

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER CAM-19-010
)	
Complainant,)	ORDER TO SHOW CAUSE
)	(REC Ref. Nos. 10004779, 10006685)
v.)	
)	
MICHAEL L. McGAVISK, a licensed New Jersey)	
real estate broker, (Lic. No. 0893593))	
)	
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. Respondent Michael L. McGavisk is a licensed sole proprietor real estate broker doing business as MLM Realty. According to the information on file with the New Jersey Real Estate Commission, Respondent's office is located at 1814 E. Marlton Pike, Suite 200, Cherry Hill, N.J. 08003; and

2. On September 27, 2016, the Real Estate Commission heard the license appeal of Essence Singleton Cook. Ms. Cook's application for a real estate salesperson's license had initially been denied by Commission staff because it was not submitted within one year from the date that Ms. Cook completed the pre-license education course. At the hearing, Ms. Cook produced testimony and evidence showing that she had in fact submitted her application to her prospective employing broker, Respondent Michael L. McGavisk in a timely manner and that he had not processed same properly. The Commission granted a license to Ms. Cook and directed staff to investigate Respondent and the circumstances surrounding his failure to process Ms. Cook's license application in a timely manner; and

3. On or about December 22, 2017, a complaint was filed against Respondent by Thomas Dimitriou who alleged that he had submitted an application and fee to Respondent for the renewal of his referral license for the 2017-2019 license term and that Respondent failed to renew the license causing Mr. Dimitriou's license to become inactive; and

4. A Real Estate Commission investigator visited the office located at 1814 E. Marlton Pike, Suite 200, Cherry Hill, N.J. on or about January 25, 2018. The location was occupied by TAM Lending Center and the investigator was advised by a representative of TAM that Respondent had moved his office to 409 Route 70 East, Cherry Hill, N.J. The investigator then visited the Route 70 location and found that the premises were occupied by Keller Williams Real Estate. Respondent did not maintain an office at that location; and

5. At all times relevant hereto, there was no change of address for Respondent's real estate office filed with the New Jersey Real Estate Commission; and

6. From January 25, 2018 through September 26, 2018, the investigator made several attempts to contact Respondent by telephone and by e-mail. The investigator left several telephone messages and made e-mail requests for Respondent to contact her and to provide information relative to the investigation. While the investigator was successful in contacting Respondent on one occasion in June 2018, Respondent did not provide information as requested and did not contact the investigator as requested subsequent to that date; and

7. On or about October 24, 2018, the investigator issued a subpoena to the Respondent for him to appear at the offices of the New Jersey Real Estate Commission and produce records on November 8, 2018. The subpoena was served by regular and certified mail at the Marlton Pike address on file with the Commission. Both the certified and regular mail were returned marked "not deliverable as addressed; unable to forward"; and

8. During the course of the investigation it became clear that the duty to process the license applications of Ms. Cook and Mr. Dimitriou had been delegated by Respondent to an administrative assistant with no oversight by Respondent; and

9. Respondent has demonstrated untrustworthiness in violation of N.J.S.A. 45:15-17(e) when he failed to cooperate with a Real Estate Commission investigator; and

10. Respondent has demonstrated incompetency (2 counts) in violation of N.J.S.A. 45:15-17(e) when he failed to process the license applications of Ms. Cook and Mr. Dimitriou as set forth above;

11. Respondent is in violation of N.J.S.A. 45:15-12 in that he failed to maintain an office open to the public as required; and

12. Respondent is in violation of N.J.S.A. 45:15-13 in that he failed to advise the Commission of a change of business address;

And for good cause shown,

IT IS ON THIS 28th DAY OF MARCH 2019

ORDERED that Respondent 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 Answers 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 30th day of APRIL 2019 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 addresses via certified mail.



Richard Mumford
Acting Director
Division of Banking