

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION, ) DOCKET NUMBER: REC E23-003  
 ) (REC Ref. No.10011109)  
 Complainant )  
 )  
 v. ) ORDER TO SHOW CAUSE  
 Joshua Lenoff, licensed New Jersey real estate )  
 salesperson, (Ref. No. 1754624) and Wilmer )  
 Intriago, Broker of Record (ref. No. 0561189), )  
 Elite Intriago Realty, Inc. )  
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 Respondents. )  
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THIS MATTER being commenced by the New Jersey Real Estate Commission in the Department of Banking and Insurance, State of New Jersey (“Commission”), 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, and it appearing that:

ALLEGATIONS COMMON TO ALL COUNTS

1. On or about June 27, 2017, Joshua Lenoff (“Lenoff”) was first licensed as a real estate salesperson in the State of New Jersey and became licensed with Jill Guzman Realty, Inc. located at 124-126 Elmora Avenue, Elizabeth, New Jersey; and
2. On or about October 10, 2018, Lenoff’s license was transferred to Brewster Realty, located at 635 Westfield Avenue, Elizabeth, New Jersey; and
3. On or about August 7, 2019 a criminal summons was issued against Lenoff in Elizabeth, New Jersey, alleging that Lenoff obtained property of another by theft by deception in the 4<sup>th</sup> Degree, in violation of N.J.S.A 2C:20-4; and
4. On or about August 30, 2019, Brewster Realty terminated Lenoff and Lenoff’s license

- became inactive; and
5. Lenoff subsequently submitted an application for reinstatement and transfer of his salesperson license on or about November 14, 2019; and
  6. On his application for to transfer his license, Lenoff honestly answered Qualifying Question (“QQ”) 2 which asked whether there was a criminal complaint presently pending against him; and
  7. The Real Estate Commission (“REC”) staff denied Lenoff’s application on November 29, 2019 based on a pending criminal charge, specifically, theft by deception, in violation of N.J.S.A. 2C:20-4 and his failure to demonstrate good moral character, as required by N.J.S.A. 45:15-9; and
  8. On or about January 9, 2020, Lenoff appealed the denial of his application for reinstatement of his license, which currently remains inactive; and
  9. On or about September 1, 2020, Lenoff was arrested and charged with stalking, harassment and terroristic threats; and
  10. On or about January 6, 2021, Lenoff pled guilty to one count of stalking in the 4<sup>th</sup> Degree, in violation of N.J.S.A. 2C:12-10(b), and was sentenced to 3 years of probation and a restraining order, pursuant to N.J.S.A. 2C:10.1, was imposed on Lenoff; and
  11. The theft by deception charge was dismissed by the Union County Prosecutor as part of Lenoff’s guilty plea to stalking in the 4<sup>th</sup> degree; and
  12. On or about May 18, 2020, REC received a complaint filed by HJR Real Estate LLC d/b/a/ Century 21 Norma Altman Realtors (“Century 21”) which alleged that Lenoff contacted one of the Century 21 real estate agents to arrange a showing of a property listed for sale, located at 83 Hamilton Street, East Orange, New Jersey (“Property”). Lenoff represented

- that he had a client who was interested in purchasing the Property; and
13. As required by the listing agent of the Property, Lenoff provided a hold harmless release to Century 21 and SUPRA records confirmed that Lenoff entered the Property on the morning of May 18, 2020; and
  14. When Lenoff was questioned thereafter by the Century 21 listing agent about the status of his real estate license, Lenoff represented that it was “in transition” and was to be transferred to Elite Intriago Realty, (“Elite”) located at 721 Westfield Avenue, Elizabeth, New Jersey; and
  15. The broker of record of Elite is Wilmer Intriago (“Intriago”) who was first licensed as a salesperson on or about February 16, 2005 and was licensed as a broker on or about February 28, 2017 and became the broker of record of Elite on or about November 17, 2017; and
  16. Lenoff stated to a REC investigator that he was unaware of the status of his license at the time he engaged in the real estate activity of showing the Property to a client; and
  17. A review of the SUPRA key records demonstrated that Lenoff’s SUPRA key was used 32 times between August 30, 2019 through February 16, 2021; and

