

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER CAP-19-019
)	(REC File No. 10008443)
Complainant,)	
)	CONSENT ORDER
v.)	
)	
FRANKLIN H. LEVIN, licensed New Jersey)	
real estate salesperson (Ref. No. 9807264))	
)	
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 Franklin H. Levin ("Levin"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Levin 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 has alleged that Levin has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Levin 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 have 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 the Commission and Levin, 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 April 13, 2021; and

IT APPEARING that the matter against Levin 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 13th day of April, 2021

ORDERED AND AGREED that Respondent Levin admits the following facts:

1. Respondent Franklin H. Levin ("Levin") is an actively licensed New Jersey real estate salesperson, who was first licensed on September 6, 1998, and is currently licensed through Cape Atlantic Real Estate Investments, LLC d/b/a Keller Williams Realty Jersey Shore, licensed New Jersey real estate broker, whose primary office is located at 5406 New Jersey Avenue, Wildwood Crest, New Jersey. Upon information and belief, Levin operates primarily out of the branch office located 1 Atlantic Avenue, Ocean City, New Jersey; and

2. On March 20, 2019, Levin contacted New Jersey broker-salesperson Maryann Mason regarding her listing located at 233 East Roberts Avenue, Unit A, Wildwood, New Jersey (the "Property"). Levin indicated to Ms. Mason that he would like to show the Property to his clients the following weekend. She advised Levin to contact her brokerage office to arrange an appointment to so do; and

3. The Property was an unoccupied summer rental home; and

4. On March 22, 2019, Levin contacted Ms. Mason's office and arranged an appointment for the following day, March 23, 2019, to show the Property. At that time, Levin obtained both the lockbox and garage access codes for the Property; and

5. Levin provided both the lockbox code and the garage code to his clients for them to view the Property on their own; and

6. On March 23, 2019, Levin was in Florida. Levin's buyer-clients travelled to the Property unaccompanied by Levin or any other licensee. They were able to gain entry into the garage but were unable to access the interior of the Property. Levin contacted Ms. Mason's office and indicated that he was at the Property but was unable to access the interior to show it to his clients; and

7. Upon arriving at the Property, Ms. Mason discovered that Levin was in fact in Florida and his clients were directly provided with the lockbox and garage access codes for the Property and were unaccompanied by a licensee; and it is further

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

1. Levin's conduct constitutes a violation of N.J.S.A. 45:15-17(a), in that he made a substantial misrepresentation by falsely representing to Ms. Mason, the listing agent for the Property, that he would accompany his clients to access and view the Property, when in fact he was in Florida on the date of the showing appointment; and

2. Levin's conduct constitutes a violation of N.J.S.A. 45:15-17(e), in that his conduct, as described above, demonstrates dishonesty and unworthiness.

Based on the above, it is hereby:

ORDERED AND AGREED that Levin shall pay a fine in the amount of three thousand five hundred dollars (\$3,500). The fine shall be paid in full within thirty (30) 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 Levin's real estate salesperson's license shall be suspended for a period of thirty (30) days from the full execution of this Consent Order. Levin must pay the fine prescribed herein in full prior to being eligible for re-licensure as a real estate salesperson; and it is further

ORDERED AND AGREED that any license issued to Levin after the completion of the term of suspension prescribed herein will be held on a probationary basis for a period of six (6) months. During the probationary period, the following conditions shall apply:

- a. It shall be Levin's obligation to inform any employing broker that his license is on probation; and
- b. Any employing broker must notify the Commission within 72 hours if he or she receives any information indicating that Levin may have violated the New Jersey Real Estate Licensing Law or corresponding regulations; and
- c. Levin 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 Levin shall complete 3 hours of continuing education coursework, in the subject area of ethics. 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 license renewal; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10008443. The Commission reserves the right to take further administrative action if it obtains any other information that Levin 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, Levin 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: May 27, 2021

Linda K. Stefanik
Linda K. Stefanik, President

New Jersey Department of Banking and Insurance
Real Estate Commission

Dated: March 26, 2021

Franklin H. Levin
Franklin H. Levin

Subscribed and sworn to before me on this 26 day of March, 2021

SAM

Notary Public

SAMANTHA V. MOORE ID# 2410988
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 3, 2021