

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION) DOCKETNUMBER PAS-16-005
) REC Ref. No. 10003166
 Complainant)
)
)
 vs.) CONSENT ORDER
)
)
 KLEY PERALTA, licensed New Jersey real)
 estate broker, (RB7861460) and KLEY)
 PERALTA REALTY, (C08200166))
 licensed New Jersey real estate broker,)
)
 Respondents.)

THIS MATTER having been opened to the New Jersey Real Estate Commission (the "Commission") in the Department of Banking and Insurance, State of New Jersey, upon information that Kley Peralta ("Peralta" or the "Respondent") may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Peralta is a formerly licensed real estate broker most recently licensed as broker of record of Kley Peralta Realty Co., Inc ("Kley Peralta Realty"). He returned his license to the Commission on July 25, 2016 and it has not been reinstated; and

WHEREAS Peralta is subject to the provisions of the Real Estate Licensing Law, N.J.S.A. 45:15-1 et seq.; and

WHEREAS, the staff of the Commission (the "Commission Staff") has alleged that Peralta may have violated various provisions of the real estate laws of the State of New Jersey, as more particularly set forth in the Order to Show Cause issued against him under Docket Number PAS-16-005 (the "OTSC"); and

WHEREAS, the criminal charges that were pending against Peralta in Hudson County Superior Court as well as in the Fairview, New Jersey Municipal Court at the time of the filing of the Order to Show Cause have been dismissed; and

WHEREAS, at the present time there are no criminal charges pending against Peralta in any jurisdiction; and

WHEREAS, Peralta has submitted an Office Closing Affidavit as broker of record of Kley Peralta Realty Co., Inc. dated July 25, 2016; and

WHEREAS Peralta acknowledges that he is aware of his right to a hearing on any violations which the Commission may allege he has committed and having obtained the advice of counsel on the matters to which this Consent Order pertains, he is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Peralta, in order to avoid the costs and uncertainty of further litigation and to resolve this matter with finality, hereby agree to this Consent Order, fully disposing of all the issues in controversy in this matter with prejudice; and

WHEREAS the terms of this Consent Order were approved by the Commission at a regular meeting on December 13, 2016; and

IT APPEARING that the matter against Respondent should be resolved upon the consent of the parties, without resort to a formal hearing on the aforementioned violations, and further good cause appearing;

NOW, THEREFORE, IT IS on this 15th day of December, 2016 ORDERED AND AGREED that Peralta admits the following facts:



1. On or about April 21, 2015, criminal charges for Theft were filed against Peralta in the Fairview, N.J. Municipal Court; and

2. On or about April 30, 2015, criminal charges for Theft were filed against Peralta in the West New York, N.J. Municipal Court; and

3. On or about May 11, 2010, Peralta retained the law firm of Alonso & Navarrete, LLC, 6121 Kennedy Blvd., North Bergen, New Jersey 07047 (the "Alonso Firm") to represent Peralta in the aforementioned criminal matters.

4. Peralta did not notify the Commission of the filing of formal criminal charges against him as required by N.J.S.A. 45:15-17(s); and

5. On or about September 30, 2015, the Alonso Firm failed to appear on behalf of Peralta at a hearing in a criminal matter and, as a result, Peralta was indicted in the Superior Court of New Jersey, Hudson County, Indictment Number 1398-10-2015, on one count of Theft by Deception, a crime of the 3rd degree, in violation of N.J.S.A. 2C:20-4; and

6. Respondent did not notify the Commission of the filing of a criminal indictment against him as required by N.J.S.A. 45:15-17(s); and

7. In the course of a Commission investigation, an investigator made repeated requests for Respondent to supply documents regarding the transactions referenced in the complaint filed by a consumer and referenced below. Respondent failed to comply with the investigator's requests; and

8. On December 30, 2015, a letter was sent to Respondent by a Commission investigator requesting documentation regarding the criminal indictment and an explanation for Respondent's failure to notify the Commission of same. Respondent did not comply with that request; and

