

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER ESS-13-022
)	REC Ref. No. 12-28186
Complainant)	
)	DENIAL OF RECONSIDERATION
)	OF CONSENT ORDER
v.)	
)	
AUTUMN URLING, licensed New Jersey)	
real estate broker (0125766) and URLING)	
REAL ESTATE COMPANY, licensed)	
New Jersey real estate broker (0788255),)	
)	
Respondents.)	

This written application for reconsideration was considered by the New Jersey Real Estate Commission ("Commission") in the Department of Banking and Insurance, State of New Jersey at the Commission Hearing Room, 20 West State Street, Trenton, New Jersey on February 19, 2014.

BEFORE Commissioners Linda Stefanik, Eugenia K. Bonilla, Jeffrey Lattimer and Robert Melillo.

APPEARANCES: Lauren Glantzberg, Regulatory Officer, appeared on behalf of complainant, the New Jersey Real Estate Commission. Respondents, Autumn Urling and Urling Real Estate Company, were represented by Joseph A. Marino, Esq. of Marino, Mayers & Jarrach, LLC, who did not appear. The Commission considered the application on the papers submitted.

STATEMENT OF THE CASE

On September 24, 2013, the Commission approved a Consent Order, dated November 19, 2013 ("Consent Order") whereby Urling and Urling Real Estate Company admitted that they committed the following violations of the New Jersey real estate brokerage law:

N.J.S.A. 45:15-12.5 in that they failed to deposit and maintain in an account separate and apart from all other personal and business accounts, the funds of others received while acting in the capacity of a real estate broker;

N.J.S.A. 45:15-17(o) and N.J.A.C. 11:5-5.1(a) and (c) in that they commingled the money of their principals with their own, and failed to maintain in a special account, separate and apart from personal or other business accounts, all monies received by the Respondents acting in the capacity of a real estate broker or as an escrow agent or the temporary custodian of the funds of others in a real estate transaction;

N.J.S.A. 45:15-17(d) in that they failed to account for or pay over the funds of others in various transactions;

N.J.S.A. 45:15-17(e) in that the above stated events demonstrate unworthiness, incompetency, bad faith and dishonesty;

N.J.S.A. 45:15-17(l) in that the above conduct demonstrates fraud and dishonest dealing;

N.J.A.C. 11:5-6.4(a) in that by their above described actions, they failed to protect and promote the interests of their principals;

N.J.A.C. 11:5-5.4(b)(1) in that they failed to record the information required by that rule on the trust account checkbook stub and ledger for all deposits and disbursements of monies of others received by them;

N.J.A.C. 11:5-5.4(b)(3) in that they failed to reconcile and maintain records confirming that at least a quarterly reconciliation has been made between the checkbook balance, bank statement balance and trust account ledger;

N.J.A.C. 11:5-5.1(b) in that they failed to report via affidavit or certification any change in an existing account or the establishment of the second escrow account; and

N.J.A.C. 11:5-5.1(e) in that they failed to promptly deposit funds within 5 days as required by that rule (Schiller, Okolo, Clarke, Smith, Zhao, Sorhaindo).

Based on those violations, Urling agreed to and the Commission approved the following penalties:

Urling's real estate broker license was revoked for ten years and she must fully re-qualify if she seeks a broker license,

Urling's right to licensure as a salesperson or a referral agent was revoked for two years and

Urling must pay a fine of \$10,000 prior to any re-licensure.

In the Consent Order, Urling certified that she was 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 the Consent Order and that she was entering into the agreement knowingly and voluntarily.

On December 16, 2013, Joseph A. Marino, Esq. filed a Motion on behalf of Urling and Urling Real Estate Company, requesting that the Commission vacate the November 19, 2013 Consent Order, vacate any restraints and/or penalties imposed and allow Urling 30 days to file an Answer. Marino argued that Urling was suffering from anxiety and depression and was incapable of appreciating the nature and extent of the allegations raised against her and the sanctions sought against her and was not represented by counsel. On January 9, 2014, the Commission staff submitted a response to the motion where it argued that Urling has not presented any reason justifying relief from the Consent Order pursuant to R. 4:50-1. The Commission staff also requested that if the Commission were to vacate the Consent Order, that the Commission should immediately consider its Motion for Temporary Suspension.


DETERMINATION AND ORDER

On February 19, 2014, the Commission DENIED the Respondent's Motion for Reconsideration and to Vacate the Consent Order as Urling failed to satisfy the criteria as set

forth in New Jersey Court Rules for Civil Practice, R. 4:50-1 and failed to show the existence of exceptional circumstances which would merit vacating the Consent Order.

SO ORDERED this 27th day of February, 2014

By: Linda Stefanik, President
Eugenia K. Bonilla, Commissioner
Jeffrey Lattimer, Commissioner
Robert Melillo, Commissioner


Robert L. Kinnelbrew
Executive Director
New Jersey Real Estate Commission
State of New Jersey