

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER MER-17-015
	)	(REC Ref. No. 10004487)
Complainant,	)	
	)	CONSENT ORDER
v.	)	
	)	
JOYCE KIM, licensed New Jersey real estate	)	
salesperson, (Ref. No. 0791085)	)	
	)	
Respondent.	)	

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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, upon information that Joyce Kim ("Kim"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

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

WHEREAS the Real Estate Commission staff has alleged that Kim may have violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Kim acknowledges that she is aware of her right to a plenary hearing on any violations which the Commission may allege she has committed and having notice that she has the right to obtain the advice of counsel on matters to which this Consent Order pertains, she is knowingly and voluntarily waiving the right to a hearing and the right to an attorney; and

WHEREAS the Commission and Kim, in order to avoid the costs and uncertainty of further litigation and to resolve the 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 August 24, 2017; and

IT APPEARING that the matter against Kim 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 25<sup>th</sup> day of August, 2017

ORDERED AND AGREED that Respondent Kim admits the following facts:

1. Kim is a licensed New Jersey real estate salesperson, currently licensed with Cosmo Realty, Inc., whose office is located at 258 Broad Avenue, Palisades Park, New Jersey; and

2. On or about September 30, 2014, Kim was charged in the Edison Township Municipal Court with one count of Corporate Theft in violation of N.J.S.A. 2C:21-9(c); one count of Identity Theft, in violation of N.J.S.A. 2C:21-17(a)(5); and one count of Forgery, in violation of N.J.S.A. 2C:21-1A(2); and

3. The conduct underlying the criminal charges was not related to real estate sales activity; and

4. Kim failed to notify the Commission of the filing of formal criminal charges against her within 30 days as required under N.J.S.A. 45:15-17(s); and

5. On or about March 18, 2016, Kim was accepted into the Pre-Trial Intervention Program ("PTI") for a period of 36 months. Kim simultaneously entered a plea of guilty with the Superior Court of New Jersey, Middlesex County, to one count of Corporate Fraud, in violation of N.J.S.A. 2C:21-9(c), a crime of the second degree. Pursuant to N.J.S.A. 2C:43-12g(3), the guilty plea is being held on "inactive" status pending successful completion of PTI, and has no force or effect unless PTI is violated. Upon successful completion of PTI, the charges against Kim will be dismissed; and

And it is further

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

1. Respondent Kim acted in violation of N.J.S.A. 45:15-17(s), in that Kim failed to notify the Commission within 30 days of formal criminal charges being filed against her in the Edison Township Municipal Court on September 30, 2014; and

2. Respondent Kim acknowledges that pursuant to N.J.S.A. 45:15-9 and 45:15-17(c), she is subject to sanctions; and

Based on the above, it is hereby:

ORDERED AND AGREED that Kim shall pay a fine in the amount of five hundred dollars (\$500). The fine shall be paid in full within thirty (30) days of the full execution 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 Kim's real estate license shall be held on probation until her successful completion of PTI, which is currently scheduled to be completed on March 18, 2019. During the probationary period, the following conditions shall be imposed:

- a. It is Kim's obligation to inform any employing broker that her license is currently on probation;
- b. Any employing broker must notify the Commission within 72 hours if he or she receives any information indicating that Kim may have violated the New Jersey Real Estate Licensing Law, or corresponding regulations; and
- c. Kim must notify the Commission within 72 hours if she is charged with or convicted of any criminal or disorderly persons offense; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10004487. The Commission reserves the right to take further administrative action if it obtains any other information that Kim may have violated the Real Estate Brokers and Salespersons 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, Kim confirms that:

- a. she is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair her ability to knowingly and voluntarily execute this Consent Order; and
- b. she is entering into this agreement knowingly and voluntarily, that she has not been subject to any coercion or threats regarding her execution of this Consent Order and that other than the other terms set forth above, no promises, representations or inducements have been made to her 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 violation contained herein.

Dated: 8/25, 2017



Patrick J. Mullen  
Director of Banking  
New Jersey Department of Banking and Insurance  
Real Estate Commission

Consented to as to  
Form, Content and Entry

Respondent Joyce Kim

Dated: 12th Aug 2017

Joyce Kim  
Joyce Kim

Subscribed and sworn to before me on this 12th day of Aug, 2017

Mikyung Lee

Notary Public

**MIKYUNG LEE**  
**NOTARY PUBLIC OF NEW JERSEY**  
My Commission Expires 11/10/2021