

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER REC-E-22-002
)	(REC File No. 10013832)
Complainant,)	
)	ORDER TO SHOW CAUSE
v.)	
)	
MARIANN BALMANN, licensed New Jersey)	
real estate salesperson (Ref. No. 1861271))	
)	
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.A.C. 11:5-1.1 to 12.18, N.J.S.A. 45:15-17, 45:15-18, 45:15-19.1; and, and it appearing that:

1. Respondent Mariann Balmann (“Balmann”) is an actively licensed New Jersey real estate salesperson, first licensed as a real estate salesperson on March 29, 2018; and
2. Balmann is currently licensed with Riviera Realty d/b/a Coldwell-Banker Riviera Realty (“Riviera”) licensed New Jersey real estate broker whose main New Jersey office is located at 550 Brick Boulevard, Bricktown, New Jersey; and

ALLEGATIONS COMMON TO ALL COUNTS

3. On or about October 13, 2020 Balmann entered a plea of guilty in the Superior Court of New Jersey, Ocean County, to one count of Theft by Deception, in violation of N.J.S.A. 2C:20-4, a crime of the third degree; and
4. The conduct underlying the criminal charges related to Balmann obtaining Superstorm Sandy grant monies from the Federal Emergency Management Agency (“FEMA”)

and the New Jersey Department of Consumer Affairs by creating the false impression that 11 Daddy Tucker Dr., Little Egg Harbor (“Property”) was her primary residence at the time of Superstorm Sandy; and

5. On or about December 8, 2020, Balmann was convicted of one count of Theft by Deception, in violation of N.J.S.A. 2C:20-4, a crime of the third degree; and

6. On or about December 8, 2020, Balmann was sentenced to two (2) years’ probation and ordered to pay \$177,417.25 in restitution; and

7. Balmann’s real estate salespersons license is subject to revocation pursuant to N.J.S.A. 45:15-19.1, in that she has been convicted of a theft offense, an enumerated offense under the statute; and

COUNT ONE

8. The Commission repeats and realleges each of the preceding paragraphs as if set forth at length herein; and

9. The conduct underlying Balmann’s conviction of theft by deception demonstrates unworthiness, bad faith, or dishonesty in violation of N.J.S.A. 45:15-17(e); and

COUNT TWO

10. The Commission repeats and realleges each of the preceding paragraphs as if set forth at length herein; and

11. Balmann had 30 days from the date of conviction, or January 7, 2021, to notify the Commission of her conviction; and

12. Balmann did not notify the Commission within 30 days of being convicted in violation of N.J.S.A. 45:15-17(s).

And for good cause shown,

IT IS on this 2nd day of May, 2022

ORDERED that Respondent Balmann 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, 45:15-19.1, 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 2nd day of May, 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

Jd Balmann REC OTSC/Enforcement