

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER BUR-18-016
)	
Complainant)	ORDER TO SHOW CAUSE
)	
vs.)	
)	
ROBERT CASSIDY, licensed New Jersey)	
real estate salesperson (SP1325781),)	
)	
Respondent.)	

THIS MATTER being commenced by the New Jersey Real Estate Commission in the Department of Banking and Insurance, State of New Jersey, on its own motion, pursuant to the provisions of N.J.S.A. 45:15-17, 45:15-18, and N.J.A.C. 11:5-1.1, et seq., and it appearing that:

1. Robert Cassidy is a licensed New Jersey real estate salesperson currently employed with Long and Foster Real Estate, Inc., whose principal place of business is located at 14501 George Carter Way, Chantilly, Va. Respondent works in the branch office located at 10 West Main Street, Moorestown, N.J. 08054; and
2. On or about October 31, 2016, Respondent was the listing agent for property located at 7 Stockton Drive, Voorhees, N.J. owned by Mr. and Mrs. Michael Giordano. The listing period was for one year and the purchase price was \$799,900; and
3. On or about February 6, 2017, Respondent approached the Giordanos and requested an advance on his commission in order to continue to market the property and promised that they would receive a credit for same at the time the property was sold; and

4. On or about February 9, 2017, Mrs. Giordano issued check #219 in the amount of \$15,000 payable to Respondent. The memo area on the check was marked "commission advancement." Respondent subsequently deposited the check into his own account and the check cleared the Giordanos' bank account on or about February 15, 2017; and

5. The listing expired on or about October 31, 2017 and the property was not sold; and

6. The Giordanos made repeated requests to Respondent for repayment. When Respondent failed to make repayment, on or about November 25, 2017 the Giordanos filed a complaint with the New Jersey Real Estate Commission. Subsequent to the filing of the complaint, Respondent made payments totaling \$14,000 to the Giordanos. When he was questioned about the remaining \$1,000 he stated that he had paid it in cash. The Giordanos deny ever having received cash from Respondent; and

7. When contacted by the Giordanos, Respondent's branch manager, Kelley Tanzola stated that she had no knowledge of Respondent's actions in requesting or receiving an advance on the commission; and

8. When questioned by a Real Estate Commission investigator, Respondent stated that the \$15,000 was a personal loan. This statement is disputed by the complainants, Mr. and Mrs. Giordano; and

9. Respondent is in violation of N.J.S.A. 45:15-17(a) in that he made substantial misrepresentations to his client regarding the need for and the authorization to collect an advance commission; and

10. By his above actions, Respondent has demonstrated incompetency, unworthiness, bad faith and dishonesty in violation of N.J.S.A. 45:15-17(e); and

11. Respondent is in violation of N.J.A.C. 11:5-6.4(a) in that he failed to protect and promote the interests of his clients and he put his interest above that of his clients by his above described actions;

12. Respondent is in violation of N.J.S.A. 45:15-17(m) by accepting a commission in a real estate transaction from someone other than his employing broker;

And for good cause shown,

IT IS ON THIS 5th DAY OF SEPTEMBER, 2018

ORDERED that Respondent Robert Cassidy shall show cause why Respondent's real estate license should not be suspended or revoked and/or why fines or other sanctions should not be imposed pursuant to N.J.S.A. 45:15-17 and N.J.A.C. 11:5-1.1. Respondent shall file a written Answer to the charges in this Order to Show Cause as required by N.J.A.C. 11:5-11.2 within twenty (20) days of the service of this Order. As required by N.J.A.C. 11:5-11.2, Respondent's written Answer must include specific admissions or denials of all allegations in the Order to Show Cause, state the factual basis of each and every factual allegation denied and assert any defenses that Respondent intends to present if this matter is deemed a contested case and a plenary hearing is held; and

IT IS FURTHER ORDERED that failure to comply with all the requirements of N.J.A.C. 11:5-11.2 may result in a determination that there are no material facts or issues of law in dispute and any presentation made to the Commission will be limited to the issue of the severity of any sanction or penalty to be imposed; and

IT IS FURTHER ORDERED that the New Jersey Real Estate Commission will review this Order to Show Cause and Answer filed, if any, at a meeting scheduled on or after the 10th day of OCTOBER, 2018 at 9:30 a.m. to determine whether there is a material fact or issue of law contested. No appearance is required at that time; and

IT IS FURTHER ORDERED that if the Commission determines that there is a material fact or issue of law contested, a hearing will be scheduled for a future date; and

IT IS FURTHER ORDERED that if the Commission determines that there is no material fact or issue of law contested, a hearing shall be scheduled at which the Respondent will be limited to presenting witnesses and documentary evidence regarding the issue of the severity of any sanction or penalty to be imposed; and

IT IS FURTHER ORDERED that a copy of this Order be served upon the Respondent as provided in N.J.S.A. 45:15-18, which service may be accomplished by serving a copy of this Order on the Respondent personally, or by delivering a copy hereof to his last known business address via certified mail.



Patrick J. Mullen
Director of Banking