

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER CO-16-0011
)	REC Ref. No. 10004500
)	
Complainant)	CONSENT ORDER
)	
v.)	
)	
DAVID RUBIN, a licensed New Jersey)	
real estate salesperson (Ref. No. 0457678),)	
)	
)	
Respondent.)	

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 David Rubin, a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Rubin is a licensed New Jersey real estate salesperson, currently licensed with Ken Worden, Inc. d/b/a Century 21 Worden & Green, licensed New Jersey broker, whose office is located at 256 Route 206, Hillsborough, New Jersey 08844; and

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

WHEREAS on or about November 21, 2013, Rubin was indicted and charged with several criminal offenses in Somerset County; and

WHEREAS in November, 2013 and December, 2013, Respondent was licensed by the Commission and failed to notify the Commission of the indictment; and

WHEREAS the underlying conduct related to Respondent’s gold buying business and did not involve real estate activity; and

WHEREAS on or about April 15, 2016, Rubin was convicted on two counts of Hindering apprehension, false information, a crime of the fourth degree, in violation of N.J.S.A. 2C:29-3B(4), and

Tampering with public records, a crime of the third degree, in violation of N.J.S.A. 2C:29-7A(1). He was sentenced to twenty-four months of probation, as well as fines and costs; and

WHEREAS Rubin's conduct as described above is in violation of N.J.S.A. 45:15-17(e) (two counts) because his failure to notify the Commission of the charges and as well as the underlying conduct demonstrates unworthiness and incompetency; and

WHEREAS Rubin is in violation of N.J.S.A. 45:15-17(s) in that he failed to notify the Commission within thirty days of being charged with a crime; and

WHEREAS, Rubin acknowledges that he is aware of his right to a plenary hearing on any violations which the Commission may allege he has committed and having notice that he has the right to obtain 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 the right to an attorney; and

WHEREAS the Commission and Rubin, 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 September 29, 2016; and

IT APPEARING that the matter against Rubin 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 29th day of September, 2016

ORDERED AND AGREED that Rubin is in violation of N.J.S.A. 45:15-17(s) for failing to notify the Commission within thirty days of the indictment; and it is further

ORDERED AND AGREED that the aforementioned conduct constitutes a violation of N.J.S.A. 45:15-17(e) (two counts) because the conduct underlying his conviction and the failure to notify the Commission of the indictment demonstrates unworthiness and incompetency; and it is further

ORDERED AND AGREED that Rubin admits and accepts responsibility for these violations; and it is further

ORDERED AND AGREED that Rubin's right to licensure shall be revoked until he completes his term of criminal probation. Should Rubin make application for a license to be issued after his term of revocation, he must demonstrate sufficient rehabilitation; and it is further

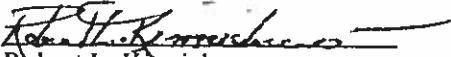
ORDERED AND AGREED that Rubin shall pay a fine in the amount of \$500. The fine shall be paid in full prior to re-licensure. The fine shall be payable by certified check, cashier's check or money order payable to the "State of New Jersey" and sent to the Division of Anti-Fraud Compliance/Collection Section, 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 #10004500. The Commission reserves the right to take further administrative action if it obtains any other information that Rubin 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 by signing below, Rubin confirms that:

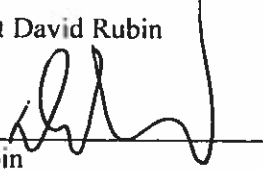
- a. he is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair his ability to knowingly and voluntarily execute this Consent Order; and
- b. he is entering into this agreement knowingly and voluntarily, that he has 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 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.


Robert L. Kinniebrew
Executive Director
New Jersey Real Estate Commission

Consented to as to
Form, Content and Entry

Respondent David Rubin



David Rubin

Dated: _____

9/7/16