

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER MON-16-003
)	
Complainant)	CONSENT ORDER AS TO
)	STANLEY KOMITO
)	(REC Ref. No.10001202)
)	
vs.)	
)	
JODI GOLDBERG, licensed New Jersey)	
real estate broker-salesperson,(SB0447834),)	
and STANLEY KOMITO, licensed New)	
Jersey real estate salesperson, (SP7851723).)	
)	
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 Stanley Komito may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Stanley Komito is a licensed New Jersey real estate salesperson currently licensed with Coldwell Banker Real Estate Services, LLC (“Coldwell Banker”), Coldwell Banker is a licensed New Jersey real estate broker whose principal place of business is located at 175 Park Avenue, Suite 3-23, Madison, N.J. 07940. Respondent works out of the branch office located at 335 Route 9 South, Manalapan, N.J. 07726. Respondent Komito was first licensed in New Jersey in 1976; and

WHEREAS Komito 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 has alleged that Komito may have violated various provisions of the real estate laws of the State of New Jersey, as more particularly set forth in the Order to Show Cause issued against him under Docket Number MON-16-003; and

WHEREAS Stanley Komito acknowledges that he is aware of his right to a hearing on any violations which the Commission may allege he has committed and having obtained 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

WHEREAS the Commission and Stanley Komito, 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 12, 2017; and

IT APPEARING that the matter against Respondent Stanley Komito 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 20th day of September, 2017

ORDERED AND AGREED that Stanley Komito admits the following facts:

1. Respondent Komito was the listing agent for the property located at 6 Miro Circle, Marlboro, N.J. (the "Property") which was owned by Laurie Goldzweig Kradle. Ms. Kradle completed a Seller Disclosure form which indicated that there were no known flooding problems affecting the property or adjacent properties and that there

was no knowledge of conditions in the area that could adversely affect the value or desirability of the property such as zoning changes or road changes. Ms. Kradle completed the Seller's Disclosure Statement on or about July 30, 2009; and

2. Mr. and Mrs. Neil Visoky entered into a contract of sale for the Property on August 17, 2009 for a purchase price of \$665,000.00 and the closing on the Property took place on December 17, 2009. Shortly after the Visoky closing on the Property, construction of new homes on the contiguous property began. Trees were removed from the adjacent property and pipes and drainage lines were installed on the Property. Major subdivision approval had been granted by the Marlboro Planning Board in July, 2009 for the property contiguous to the Property; and

3. As part of the Marlboro Planning Board's resolution approving the Paragon Homes development, the Board specifically required that "any adverse impacts on adjoining property owners from storm water runoff shall be immediately addressed by the applicant and/or owner of the property"; and

4. Respondent Komito stated to a Commission investigator that prior to taking the listing on or about July 30, 2009, Ms. Kradle did inform him about the possibility that new homes would be built directly behind and adjacent to the Property. Respondent Komito was never informed about the Marlboro Planning Board's final subdivision approval which was granted at approximately the same time as Respondent Komito took the listing for the Property. Respondent Komito further stated that he did not believe that to be a significant factor in the value or desirability of the Property. Respondent Komito never attended any of the Marlboro Planning Board's meetings and never viewed any Planning Board resolution; and

5. Respondent Komito was informed and believed that the new homes being built behind the property were “luxury homes” that would potentially increase the value of the Property;

6. Respondent Komito contends that he was never informed of Mr. and Mrs. Visoky’s subjective desire for a “secluded” or “wooded” property;

7. Respondent Komito was never informed about any specifics relating to the potential construction of these “luxury homes,” or any impact the construction would have on drainage or other issues associated with the property;

8. Mr. and Mrs. Visoky were not informed of the construction on the property adjoining theirs; and

9. The homes that were eventually built adjacent to the Property were listed and sold for \$775,000.00 and \$765,000.00 respectively;

10. There is no evidence that the value of the Property has been negatively affected by the building of the adjacent homes and the assessed value for the Property actually increased to \$704,500.00 for 2015 and \$685,000.00 for 2016;

11. Upon information and belief, at least two of the new homes that were built caused drainage issues for which a piping and drainage system had to be installed on the Visoky property;

12. Ms. Kradle has not filed any complaint against Respondent Komito for his actions or inactions in connection with the sale of the Property; and it is further

ORDERED AND AGREED that based on the above facts, and in an effort to fully and finally resolve this matter, Respondent Stanley Komito agrees to the following:

13. Respondent Komito is in violation of N.J.S.A. 45:15-17(a) in connection with the sale of the property at 6 Miro Circle; and

14. Respondent Komito is in violation of N.J.A.C. 11:5-6.4(a) concerning the property at 6 Miro Circle; and it is further

ORDERED AND AGREED that Komito accepts responsibility for the above violations; and it is further

ORDERED AND AGREED that Komito will complete five (5) hours of continuing education in the subject area of agency which will be in addition to the continuing education requirement that all licensees must fulfill prior to the renewal of their license; and it is further

ORDERED AND AGREED that Komito shall pay a fine in the total amount of \$5,000; and it is further

ORDERED AND AGREED that the fine shall be payable within thirty (30) days from 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 the allegations contained in paragraph 16 of the Order to Show Cause are administratively dismissed; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file #10001202 as incorporated in the Order to Show Cause filed in this matter. The Commission reserves the right to take further administrative action if it obtains any other information that Komito 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, Komito 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.


Dated: 9/20, 2017




Patrick J. Mullen
Director of Banking

Consented to as to
Form, Content and Entry

Dated: 9/14, 2017



Stanley Komito



Ryan DiClemente, Esq.
Attorney for Respondent

Rev. 9/11/17