

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER REC-CO23-009
)	(REC File No. 10014981)
Complainant,)	
)	
v.)	
)	CONSENT ORDER
LYONEL DESTIN, licensed New Jersey real estate)	
salesperson (Ref. No. 1969905))	
)	
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 Lionel Destin ("Destin"), a licensed real estate salesperson may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Destin is subject to the provisions of the New Jersey Real Estate License Act, N.J.S.A. 45:15-1 to -42 and corresponding regulations, N.J.A.C. 11:5-1.1 to -12.18; and

WHEREAS the Commission staff alleges that Destin has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

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

WHEREAS in lieu of instituting more formal proceedings, the Commission and Destin desire to resolve this matter consensually, based upon the terms set forth herein; and

WHEREAS the Commission and Destin, in order to avoid the costs and uncertainty of further litigation and to resolve the 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 January 9, 2024; and

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

NOW, THEREFORE, IT IS on this 12th day of April ^{ERB}~~March~~, 2024

ORDERED AND AGREED that Destin admits the following facts:

1. Destin is a licensed New Jersey real estate salesperson, who was first licensed on April 16, 2019. Destin's license is currently affiliated with EXP Realty, LLC d/b/a EXP Luxury, a licensed New Jersey real estate broker, whose main New Jersey office is located at 28 Valley Road, Unit #1, Montclair, New Jersey 07042; and
2. From November 27, 2019 until January 10, 2023, Destin's license was associated with Terra Partners LLC d/b/a Terra Living, licensed New Jersey real estate broker; and
3. Alex Mosquera-Munoz is currently, and at all times relevant to this matter was, licensed as the broker of record of Terra Living; and
4. In or around March 2021, while licensed through Terra Living, Destin participated in a lease transaction concerning the property located at 3 Tribeca Avenue, #507B, Jersey City, New Jersey (the "Transaction"). Destin represented both landlord and tenant in the Transaction, in the capacity of dual agent; and

5. The parties to the Transaction entered into a written lease agreement, dated March 14, 2021, which obligated the tenant to pay a brokerage commission in an amount equal to one month's rent, or \$2,000, to Terra Living upon consummation of the Transaction; and

6. On or about March 12, 2021, the tenant deposited \$2,000 in cash, representing Terra Living's brokerage commission for the Transaction, directly into Destin's personal bank account; and

7. Destin failed to turn the above-described commission monies over to Terra Living; and

8. Terra Living, through its broker of record, Alex Mosquera-Munoz, was aware of, and had direct involvement in, the Transaction at all times relevant to this matter; and

9. Since transferring his license to EXP Luxury, Destin has tendered the above-described commission monies to Terra Living; and it is further

ORDERED AND AGREED that based on the above facts, Destin admits to the following:

1. Destin accepted payment of a commission, for services rendered as a real estate salesperson in connection with the Transaction, directly from the tenant, who is a person other than his employing broker, in violation of N.J.S.A. 45:15-17(m).

Based on the above, it is hereby:

ORDERED AND AGREED that Destin shall pay a fine in the amount of two thousand five hundred dollars (\$2,500). A minimum of one thousand dollars (\$1,000) shall be paid within 14 days of the full execution of this Consent Order. The remainder of the fine shall be paid in full within 180 days of the full execution of this Consent Order. The fine shall be payable by certified check, cashier's check or money order made 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 Destin shall complete nine (9) hours of continuing education coursework, consisting of three hours in each of the following core topic areas: agency; New Jersey brokers and salespersons statute and rules; and Legal requirements regarding escrow monies and financial recordkeeping. Proof of completion of the same shall be submitted to Commission staff within ninety (90) days of the full execution of this Consent Order. Completion of the education prescribed herein shall not count towards the ordinary continuing education requirement for biennial license renewal; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10014981. The Commission reserves the right to take further administrative action if it obtains any other information that Destin may have violated the New Jersey Real Estate License Act, N.J.S.A. 45:15-1 to -42 and corresponding regulations, N.J.A.C. 11:5-1.1 to -12.18; 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; and it is further

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

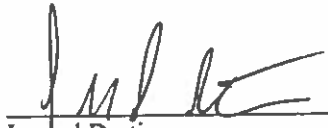
- a. He is not under any disability, mental or physical, nor under the influence of any medication, intoxicant or other substance that would impair his ability to knowingly and voluntarily execute this Consent Order; and

b. He is entering into this agreement knowingly and voluntarily, that he has not been subject to any coercion or threats regarding the 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.

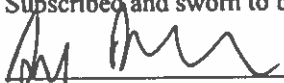
Dated: 4/10, 2024


Eugenia K. Bonilla
President
New Jersey Real Estate Commission

Dated: DECEMBER 13, 2023


Lionel Destin
Respondent

Subscribed and sworn to before me on this 13th day of December, 2023


Notary Public

JR 2023 Destin CO REC/Enforcement

LISETTE PAU
Commission # 50
Notary Public, State of
My Commission
11/12/23

LISETTE JULINO
Commission # 017816
Notary Public, State of New Jersey
My Commission Expires
11/12/24

