

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER SOM-18-011
)	REC Ref. No. 1228210
)	
Complainant)	ORDER TO SHOW CAUSE
)	
v.)	
)	
LINDA JUI-JAN CHANG, licensed New Jersey)	
real estate broker (Ref. No. 9131015))	
)	
)	
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 Linda Jui-Jan Chang (“Respondent”) is a licensed New Jersey real estate broker and is broker of record of Optimum Realty Inc., (“Optimum Realty”) whose office is located at 279 Berkley Avenue, Belle Mead, New Jersey. Respondent was first licensed in New Jersey on July 1, 1991; and

2. On or about November 16, 2012, Commission received a complaint against the Respondent. In the Complaint, the complainant alleged that Optimum Realty Inc., Respondent’s office is a private residence and there is no sign or a separate entrance visible from the street indicating that there is a real estate office at the location. On November 5, 2015, a Commission investigator spoke with Respondent to schedule an interview regarding the content of the complaint received by the Commission; and

3. On November 6, 2015, an interview and an office inspection were conducted. During the inspection, the Commission investigator confirmed that the office was located in a

single-family home, which was located in a residential development. It was also confirmed by the Commission investigator that the entrance to the office was not visible from the street. It was noted that a freestanding sign was placed on the lawn curbside which stated, "Office, Optimum Realty, Inc." with a phone number; and

4. The Commission investigator confirmed that the entry door of the Optimum Realty was located on the driveway up the side stairs. The door indicated the agency's office and noted Respondent was the broker of record; and

5. During Respondent's interview, the Commission investigator requested that Respondent produce the Independent Contractor Agreements ("ICA") for the seven salespersons on the employee list contained in the New Jersey Real Estate Commission's licensing database. Respondent was unable to produce the requested ICAs at the time; and

6. During the Commission investigator's interview of the Respondent, it was discovered that Respondent had three bank accounts under Optimum Realty. The three bank accounts consisted of a business operating account, an escrow account and a money market account. The business operating account and the escrow accounts were reported to the New Jersey Real Estate Commission. The money market account had not been reported; and

7. A review of the Optimum Realty trust account bank statements revealed the following information:

- a. On September 24, 2014, an amount of \$18,784.72 was transferred online to the Optimum Realty, Inc.'s money market account from the Optimum Realty's trust account; and

- b. Respondent also stated to the Commission investigator that on May 9, 2012, she had mistakenly transferred a commission check in the amount of \$24,750 into the Optimum Realty trust account; and
- c. Respondent had made debit card purchases in the amount totaling \$643.71 for her personal expenditures from the trust account between October 1, 2014 through December 30, 2014; and

8. On June 14, 2016, Respondent provided the Commission investigator copies of ICAs for four of her seven employees. The ICAs were executed by the parties on June 1, 2016 and on June 14, 2016. On June 17, 2016, Respondent further provided an additional executed ICA of one of her employees, Asavari Saraiya to the Commission investigator. The ICA was executed by the parties on June 17, 2016; and

9. On June 17, 2016, Respondent advised the Commission investigator that one of her employees, Angel Todosov had expressed that, he “would like to resign his position of sales associate from Optimum effective immediately.” On July 1, 2016, Respondent terminated Angel Todosov (“Todosov”); and

10. Only the copies of ICAs of five of her seven employees were accounted for. Additionally, Respondent never provided an ICA for one of her listed employees, Song Cai; and

11. Respondent’s conduct is in violation of N.J.S.A. 45:15-12, N.J.A.C. 11:5-6.1(a)2 and N.J.A.C. 11:5-4.4(b), in that she failed to maintain an office that has a conspicuously displayed sign on the exterior and a separate entrance visible from the street; and

12. Respondent’s conduct is in violation of N.J.A.C. 11:5-4.1, in that she failed to have fully executed written agreements with salespersons under employ with Optimum Realty and

failed to maintain the original thereof by her as a business record and failed to make available for inspection those agreements in accordance with N.J.A.C. 11:5-5.5; and

13. Respondent's conduct is in violation of N.J.S.A. 45:15-17(o) and N.J.A.C. 11:5-5.1(a) and (c) in that she commingled the money of her principals with her own, and/or failed to maintain in a special account, separate and apart from personal or other business accounts, all monies received by the Respondents acting in the capacity of a real estate broker or as escrow agent or the temporary custodian of the funds of others in a real estate transaction; and

14. Respondent's conduct is in violation of N.J.A.C. 11:3.11(b)3ii in that Respondent did not process the termination of her employee, Todosov with the Commission within five (5) business days of the termination request by Todosov; and

15. Respondent's conduct is in violation of N.J.S.A. 45:15-17(e) in that the above stated events demonstrate unworthiness, incompetency, bad faith or dishonesty; and

And for good cause shown,

IT IS ON THIS 16th DAY OF MAY, 2018

ORDERED that Respondent Linda Jui-Jan Chang 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(s) filed, if any, at a meeting scheduled on or after the 26th day of JUNE, 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 her last known business address via certified mail.



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