

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER HUD-18-015
	)	(REC Ref No. 10004654)
Complainant,	)	
	)	
v.	)	ORDER TO SHOW CAUSE
	)	
JERRY GUSTOSO, licensed New Jersey	)	
Real estate salesperson, (Ref No. 0676792)	)	
	)	
Respondent.	)	

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THIS MATTER being commenced by the New Jersey Real Estate Commission ("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, 45:15-19.1 and N.J.A.C. 11:5-1.1 et seq., and it appearing that:

1. Respondent Jerry Gustoso ("Gustoso") is a licensed New Jersey real estate salesperson, who was first licensed in 2006, and is currently licensed with Urban Dwelling, LLC, d/b/a Keller Williams City Life Realty, whose primary office is located at 100 Washington Street, Hoboken, New Jersey; and

2. On or about August 17, 2016, Gustoso was charged with one count of Theft by Deception, in violation of N.J.S.A. 2C:20-4, a crime of the second degree, and one count of Unsworn Falsification to Authorities, in violation of N.J.S.A. 2C:28-3A, a crime of the fourth degree; and

3. The conduct underlying the criminal charges related to the filing of allegedly falsified claims and applications for disaster relief funds from a number of federal and state government programs for damages caused by hurricane Sandy to a property owned by Gustoso, located in Bayville, New Jersey. Gustoso filed claims and/or applications for FEMA assistance, a low-interest SBA disaster relief loan, state grants under the Homeowner Resettlement Program (RSP) and the Sandy Homeowner and Renter Assistance Program (SHRAP); and

4. On or about September 8, 2016, Gustoso notified the Commission of the filing of the above criminal charges against him; and

5. On or about May 25, 2018, Gustoso entered a plea of guilty in the Superior Court of New Jersey, Ocean County, to one count of Theft by Deception, in violation of N.J.S.A. 2C:20-4, a crime of the third degree. On information and belief, as part of the plea agreement, Gustoso agreed to make restitution to the New Jersey State Treasurer and to FEMA, in the total amount of \$26,434.99; and

6. On or about May 29, 2018 Gustoso made full restitution in accordance with the terms of his plea agreement; and

7. On or about August 17, 2018, Gustoso was sentenced to criminal probation for a period of one year; and

8. On or about August 18, 2018, Gustoso notified the Commission of his conviction and of the sentence imposed; and

9. The Commission is in possession of a true copy of the Criminal Complaint and the Judgment of Conviction filed in this matter; and

10. Respondent Gustoso is in violation of N.J.S.A. 45:15-17(e), dishonesty and unworthiness, in that the conduct underlying Gustoso's criminal conviction demonstrates dishonesty and unworthiness for licensure; and

11. Respondent Gustoso's real estate license is subject to revocation pursuant to N.J.S.A. 45:15-19.1, in that he has been convicted of a theft offense, which is an enumerated offense under the statute, mandating that the Commission revoke his real estate license.

And for good cause shown,

IT IS on this 10<sup>th</sup> day of September, 2018

ORDERED that Respondent Jerry Gustoso 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 will review this Order to Show Cause and Answer(s) filed, if any, at a meeting scheduled on or after the 23<sup>rd</sup> 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 thereof to her last known business address via certified mail.



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