

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER GLO-17-016
)	(REC Ref. No. 10005123)
Complainant,)	
)	ORDER TO SHOW CAUSE
v.)	
)	
JASON FORSYTH, a licensed New Jersey)	
real estate salesperson (Ref. No. 1432085))	
)	
)	
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, 45:15-19.2 and N.J.A.C. 11:5-1.1 et seq., and it appearing that:

1. Respondent Jason Forsyth (“Forsyth”) is a licensed New Jersey real estate salesperson, who was first licensed in 2014, and is currently licensed with Fox & Roach LP d/b/a Berkshire Hathaway HomeServices Fox & Roach, Realtors – Mullica Hill, whose office is located at 157 Bridgeton Pike, Mullica Hill, New Jersey; and

2. At all relevant times herein, Forsyth represented Joseph and Kate Hodges (the “Hodges”) as sellers in the sale of the property located at 24 South Summit Avenue, Pitman, New Jersey 08071 (“24 South Summit”); and

3. At all relevant times herein, Forsyth represented the Hodges as buyers in the purchase of the property located at 518 Yale Avenue, Pitman, New Jersey 08071 (“518 Yale Ave.”); and

4. At all relevant times herein, Forsyth represented Thomas Oliver (“Oliver”) as buyer in the purchase of the property located at 110 Second Avenue, Pitman, New Jersey 08071 (“110 Second Ave.”); and

5. On or about July 17, 2016, the Hodges entered into a contract of sale to sell 24 South Summit; and

6. On or about August 7, 2016, the Hodges entered into a contract of sale to purchase 518 Yale Ave. and;

7. On or about September 13, 2016, Oliver entered into a contract of sale to purchase 110 Second Ave; and

8. In each of the three above mentioned transactions, the contract of sale stated that it was the responsibility of Forsyth’s clients (the Hodges and Oliver respectively) to obtain a certificate of occupancy if one was required by the municipality in which the property was located in; and

9. In each of the three transactions, Forsyth advised his clients not to obtain a certificate of occupancy; and

10. At no time during the course of the above transactions did Forsyth contact the local authorities to inquire as to the status of any outstanding municipal code violations, or as to whether certificates of occupancy are required for the transfer of ownership in land in the Borough of Pitman; and

11. Two of the properties had significant violations which put occupants at immediate risk of fire and health issues; and

12. As a result of Forsyth's advice to his clients, certificates of occupancy were not obtained for any of the three properties prior to closing, which caused undue delays and costs to the Hodges and Oliver; and

13. Respondent's conduct is in violation of N.J.S.A. 45:15-17(c) (three counts) in that the Respondent's conduct in the three transactions described above demonstrates unworthiness and incompetency; and

14. Respondent's conduct is in violation of N.J.A.C. 11:5-6.4(a) (three counts) in that he failed in his fiduciary duty to protect and promote, as he would his own, the interests of the clients he had undertaken to represent in the three transactions described above. Specifically, Forsyth advised his clients not to obtain a certificate of occupancy in three separate transactions.

And for good cause shown,

IT IS on this 28th day of June, 2017

ORDERED that Respondent Jason Forsyth shall show cause why his 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 this Order to Show Cause, state the factual basis of each and every factual allegation denied, and assert any defenses that Respondent intends to present in the event that this matter is deemed a contested case and a plenary hearing is held; and

IT IS FURTHER ORDERED that failure to comply with all of 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 Commission with review this Order to Show Cause and Answer(s) filed, if any, at a meeting scheduled on or after the 8th day of August, 2017 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 thereof to her last known business address via certified mail.

A handwritten signature in blue ink, reading "Patrick J. Mullen", is written over a horizontal line.

Patrick J. Mullen
Director, Department of Banking
New Jersey Department of Banking and Insurance
Real Estate Commission