

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER REC-CO24-004
)	(REC File No. 10013800)
Complainant,)	
)	
v.)	
)	CONSENT ORDER
REX BODDEN-ALVARADO, licensed New)	
Jersey real estate salesperson (Ref. No. 1970276))	
)	
Respondent.)	

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 Rex Bodden-Alvarado ("Bodden-Alvarado"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Bodden-Alvarado 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 Real Estate Commission staff alleges that Bodden-Alvarado has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Bodden-Alvarado 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 counsel and a hearing; and

WHEREAS Bodden-Alvarado has been continually licensed with the Commission since 2019, without any prior record of discipline; and

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

WHEREAS the Commission and Bodden-Alvarado, 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 Tuesday, April 9, 2024; and

IT APPEARING that the matter against Bodden-Alvarado 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 9th day of April, 2024

ORDERED AND AGREED that Bodden-Alvarado admits the following facts:

1. Bodden-Alvarado is an actively licensed New Jersey real estate salesperson, who was first licensed on May 6, 2019. Since inception and at relevant times herein, Bodden-Alvarado's license was affiliated with SW Realty Partners LLC, d/b/a Exit Realty Connections, licensed New Jersey real estate broker, whose main office is located at 149 Main Street, Hackettstown, New Jersey 07840; and

2. On or about September 25, 2020, Bodden-Alvarado was contacted by Martin Lucabach ("Lucabach") who was interested in finding a rental home for himself and his family; and

3. Shortly thereafter, Bodden-Alvarado showed Lucabach a home located at 103 Little Street, Hackettstown, New Jersey 07840 (the "Property") that was available for rent and which was, in fact, owned by Bodden-Alvarado and his wife, Shawn Marie Bodden; and

4. Bodden-Alvarado advised Lucabach that he needed to provide three separate checks, each in the amount of \$2,800, in order to secure the rental. Bodden-Alvarado explained that these payments represented the first month's rent, the security deposit and the "agent fee", respectively; and

5. Bodden-Alvarado prepared a lease agreement, which was executed by the parties on or about September 27, 2020. The term of the lease agreement was one year, beginning on October 1, 2020 and ending on October 1, 2021. The agreement was signed by Lubach and his family members as "Tenants" and by Bodden-Alvarado and Shawn Marie Bodden as "Landlords"; and

6. The lease agreement did not contain an attorney review clause; and

7. The lease agreement did not include any reference to the "agent fee" described above, nor any mention of the performance of real estate brokerage services; and

8. On or about September 30, 2020, Lubach provided Shawn Marie Bodden with approximately \$5,600 in cash, representing the first month's rent and security deposit for the rental of the Property; and

9. On or about October 1, 2020, Lucabach provided three United States Postal Service money orders to Bodden-Alvarado in the total amount of \$2,800.00, representing the "agent fee" demanded by Bodden-Alvarado; and

10. Bodden-Alvarado's broker, Exit Realty Connections, was not aware of, nor involved in, the rental transaction described herein; and

11. On or about September 13, 2021, Bodden-Alvarado returned the "agent fee" described above to Lubach, in full; and it is further

ORDERED AND AGREED that based on the above facts, Bodden-Alvarado admits to the following:

1. Bodden-Alvarado violated N.J.S.A. 45:15-1 by engaging in real estate brokerage activity, as described in N.J.S.A. 45:15-3, without being appropriately licensed as a broker and outside the auspices of Exit Realty Connections, the licensed real estate broker with whom his real estate salesperson license was affiliated with; and

2. Bodden-Alvarado violated N.J.S.A. 45:15-17(m) by accepting compensation for real estate brokerage activity, as described in N.J.S.A. 45:15-3, directly from Lubach, a person other than the licensed real estate broker he was contracted by to provide brokerage services, as described in ¶ 9 above; and

3. Bodden-Alvarado violated N.J.A.C. 11:5-6.2(g)(4) and (5) by preparing a lease agreement for Lubach's rental of the Property that did not contain the language pertaining to attorney review required by the aforementioned regulations; and

Based on the above, it is hereby:

ORDERED AND AGREED that Bodden-Alvarado shall pay a fine in the amount of one thousand five hundred dollars (\$1,500). Five hundred dollars (\$500) shall be paid within two (2) weeks of the full execution of this Consent Order. The remaining balance shall be paid in full within six (6) months 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 Bodden-Alvarado shall complete 3 credit-hours of continuing education coursework, in the core subject area of "ethics". Proof of completion of same shall be submitted to Commission staff within ninety (90) days of the full execution of this Consent Order. Completion of the continuing education prescribed herein shall not count towards the ordinary continuing education requirement for biennial license renewal; and it is further

ORDERED AND AGREED that Bodden-Alvarado's real estate license shall be suspended for a period of thirty (30) days from the full execution of this Consent Order; and it is further

ORDERED AND AGREED that Bodden-Alvarado must pay the fine prescribed herein, in full, prior to being eligible for the reinstatement of his real estate license; and it is further

ORDERED AND AGREED that any license issued to Bodden-Alvarado shall be held on a probationary basis for a period of one (1) year from the date of the full execution of this Consent Order. During this probationary period, the following conditions shall apply:

a. It shall be Bodden-Alvarado's obligation to inform any real estate broker whom with he is employed by or contracted with to perform brokerage services, that his license is currently in probationary status; and

b. Any employing or contracting real estate broker must notify the Commission within 72 hours if he or she received any information indicating that Bodden-Alvarado may have violated the New Jersey Real Estate Licensing Law or corresponding regulations; and

c. Bodden-Alvarado must notify the Commission within 72 hours if he is charged with, or convicted of, any criminal or disorderly persons offense; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10013800. The Commission reserves the right to take further administrative action if it obtains any other information that Bodden-Alvarado 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, Bodden-Alvarado 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: 4/16, 2024



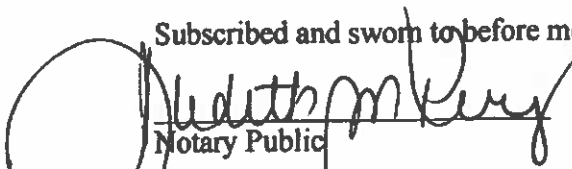
Eugenia K. Bonilla
President
New Jersey Real Estate Commission

Dated: 03-15, 2024



Rex Bodden-Alvarado
Respondent

Subscribed and sworn to before me on this 18 day of March, 2024



Notary Public for Rex Bodden-Alvarado

JUDITH M PEREZ
Notary Public of New Jersey
Commission ID# 2287802
Commission Expires 3/5/2028

