

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER MID-17-005
)	(REC Ref. No. 10003129)
Complainant,)	
)	CONSENT ORDER
v.)	
)	
RICHARD J. ABRAMS, licensed New Jersey)	
real estate broker, (Ref. No. 7942045))	
)	
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 Richard J. Abrams ("Abrams"), a licensed real estate broker, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Abrams 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 Abrams may have violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Abrams 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 had the advice of counsel on matters to which this Consent Order pertains, he is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Abrams, 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 July 11, 2017; and

IT APPEARING that the matter against Abrams 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 12th day of July, 2017

ORDERED AND AGREED that Respondent Abrams admits the following facts:

1. Abrams is a licensed New Jersey real estate broker, currently licensed as broker of record of Rich Abrams & Associates, Inc. d/b/a Century 21 Abrams, Hutchinson & Associates, licensed New Jersey broker, whose office is located at 3562 Route 27, Kendall Park, New Jersey; and

2. On or about September 11, 2014, Abrams entered into a listing agreement with the seller of the subject property to list the property located at 624 Ridge Road, Monmouth Junction, New Jersey for sale. The expiration date of the listing agreement was March 10, 2015; and

3. After the expiration of the agreement, the seller of the subject property verbally authorized Abrams to continue to negotiate with potential buyers who had viewed the property during the original term of the listing agreement. The scope of the authority conferred on Abrams was never reduced to writing; and

4. After the expiration date of the listing agreement, Abrams continued to solicit offers to purchase the property from new buyers; and

5. After the expiration of the listing agreement, Abrams hired a locksmith to gain access to the property, without the seller's permission, to allow a showing to a potential buyer.

And it is further

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

1. Respondent Abrams acted in violation of N.J.S.A. 45:15-17(e), incompetency, in that by failing to obtain the consent of his client prior to hiring a locksmith to gain entry into his client's home in order to show the home to a potential buyer Abrams demonstrated incompetency; and

2. Respondent Abrams admits that he acted in violation of N.J.A.C. 11:5-6.4(a), (two counts), in that he failed to strictly adhere to the laws of agency, and also in that he failed to protect and promote, as he would his own, the interests of the client he had undertaken to represent. Specifically, Respondent Abrams:

- a) exceeded the scope of authority granted to him by the seller in the written listing agreement by soliciting offers from new buyers after expiration of the listing agreement; and
- b) hired a locksmith to gain entry into his client's home and allow another agent access into the home, in order to show the property to a prospective purchaser.

Based on the above, it is hereby:

ORDERED AND AGREED that Abrams shall pay a fine in the amount of fifteen thousand dollars (\$15,000). 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 Abrams shall complete 120 hours of broker prelicensure education, which shall include completion of a 90 hour general broker prelicensure course, as well as a 30 hour prelicensure course on broker's ethics and agency law and relationships. Proof of completion of the

same shall be submitted to Real Estate Commission staff within one year of the approval of this order, and it is further

ORDERED AND AGREED that Abrams' broker's license will be held on probation for a period of two years. During the probationary period the following conditions to continued licensure shall be imposed:

- a. Abrams must notify the Commission within 72 hours if he receives any information indicating that Abrams or one of the licensees under his supervision may have violated the Act or corresponding regulations;
- b. Abrams must notify the Commission within 72 hours if he is charged with or convicted of any criminal or disorderly persons offense; and

If Abrams violates any of the terms of his probation, or is found to be in violation of the Act or corresponding regulations within the term of this probationary period, this agreement will be NULL and VOID, and the Commission may, at its option, re-open the prosecution of all violations previously alleged in this matter. The terms of this probation shall apply only to violations that occur after the execution of this agreement; and it is further

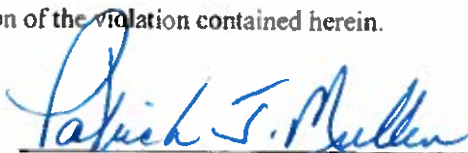
ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10003129. The Commission reserves the right to take further administrative action if it obtains any other information that Abrams may have violated the Real Estate Brokers and Salesmen Act, 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, Abrams 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 has received the advice of legal counsel on this matter and on the terms of this Consent Order and 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 violation contained herein.

Dated: 7/12, 2017



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

Consented to as to
Form, Content and Entry

Dated: 7/11, 2017



Richard J. Abrattis