

NEW JERSEY REAL ESTATE COMMISSION

In the Matter of Marc A. Sorrentino )  
 ) Docket Number CO-16-015  
 ) REC Ref. No. 10004441  
Appeal of Denial of Application for )  
Licensure as a Real Estate Salesperson ) CONSENT ORDER  
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THIS MATTER having been opened to the New Jersey Real Estate Commission (“Commission”) in the Department of Banking and Insurance, State of New Jersey; and

WHEREAS Marc A. Sorrentino (“Sorrentino”) is an unlicensed individual seeking licensure as a New Jersey real estate salesperson; and

WHEREAS Sorrentino is subject to the provisions of the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq.; and

WHEREAS the Real Estate Commission staff has secured evidence which indicates that Sorrentino has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Sorrentino completed the salesperson’s pre-licensure education course on February 24, 2016 and passed the license examination on March 19, 2016; and

WHEREAS Sorrentino answered screening question #2 which states, “Is there a criminal complaint, disorderly persons charge, a criminal accusation or criminal information presently pending against you or are you presently under indictment in New Jersey, any other state or by the federal government, or are you presently enrolled in New Jersey’s Pre-Trial Intervention (PTI) program or any similar State or Federal program involving the deferral of the disposition or sentencing in a criminal matter?” in the negative; and

WHEREAS Sorrentino answered screening question #8 which states “Do you currently hold a real estate license issued by another state?” in the negative; and

WHEREAS as a result of the criminal history records check performed on new applicants for licensure, the Commission was informed that on September 24, 2014, Sorrentino was indicted in the United States District Court, District of New Jersey, on one count of Conspiracy to Defraud the United States and three counts of Filing False Tax Returns; and

WHEREAS by letter dated June 23, 2016, the Commission staff denied his application for a license because of the criminal indictment pending against him as well as his failure to disclose same on his application for licensure; and

WHEREAS, Sorrentino is the holder of a broker associate license in the State of New York and held same at the time that he made application to the State of New Jersey; and

WHEREAS Sorrentino filed an appeal of the initial denial to the Commission. He has submitted three positive character references and he has an active offer of employment as a salesperson with VRI Homes, Lawrence Vecchio, licensed real estate broker, whose office is located at 3400 Highway 35, Hazlet, N.J. 07735 ; and

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

WHEREAS Sorrentino acknowledges that he is aware of his right to a full and formal hearing on any violations which the Commission may allege he has committed and of his right to have the advice of counsel on the matters to which this Consent Order pertains, and he is knowingly and voluntarily waiving those rights; and

WHEREAS the Commission and Sorrentino in order to avoid the costs and uncertainty of litigation and to resolve this matter with finality, hereby agree to the terms of this Consent Order, fully disposing of all the issues in controversy in this matter with prejudice; and

WHEREAS Sorrentino admits that he violated N.J.S.A. 45:15-17(n) in that he attempted to procure a real estate license by failing to disclose that there was a criminal indictment pending against him when he filed his application for licensure as a New Jersey real estate salesperson and failed to disclose that he was the holder of a real estate license in another state; and

WHEREAS in his letter of appeal and in his testimony, Sorrentino represented to the Commission that he inadvertently answered those screening questions #2 and #8 incorrectly due to his nervousness in taking the licensure examination and that the incorrect responses were not intentionally made; and

WHEREAS the terms of this Consent Order were approved by the Commission at a regular meeting on SEPTEMBER 27, 2016; and

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

NOW THEREFORE, on this 27th day of SEPTEMBER, 2016

ORDERED AND AGREED that Sorrentino admits and accepts responsibility for the above violation; and it is further

ORDERED AND AGREED that Sorrentino is eligible for licensure as a New Jersey real estate salesperson, which license shall be held on probation until such time as there is a final disposition of the criminal indictment. At such time as there is a dismissal of the indictment, the probation shall terminate. In the event that there is a conviction, the Commission reserves the right to bring further proceedings against Sorrentino for revocation of the license and/or any other action that the Commission may deem appropriate; and it is further

ORDERED AND AGREED that during the probationary period, the following conditions apply:

a. It is Sorrentino's obligation to inform any employing broker that his license is on probation and to provide a copy of this Consent Order to the broker; and

b. Any employing broker must notify the Commission in writing within 72 hours if he or she receives any information indicating that Sorrentino has violated the Commission's statute, N.J.S.A. 45:15-1 et seq., or regulations, N.J.A.C. 11:5-1.1 et seq., and

c. Sorrentino must notify the Commission in writing within 72 hours if he is charged with or convicted of any criminal or disorderly persons' offense; and it is further

ORDERED AND AGREED that Sorrentino shall pay a fine in the amount of \$2,000; and it is further

ORDERED AND AGREED that the fine shall be paid in full within 30 days of the date of this Consent Order. No license shall be issued unless and until the fine has been paid in full. 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

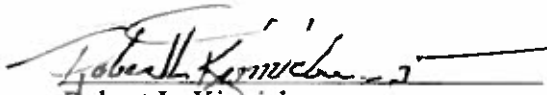
ORDERED AND AGREED that the Commission reserves the right to take further administrative action if it obtains any other information that Sorrentino may have violated the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.; and it is further

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

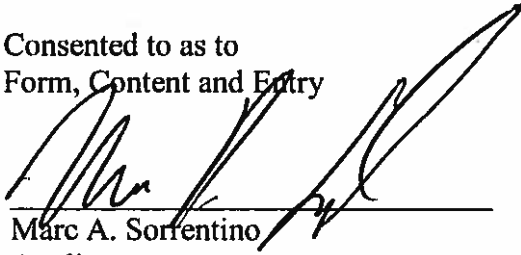
a. he is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair his ability to knowingly and voluntarily execute this Consent Order; and

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 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

  
Marc A. Sorrentino  
Applicant

Dated:

9/27/16