### COUNT ONE

18. Lenoff’s guilty plea to stalking in the 4<sup>th</sup> degree demonstrates that he lacks the good moral character required of all real estate licensees, pursuant to N.J.S.A. 45:15-9(a); and

### COUNT TWO

19. Lenoff knew or should have known that his license was inactive as of August 30, 2019 when his license was terminated by Brewster Realty and that it had not been relocated to another brokerage and/or reinstated and, therefore, he was not allowed to conduct real

estate business; and

20. Lenoff was further aware that the status of his license was pending the resolution of his appeal of the denial for reinstatement of his real estate license by the REC; and

21. Lenoff showed the Property and by continually engaged in real estate business and activity during the period of August 30, 2019 through February 16, 2021 by accessing properties using his SUPRA key demonstrates a violation of N.J.S.A. 45:15-17(e); and

### COUNT THREE

22. At all times relevant herein, Lenoff was, and remains, the managing member of an entity known as Luzzato LLC (“Luzzato”), which represents itself as a “One Stop Shop” on its website. Luzzato’s website states that it is a “consulting company based in New Jersey, founded by Joshua Lenoff with the intention of truly being a ‘One Stop Shop’ for all of your Financial Needs.”; and

23. Luzzato’s website states that it is “[l]icensed in Real Estate, Mortgage, Property & Casualty Insurance, Life & Health, Insurance, and Title Insurance; we aim to lead and guide you every step of the way with our vast experience and credentials.”; and

24. Luzzato’s website contains “Featured Listings” including offices and apartments for rent and homes for sale; and

25. Luzzato’s website contains “Unique Listings” including homes, apartments; and office space for rent; and

26. Lenoff admitted to a REC investigator that those properties were not listed or sold by Lenoff or Luzzato, but rather other real estate brokerage firms, none of which were identified in any way on the Luzzato web pages where those listings were posted; and

27. The REC records indicate that Luzzato is not a licensed real estate company; and

28. Lenoff, as managing member of Luzzato and an inactive real estate licensee in the state of New Jersey, knew or should have known that the Luzzato's advertising activities were false and misleading and in violation of N.J.A.C. 11:5-6.1(r); and

COUNT FOUR

29. Intriago, as the broker of record of Elite, engaged in a course of conduct that enabled and Lenoff to engage in unlicensed activity; and

30. Intriago knew or should have known that the real license of Lenoff was inactive as of August 30, 2019 and said reinstatement application of Lenoff had been denied by the Commission because Intriago wrote a letter in support of Lenoff's appeal of the denial; and

31. Intriago failed to ensure that Lenoff did not engage in real estate activities under the auspices of his real estate office, when he knew or should have known that Lenoff's license was inactive in violation of N.J.A.C. 11:5-4.2(a)(1) and N.J.S.A. 45:15-17(e); and

And for good cause shown,

IT IS ON THIS 8<sup>th</sup> DAY OF MARCH 2023

ORDERED that Intriago shall show cause why his real estate brokers license and/or eligibility to hold a real estate brokers 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.

IT IS FURTHER ORDERD that Lenoff shall show cause why his real estate salespersons license and/or eligibility to hold a real estate salespersons 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

IT IS FURTHER ORDERD that Lenoff and Intriago shall each 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, their written Answers 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 Lenoff and Intriago intend 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 New Jersey Real Estate Commission will review this Order to Show Cause and Answer(s) filed, if any, at a meeting scheduled on or after the 9<sup>th</sup> day of May , 2023 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 Lenoff and Intriago 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 Lenoff and Intriago as provided in N.J.S.A. 45:15-18, which service may be accomplished by serving a copy of this Order on Lenoff and Intriago personally, or by delivering a copy hereof to their last known respective business address via certified mail.



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Marlene Caride  
Commissioner  
New Jersey Department of Banking and Insurance