

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER MOR-14-023
)	
Complainant)	CONSENT ORDER
)	REC Ref. No. 10002640
v.)	
)	
BLAKE SHANAPHY, an unlicensed person,)	
)	
)	
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; and

WHEREAS Blake Shanaphy (“Shanaphy”) is an unlicensed individual seeking licensure as a New Jersey real estate salesperson; and

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

WHEREAS Shanaphy completed the salesperson’s pre-licensure education course on January 25, 2014 and passed the examination on February 7, 2014; and

WHEREAS Shanaphy answered screening question #1 which states, “With the exception of motor vehicle violations, have you ever been convicted of a crime, misdemeanor, or disorderly persons offense in the state of New Jersey, or any other state or by the federal government, or are you presently on probation or parole?” 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 March 28, 2007, Shanaphy was convicted in the Supreme Court of the State of New York, New York County, on one count of Grand Larceny, second degree, in violation of PL §155.40 and one count of Perjury, first degree, in violation of PL §210.15. He

was sentenced to ninety days imprisonment, to be followed by 5 years of probation. He was ordered to pay \$458,694 in restitution; and

WHEREAS by letter dated November 6, 2014, the Commission staff denied his application for a license because of his past involvement with the criminal justice system, the conduct underlying the conviction, the outstanding restitution obligation and his failure to truthfully disclose the conviction, caused staff to conclude that Shanaphy failed to meet the standard for licensure as set forth in N.J.S.A. 45:15-9; and

WHEREAS thereafter, Shanaphy filed an appeal of the initial denial to the Commission by letter dated November 20, 2014; and

WHEREAS the New Jersey Real Estate Commission and Shanaphy desire and have agreed to settle the alleged violations of the real estate license law in lieu of a full and formal hearing; and

WHEREAS Shanaphy's appeal of the November 6, 2014 denial of his license application will be heard by the Commission on March 3 2015; and

WHEREAS Shanaphy 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 having notice that having the advice of counsel on the matters to which this Consent Order pertains, he is knowingly and voluntarily waiving the right to a hearing on said violation; and

WHEREAS the Commission and Shanaphy 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 Shanaphy admits that he violated N.J.S.A. 45:15-17(n) in that he attempted to procure a real estate license by misrepresenting that he had never been convicted of a crime when he filed his application for licensure as a New Jersey real estate salesperson; and

WHEREAS the terms of this Consent Order were approved by the Commission at a regular meeting on March 3, 2015; and

IT APPEARING that the matter against Shanaphy with regard to his violation of N.J.S.A. 45:15-17(n) be resolved upon the consent of the parties, without resort to a formal hearing, and further good cause appearing; and

NOW THEREFORE, on this 3rd day of March, 2015

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

ORDERED AND AGREED that Shanaphy shall pay a fine in the amount of \$500; and it is further

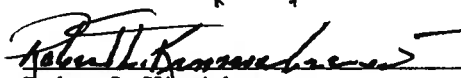
ORDERED AND AGREED that the fine shall be paid within thirty days. The fine shall be payable by certified check, cashier's check or money order payable to the "State of New Jersey" and sent to the Division of Anti-Fraud Compliance/Collection Section, Department of Banking and Insurance, P.O. Box 325, 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 Shanaphy may have violated the Real Estate Brokers and Salesperson 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, Shanaphy 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. Kinniew
Executive Director
New Jersey Real Estate Commission

Consented to as to
Form, Content and Entry

Dated:



Blake Shanaphy
Applicant

LeClair Ryan
Attorney for Respondent

By: 

Todd A. Rossman, Esq.