

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 JOHN J. SASS
)	
ANTHONY FRED A (SP0560531) 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 John Sass may have violated various provisions of the real estate licensing law of the State of New Jersey; and

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

WHEREAS John Sass 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 John Sass, 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 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 10th day of May, 2016

ORDERED AND AGREED that John Sass admits the following facts:

1. Respondent John Sass is a licensed New Jersey real estate broker and is broker of record of 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. He has been licensed in New Jersey since February 10, 1984; 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. As broker of record of Century 21 Cedarcrest Realty, Respondent John J. Sass is responsible for overseeing all real estate activities conducted by salespersons employed there; and

4. 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

5. 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

6. 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

7. 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

8. 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

9. Respondent John Sass did not review the transaction file and therefore was not aware of Freda's actions or the true status of the Tavares property; and

And it is further

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

1. Respondent Sass is in violation of N.J.A.C. 11:5-4.5 in that as broker of record of Cedarcrest Realty, he failed to properly supervise the activities of Respondent Freda;

Based on the above, it is hereby:

ORDERED AND AGREED that Mr. Sass shall pay a total fine in the amount of \$1,000.00; and it is further

ORDERED AND AGREED that Mr. Sass shall complete at least 3 hours of continuing education course(s) on agency and/or ethics and shall supply proof of same to the Commission staff on or before July 1, 2016. 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 #13-28348 as set forth above. The Commission reserves the right to take further administrative action if it obtains any other information that John Sass 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, John Sass 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 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. Kinniebrew
Executive Director
New Jersey Real Estate Commission

Consented to as to
Form, Content and Entry

Dated: 2/15/16


John J. Sass