

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER ESS-15-017
)	(REC ref #13-28348)
Complainant)	
)	
vs.)	CONSENT ORDER
)	AS TO ANTHONY FREDA
)	
ANTHONY FREDA (SP0560531) formerly licensed)	
New Jersey real estate salesperson, and)	
JOHN J. SASS (RB8335977) licensed New Jersey)	
real estate broker and broker of record of)	
Century 21 Cedarcrest Realty, Inc.,)	
)	
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 Anthony Freda may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS, Anthony Freda 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 Anthony Freda may have violated various provisions of the real estate laws of the State of New Jersey; and

WHEREAS Anthony Freda acknowledges that he is aware of his right to a hearing on any violations which the Commission may allege he has committed and of his right to obtain counsel, he is knowingly and voluntarily waiving those rights; and

WHEREAS the Commission and Anthony Freda, 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 Anthony Freda has represented to the Commission that he has no funds to pay a fine, he has not been able to maintain steady employment due to the fact that he has had a substance abuse problem for over 6 years and he has no permanent home and has had to stay with family and friends; and

WHEREAS the terms of this Consent Order were approved by the Commission at a regular meeting on May 10, 2016; 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 22 day of April, 2016

ORDERED AND AGREED that Anthony Freda admits the following facts:

1. Respondent Anthony Freda is a formerly licensed New Jersey real estate salesperson who was last licensed with Cedarcrest Realty, Inc., d/b/a Century 21 Cedarcrest Realty, licensed New Jersey real estate broker, having its principal place of business located at 460 Bloomfield Ave., Caldwell, N.J. 07006. His license expired on June 30, 2015 and has not been renewed or reinstated; and

2. At all times relevant hereto, Anthony Freda was a licensed New Jersey real estate salesperson employed with Cedarcrest Realty, Inc. Respondent Freda was first licensed in New Jersey on January 17, 2005; and

3. Luis and Sherri Tavares listed their property located at 267 Fairview Ave., Cedar Grove, N.J. for sale with Century 21 Cedarcrest on or about May, 2010. The property was a short sale. Respondent Anthony Freda was the listing agent; and

4. On or about June 22, 2011, an offer to purchase the property was made by Louis Campisano, as the buyer. The offer was prepared by Century 21 Cedarcrest salesperson Mark Conca on a form contract of sale, subject to attorney review. Century 21 Cedarcrest Realty was acting as a dual agent in the transaction; and

5. The sellers accepted the offer and Respondent Freda represented to them that he submitted same to the bank which held the Tavares' mortgage for approval of a short sale along with a hardship letter signed by sellers; and

6. On or about July 8, 2011, the buyer's attorney disapproved the contract of sale during the attorney review period and the transaction did not proceed to closing; and

7. Respondent Freda caused the property to be entered into the Multiple Listing Service as "under contract" when in fact it had never survived attorney review. The Multiple Listing Service history of the property shows that it was placed in "under contract" status on September 7, 2011 and remained that way until the listing expired on December 26, 2011; and

8. In spite of the fact that there was no active listing and no pending contract of sale on the property, Respondent continued to represent Mr. and Mrs. Tavares throughout 2012. Mrs. Tavares contacted Respondent Freda numerous times throughout 2012 to inquire about the status of the contract. In response to Mrs. Tavares' inquiries, Respondent Freda assured her that the contract was proceeding and that he had submitted paperwork to the bank; and

9. In fact, the bank's file had been closed because Respondent Freda had not submitted necessary paperwork; and

A.F.

10. In January, 2013, in response to Mrs. Tavares' request for documents, Respondent Freda sent an e-mail to Mrs. Tavares and attached a contract of sale. The contract was the same as the one presented in 2011 with Campisano as the buyer, but the dates had been "whited out" and changed to December 22, 2012. There were no initials of the seller or the buyer on the change; and

11. In fact, the buyer had cancelled the contract in 2011 during the attorney review. He did not submit any new offers and he was not interested in purchasing the property; and

12. Mrs. Tavares corresponded with Respondent Freda via e-mail on the evening of January 23, 2012 wherein Respondent Freda admitted that there was no contract and stated that he would withdraw the paperwork from the bank; and

13. Respondent admitted to a Real Estate Commission investigator that he changed the dates on the contract so that he could submit it to the bank to attempt to re-start the short sale process and to obtain a purchase price amount that the bank would accept. He admitted that he knew that buyer Campisano had cancelled the contract in July, 2011 and had not revived his offer;

And it is further

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

1. Respondent Freda is in violation of N.J.S.A. 45:15-17(a) for making a substantial misrepresentation in his January 9, 2013 e-mail to Mrs. Tavares when he led her to believe that there was a viable transaction pending; and

A.P.

2. Respondent Freda is in violation of N.J.S.A. 45:15-17(a) for making a substantial misrepresentation by designating in the Multiple Listing Service that the property was under contract when in fact it was not; and

3. Respondent Freda is in violation of N.J.S.A. 45:15-17(e), conduct demonstrating unworthiness, bad faith and dishonesty by altering the dates on a contract of sale; and

4. Respondent Freda is in violation of N.J.A.C. 11:5-6.4 in that he failed to promote and protect the interests of both Mr. and Mrs. Tavares who were his clients as demonstrated by the above described conduct; and

Based on the above, it is hereby:

ORDERED AND AGREED that Anthony Freda's eligibility to hold a real estate license in New Jersey shall be revoked for life; and it is further

ORDERED AND AGREED that based on Anthony Freda's claim of indigency, no fine is assessed; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file #13-28348 as set forth above. The Commission reserves the right to take further administrative action if it obtains any other information that Anthony Freda 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, Anthony Freda confirms that:

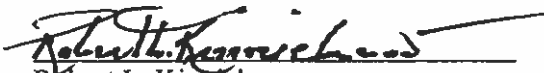
A.F.

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 her acceptance of the provisions of this Consent Order; and it is further

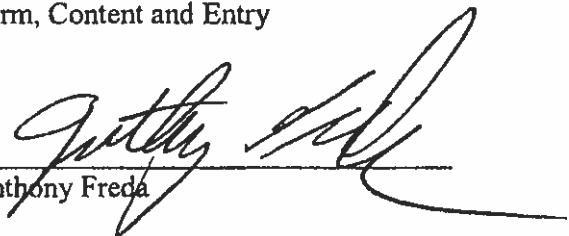
ORDERED AND AGREED that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein.

Dated: 5/13/16


Robert L. Kinnlebrew
Executive Director
New Jersey Real Estate Commission

Consented to as to
Form, Content and Entry

Dated: 4/22/16


Anthony Freda

A.F.