9. Yanira Colon was the owner of homes located at 208 5th Street, Fairview,

N.J. and at 610 57th Street, West New York, N.J. The mortgages on those properties fell into arrears in 2009 and Bank United served Ms. Colon with notices of foreclosure in 2010. Ms. Colon became acquainted with the Respondent in or about May, 2010. Between June, 2010 and May, 2012, Respondent collected over \$31,000 from Yanira Colon by representing to her that he would be able to assist her with the foreclosure process on her homes. Respondent outlined a plan wherein Ms. Colon would pay Respondent a monthly fee of \$650 per property and he would then assist her short sale of said properties; and

10. Neither Respondent Kley Peralta nor Kley Peralta Realty are licensed debt adjusters in the state of New Jersey under N.J.S.A. 17:160-1 et seq.; and

11. On or about May 18, 2012, Ms. Colon entered into a contract for a short sale of the Fairview, N.J. property for \$235,000 to Yesid Bautista. An entity by the name of Malaysia Holding Company was later added as a buyer at the time of closing due to Yesid Bautista's inability to close on the sale; and

12. Closing on the Fairview, N.J. property took place on or about May 29, 2012. Respondent Kley Peralta Realty collected a commission in the approximate amount of \$5,875 on the property; and

ORDERED AND AGREED that the conduct of Peralta as set forth above constitutes violations of:

13. N.J.S.A. 45:15-17(s) (3 counts) in that he failed to notify the Commission of the filing of formal criminal charges and an indictment against him; and

14. Respondent is in violation of N.J.S.A. 45:15-17(e), unworthiness, (2 counts), in that he failed to cooperate with Real Estate Commission investigators;

15. N.J.S.A. 45:15-17(e), in that his conduct with regard to Ms. Colon as set

forth above demonstrates incompetency because, in accepting compensation above commissions as discussed in Commission Bulletin No. 09-35, he acted as a debt adjuster without being properly licensed to do so under N.J.S.A. 17:16G-1; and it is further

ORDERED AND AGREED that Peralta accepts responsibility for the above violations; and it is further

ORDERED AND AGREED that the real estate license of Peralta shall be revoked for life, and Peralta shall be ineligible for a salespersons license or a referral license; and it is further

ORDERED AND AGREED that Peralta shall pay a fine in the total amount of \$2,000; and it is further

ORDERED AND AGREED that the fine shall be payable in installments to begin thirty (30) days from the full execution of this Consent Order. The fine shall be payable by certified check, cashier's check or money order payable to the "State of New Jersey" and sent to the Division of Anti-Fraud Compliance/Collection Section, Department of Banking and Insurance, P.O. Box 325, Trenton, New Jersey 08625. All unpaid fines will be referred for collection and may result in a lien/judgment being placed on property, interception of state income tax refunds through the Set Off of Individual Liability (SOIL) program in the Division of Taxation and/or levy on bank accounts; and it is further

ORDERED AND AGREED that the allegations contained in paragraphs 11, 15, 17 and 18 of the Order to Show Cause are administratively dismissed; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file #10003166 as incorporated in the Order to Show Cause filed in this matter. The Commission reserves the right to take further administrative action if it obtains any other information that Peralta may have violated the

Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.; and it is further

ORDERED AND AGREED that by signing below, Peralta confirms that:

a. he is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair his ability to knowingly and voluntarily execute this Consent Order; and

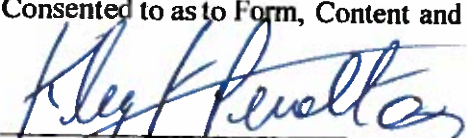
b. he is entering into this agreement knowingly and voluntarily, that he has not been subject to any coercion or threats regarding his execution of this Consent Order and that other than the other terms set forth above, no promises, representations or inducements have been made to him to secure his acceptance of the provisions of this Consent Order; and it is further

ORDERED AND AGREED that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein.


Dated: 12/15, 2016


Robert L. Krimiebrew
Executive Director
New Jersey Real Estate Commission

Dated: 12/7, 2016

Consented to as to Form, Content and Entry

Kley Peralta, individually and as the former
broker of record of Kley Peralta Realty Co.,
Inc.

12/9/2016


Joseph M. Shapiro, Esq.
Attorney for Respondent