

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER MON-18-017
	)	(REC File No.: 10004441)
Complainant,	)	
	)	ORDER TO SHOW CAUSE
v.	)	
	)	
MARC A. SORRENTINO, licensed New Jersey	)	
real estate salesperson (Ref. No. 1648911)	)	
	)	
Respondent.	)	

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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, 45:15-19.1 and N.J.A.C. 11:5-1.1 et seq., and it appearing that:

1. Respondent Marc A. Sorrentino (“Sorrentino”) is an actively licensed New Jersey real estate salesperson, who was first licensed in New Jersey on September 27, 2016, and is currently licensed through VRI Realty, Inc., d/b/a Better Homes Realty, whose primary New Jersey office is located at 3400 Executive Plaza Highway 35, Suite 5, Hazlet, New Jersey 07730; and

2. Sorrentino is also licensed as a real estate broker in the State of New York. He was first licensed as an associate broker in New York on or about August 10, 2015; and

3. Sorrentino’s New Jersey real estate salesperson’s license is currently held on a probationary basis, as a result of New Jersey Real Estate Commission Consent Order # CO-16-015, as more fully described below; and

4. On or about September 24, 2014 Sorrentino was indicted in the United States District Court, District of New Jersey on one count of Conspiracy to Defraud the United States, in violation of Title 18, United States Code, Section 371 and three counts of Filing False Tax Returns, in violation of Title 26, United States Code, Section 7206(1); and

5. On March 19, 2016, Sorrentino passed the New Jersey state license examination. At the time of the examination, he answered “No” to screening questions #2 and #8. Screening question #2 states:

“Is there a criminal complaint, disorderly persons charge, a criminal accusation or criminal information presently pending against you or are you presently under indictment in New Jersey, any other state or by the federal government, or are you presently enrolled in New Jersey’s Pre-Trial Intervention (PTI) program or any similar State or Federal program involving the deferral of the disposition or sentencing in a criminal matter?” Screening question #8 states: “Do you currently hold a real estate license issued by another state?”; and

6. By letter dated June 23, 2016, Sorrentino’s application for licensure as a New Jersey real estate salesperson was denied by Commission staff. The stated reason for the denial was that Sorrentino’s failure to truthfully disclose the existence of pending criminal charges caused staff to conclude that Sorrentino failed to meet the moral character standard required for licensure pursuant to N.J.S.A. 45:15-9; and

7. On September 14, 2016, Sorrentino appeared before the Commission for a hearing in the appeal of the denial of his application for licensure. During the hearing, Sorrentino testified that he currently had no criminal record and believed the pending criminal charges would be resolved successfully. Regarding his answers to the screening questions, Sorrentino testified that he had no criminal record at the time he answered the questions and was advised to answer accordingly. At the conclusion of the hearing, the Commission ordered that the decision regarding Sorrentino’s license application be held in abeyance pending a possible settlement between Sorrentino and Commission staff; and

8. On or about September 27, 2016, Sorrentino and the Commission entered into Consent Order # CO-16-015 in resolution of Sorrentino’s license appeal. The Consent Order provides Sorrentino’s admission to violating N.J.S.A. 45:15-17(n) for attempting to procure a real estate license by fraud representation or deceit, by failing to disclose that there was a criminal indictment pending against him at the time he filed the application for licensure and also for failing to disclose that he was the holder of a real estate license in another state. As a penalty for violating the above statute, Sorrentino agreed to pay a fine of \$2,000. The Consent Order further provides that Sorrentino is eligible for a real estate license, however that any license granted to him would be held on probation until such time as there is a final disposition on

the criminal indictment. The Consent Order further provides that the Commission reserves the right to bring further proceedings against Sorrentino for revocation of the license and/or any other action the Commission may deem appropriate. A copy of Consent Order # CO-16-015 is attached hereto as Exhibit A; and

9. On or about April 7, 2017, a superseding indictment was filed against Sorrentino in the United States District Court, District of New Jersey whereby Sorrentino was indicted on one count of Conspiracy to Defraud the United States, in violation of Title 18, United States Code, Section 371, seven counts of Aiding in the Preparation of False Tax Returns, in violation of Title 26, United States Code, Section 7206(2) and one count of Falsification of Records to Impede, Obstruct and Influence a Federal Grand Jury Investigation, in violation of Title 18, United States Code, Sections 1519 and 2; and

10. By letter dated April 11, 2017, Sorrentino, through his attorney, notified the Commission that a superseding indictment was returned against Sorrentino and that he pleaded not guilty to all charges. The letter did not specify the substance of the superseding indictment nor was a copy of the superseding indictment provided to the Commission at that time; and

11. On or about January 19, 2018, Sorrentino entered a plea of guilty to one count of Aiding and Abetting in the Preparation of a False Tax Return, in violation of Title 26, United States Code, Section 7206(2). All other charges against Sorrentino were dismissed; and

12. By letter dated January 23, 2018, Sorrentino notified the Commission of the above guilty plea; and

13. On or about September 24, 2018, Sorrentino applied for licensure as a New Jersey real estate broker; and

14. On or about September 24, 2018, Sorrentino applied for licensure as a New Jersey real estate instructor; and

15. On or about October 5, 2018 Sorrentino was sentenced for his conviction of the crime of Aiding and Abetting in the Preparation of a False Tax Return. Upon information and belief, Sorrentino was sentenced to 24 months of imprisonment in a federal prison; and

16. By letter dated October 10, 2018, Sorrentino notified the Commission of the above sentencing; and

17. By letter dated October 10, 2018, Commission staff issued a denial of Sorrentino's application for licensure as a New Jersey real estate broker and real estate instructor. The stated reason for the denial was that Sorrentino's criminal conviction caused staff to conclude that he failed to establish his good moral character, honesty, trustworthiness and integrity as required by N.J.S.A. 45:15-9; and

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

19. Respondent Sorrentino's New Jersey real estate salesperson's license is subject to revocation pursuant to N.J.S.A. 45:15-19.1, due to his conviction of Aiding and Abetting in the Preparation of a False Tax Return, which is a like offense to criminal conspiracy to defraud.

And for good cause shown,

IT IS on this 9<sup>th</sup> day of November, 2018

ORDERED that Respondent Marc Sorrentino shall show cause why his 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 et seq. 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 with review this Order to Show Cause and Answer(s) filed, if any, at a meeting scheduled on or after the 11<sup>th</sup> day of ~~December~~ 2018 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.



Patrick J. Mullen  
Director of Banking  
New Jersey Department of Banking and Insurance  
New Jersey Real Estate Commission