

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION) DOCKET NUMBER REC-E-21-005
) (REC File No. 10010154)
Complainant,)
) ORDER TO SHOW CAUSE
v.)
)
MARY E. DOUGHERTY, licensed New Jersey)
real estate salesperson (Ref. No. 9131911))
)
Respondent.)

THIS MATTER being commenced by the New Jersey Real Estate Commission (the “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, 45:15-17.1, 45:15-18 and N.J.A.C. 11:5-1.1 to -12.18, and it appearing that:

1. Respondent Mary E. Dougherty (“Dougherty”) is an actively licensed New Jersey real estate salesperson, first licensed on July 1, 1991. As of March 5, 2021, Dougherty’s license is affiliated with Compass New Jersey, LLC d/b/a Compass Real Estate, licensed New Jersey real estate broker, whose main office is located at 1200 Morris Turnpike, Short Hills, New Jersey 07078; and

2. From March 17, 2014 until March 3, 2021, Dougherty’s license was affiliated with RES Realty LLC, licensed New Jersey real estate broker, whose main office is located at 137-143 Elmer Street, Westfield, New Jersey 07090. Dougherty worked out of the RES Realty LLC Morristown branch office, doing business as Re/MAX Select. The branch office is located at 1 Madison Avenue, Morristown, New Jersey 07960; and

3. In 2018, Dougherty campaigned for public office in Morris County and was a candidate for the Office of Freeholder (now known as County Commissioner) in the 2018 Morris County general election; and

4. On or about December 17, 2019, Complaint-Summons #1424-S-2019-000396 was issued by Morristown Municipal Court, against Dougherty, charging her with one count of Bribery in Official and Political Matters, in violation of N.J.S.A. 2C:27-2(d), a crime of the second degree, (the “Complaint”); and

5. The Complaint included an Affidavit of Probable Cause, which set forth the facts and circumstances supporting probable cause for the criminal charges alleged against Dougherty. The Affidavit of Probable Cause stated, among other things, that Dougherty accepted a \$10,000 campaign contribution in exchange for Dougherty’s promise to aid in securing a public position with the Morris County local government for the unnamed cooperating witness; and

6. On December 19, 2019, Dougherty notified Commission staff of the above criminal charge filed against her; and

7. On or about February 7, 2020, Dougherty was arrested by New Jersey State Police in connection with the above criminal charges; and

8. On or about February 19, 2021, Accusation No. 21-02-00155-A was filed against Dougherty in Morris County Superior Court, Law Division, Criminal Part (the “Accusation”). The Accusation charged Dougherty with one count of False Swearing, in violation of N.J.S.A. 2C:28-2(a), a crime of the fourth degree. The Accusation alleged that Dougherty filed and certified to the truth of a Report of Campaign Contributions and Expenditures with the New Jersey Election Law Enforcement Commission, knowing that the report contained false information regarding the

amounts of one or more campaign contributions and the identities of the campaign contributions;
and

9. On or about February 19, 2021, Dougherty entered a plea of guilty to one count of False Swearing, in violation of N.J.S.A. 2C:28-2(a), a crime of the fourth degree, as alleged in the Accusation and set forth more fully above; and

10. Upon information and belief, the Accusation superseded the Complaint; and the charges alleged in the Complaint were dismissed as part of the above plea agreement; and

11. On or about March 4, 2021, Dougherty notified Commission staff of the above guilty plea; and

12. On or about March 18, 2021, Dougherty was convicted of False Swearing – False Statement Under Oath, in violation of N.J.S.A. 2C:28-2(a), a crime of the fourth degree; and sentenced to a one year term of probation; assessed fines and fees totaling \$155; and ordered to forfeit the \$10,000 campaign contribution described above; and

13. The above criminal conviction, as well as the conduct underlying the Complaint and the Accusation demonstrate that Dougherty lacks the moral character required for licensure as set forth in N.J.S.A. 45:15-9; and

14. Dougherty's conduct is in violation of N.J.S.A. 45:15-17(e), in that the conduct underlying the criminal conviction, the Complaint and the Accusation constitutes conduct demonstrating dishonesty and unworthiness for licensure.

And for good cause shown,

IT IS on this 2nd day of May, 2022

ORDERED that Respondent Mary E. Dougherty shall show cause why her 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 24th day of June, 2022 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.



Marlene Caride
Commissioner
New Jersey Department of Banking and Insurance
New Jersey Real Estate Commission

JR 2021 Dougherty OTSC REC/Enforcement