

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER: GLO-19-026
)	(R/E:C Ref. No. 10008959)
Complainant)	
)	
)	ORDER TO SHOW CAUSE
)	
vs.)	
)	
DAVID A. BEACH, licensed New Jersey real)	
estate broker-salesperson, (Lic. No. 0124914),)	
)	
Respondent)	

THIS MATTER being commenced by the New Jersey Real Estate 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, and it appearing that:

COUNT ONE

1. David A. Beach ("Respondent") is a licensed New Jersey real estate broker-salesperson currently licensed with Maurvino Realty Group LLC, d/b/a ReMax Community, a licensed New Jersey real estate broker with its principal office located at 100 North Black Horse Pike, Williamstown, N.J. 08094. At all times relevant hereto, Respondent was employed with CC Dahms LLC, d/b/a ReMax Connection. Respondent worked out of the branch office of ReMax Connection located at 5100 Route 42, Turnersville, N.J.; and

2. Respondent was the agent for buyers, Mr. and Mrs. DeMarco regarding their purchase of the property located at 41 Cedar Grove Road, Liral, N.J. The closing for the property was scheduled for 1:00 p.m. on May 31, 2019; and

3. The closing agent for the transaction was Brennan Title Abstract LLC ("Brennan"). Mr. DeMarco was hospitalized and a representative from Brennan brought the buyers' closing documents to the hospital on May 30, 2019 for Mr. DeMarco to sign; and

4. On May 31, 2019 at 8:00 a.m., Respondent met Mrs. DeMarco at the property, gave her the access code to the electronic keypad and then left her unattended at the property. The seller had not removed all of his personal property at the time that Respondent and Mrs. DeMarco entered the property. Seller did not give permission for the buyers to enter the property prior to closing. Closing of title did in fact take place at 1:00 p.m. that day when seller signed the closing documents; and

5. Respondent violated N.J.A.C. 11:5-6.4(a) in that he failed to deal fairly with all parties when he gave the buyers access to the property prior to closing having taken place; and

6. Respondent violated N.J.S.A. 45:15-17(c), in that his conduct demonstrated unworthiness, incompetency, bad faith or dishonesty when he provided the access code to the buyers and left them unattended at the property prior to the closing of title.

And for good cause shown,

IT IS ON THIS 13th DAY OF NOVEMBER, 2019

ORDERED that Respondent, David A. Beach, shall show cause why Respondent's real estate license and his broker's 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 the Order to Show Cause, state the factual basis of each and every factual allegation denied and assert any defenses that Respondent intends to present if this matter is deemed a contested case and a plenary hearing is held; and

IT IS FURTHER ORDERED that failure to comply with all 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 filed, if any, at a meeting scheduled on or after the 14th day of January, 2020 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 hereof to his last known business addresses via certified mail.



Marlene Caride
Commissioner
New Jersey Department of Banking and Insurance

mag David Beach OTSC/rec enforcement