(REC Ref. No. 10001370)
vs.	)	
	)	
ROBERT J. LINDSAY, licensed New Jersey real estate	)	
broker-salesperson (SB7853801),	)	
	)	
Respondent.	)	

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

WHEREAS, Lindsay is a licensed New Jersey real estate broker-salesperson employed with M Y Max, LLC, d/b/a ReMax Legend, licensed New Jersey real estate broker located at 36 Preakness Shopping Center, Wayne, N.J. 07470. At all times relevant hereto, Lindsay was employed with Coldwell Banker Real Estate Services, licensed New Jersey real estate broker; and

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

WHEREAS, the Real Estate Commission has secured evidence which indicates that Lindsay 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 file #10001370; and

WHEREAS, the Real Estate Commission and Lindsay desire and have agreed to settle this matter in lieu of a full and formal hearing; and

WHEREAS, Lindsay acknowledges that he has been advised that he has a right to a hearing on any violation which the Commission 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 a hearing; and

WHEREAS, the REC and Lindsay, 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 October 21, 2014; and

IT APPEARING that the matter against Lindsay should be resolved upon the consent of the parties, without resort to a formal hearing, and further good cause appearing;

NOW THEREFORE, on this 21<sup>st</sup> day of OCTOBER, 2014 it is

ORDERED AND AGREED that Lindsay admits to the following:

1. In December, 2011, Richard and Sandra Weiner were the owners of property located at 66 Maple Avenue, Wayne, N.J. The property was listed for sale by Lindsay and Coldwell Banker on or about December 5, 2011; and
2. The property was equipped with a Supra® lockbox which allowed real estate licensees to access the property and which created an electronic log of such access; and
3. The owners authorized Lindsay to make one copy of their house key to place in the Supra® lockbox. Unbeknownst to the owners, Lindsay made two copies of the key; and

4. On approximately eleven occasions between December, 2011 and January, 2012, Lindsay accessed the property using the spare key that he had made, intentionally circumventing the Supra® lockbox system. The entries were made for his personal use which was unrelated to the sale or marketing of the property and was unknown and unauthorized by the owners. Those entries were not recorded by the lockbox.

NOW THEREFORE, it is

ORDERED AND AGREED that Lindsay admits and accepts responsibility for the following violations:

5. Respondent Lindsay is in violation of N.J.A.C. 11:5-6.4(a) and N.J.S.A. 45:15-17(t) by failing to protect and promote the interests of his principals and placed his own interest above that of his principals; and

6. Respondent Lindsay is in violation of N.J.S.A. 45:15-17(e) in that the above described conduct constitutes unworthiness, bad faith or dishonesty; and it is further

ORDERED AND AGREED that Lindsay's license as a real estate broker-salesperson shall be revoked for a period of one year, to commence on October 24, 2014. During the period of revocation, Lindsay shall not be eligible to hold any real estate license in New Jersey. On or after October 24, 2015, Lindsay shall be eligible to obtain a salesperson's license. If Lindsay wishes to obtain a real estate broker's license after October 24, 2015, he will be required to requalify for same by taking the real estate broker pre-licensure education course and passing the New Jersey real estate broker examination. In the event that Lindsay does not apply for a real estate broker's license by June 30, 2017, he shall completely requalify for same including successfully completing the broker pre-licensure education

course, fulfilling the experience requirement, passing the New Jersey real estate examination and fulfilling any other requirements then in effect; and it is further

ORDERED AND AGREED that Lindsay shall complete the 30 hour course on agency and ethics which is a part of the broker pre-licensure education course prior to any real estate license being issued to him and shall supply proof of same to the Commission staff. No license shall be issued or reinstated until this requirement has been fulfilled; and it is further

ORDERED AND AGREED that Lindsay will pay a total fine in the amount of \$10,000 payable in installments in accordance with a payment plan to be agreed upon with the Collection Section of the Department of Banking and Insurance. The entire fine must be paid in full before any license is reinstated upon completion of the period of revocation. 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 pertains to all administrative actions and violations that were alleged or could have been alleged against Lindsay arising from the Commission's investigation file #10001370; and it is further

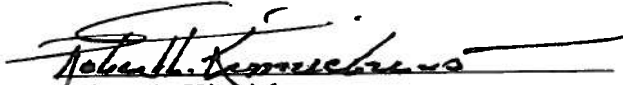
ORDERED AND AGREED that by signing below, Lindsay confirms that:

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 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: 10/21, 2014


  
Robert L. Kinnebrew  
Executive Director  
New Jersey Real Estate Commission

Consented to as to  
Form, Content and Entry

Dated: 10/16, 2014

  
Robert J. Lindsay

Dated: 10/6, 2014

  
Glen D. Kimball  
Attorney for Respondent