

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER ESS-19-004
)	(REC Ref. No. 10007701)
Complainant,)	
)	ORDER TO SHOW CAUSE
v.)	
)	
CAROL "MARY" FARDIN, licensed New Jersey)	
real estate salesperson (Ref. No. 1539845))	
)	
Respondent.)	

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

1. Respondent Carol "Mary" Fardin ("Fardin") is an actively licensed New Jersey real estate salesperson, who was first licensed on July 29, 2015, and is currently licensed through Mid Town Direct Realty, LLC d/b/a Keller Williams Mid Town Direct Realty, whose primary office is located at 181 Maplewood Avenue, Maplewood, New Jersey 07040; and
2. On or about July 25, 2018, Fardin was arrested and charged with one count of Insurance Fraud, in violation of N.J.S.A. 2C:21-4.6(a), a crime of the third degree; and
3. The conduct underlying the criminal charges involved the filing of a false insurance claim for the reimbursement of several electronic devices owned by Fardin, which she claimed were stolen, but were in fact not stolen and still in Fardin's possession; and
4. Fardin failed to notify the Commission within 30 days of the filing of criminal charges against her, as required by N.J.S.A. 45:15-17(s); and
5. On or about October 22, 2018, Fardin was accepted into the Pre-Trial Intervention program ("PTI") for a period of 18 months. Pursuant to the terms of Fardin's PTI, all proceedings in prosecution of the above criminal charges against Fardin are postponed for the duration of the period of PTI; and

6. On or about December 6, 2018, Fardin submitted a written statement to the Commission regarding the above incident. In the letter, Fardin admits to intentionally submitting a false claim for reimbursement to her insurance company and expresses remorse for her actions; and

7. Respondent Fardin's conduct is in violation of N.J.S.A. 45:15-17(s), in that Fardin failed to notify the Commission within 30 days of the filing of criminal charges against her; and

8. Respondent Fardin's conduct is in violation of N.J.S.A. 45:15-17(e), unworthiness, bad faith and dishonesty, in that Fardin's conduct, underlying the criminal charges against her, as described above, demonstrates unworthiness for licensure, bad faith and dishonesty.

And for good cause shown,

IT IS on this 24th day of January, 2019

ORDERED that Respondent Carol Fardin 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

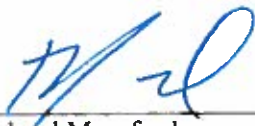
IT IS FURTHER ORDERED that failure to comply with all of the requirements of N.J.A.C. 11:5-11.2 may result in a determination that there are no material facts or issues of law in dispute and any presentation made to the Commission will be limited to the issue of the severity of any sanction or penalty 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 12th day of March, 2019 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.



Richard Mumford
Acting Director of Banking
New Jersey Department of Banking and Insurance
New Jersey Real Estate Commission