

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER MID-19-020
	)	(REC File No. 10009165)
Complainant,	)	
	)	CONSENT ORDER
v.	)	
	)	
MICHELE BABINO, licensed New Jersey real	)	
estate salesperson (Ref. No. 1540488)	)	
	)	
Respondent.	)	

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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 Michele Babino (“Babino”), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

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

WHEREAS Babino acknowledges that she is aware of her right to a plenary hearing on any violations which the Commission may allege she has committed and having had the advice of counsel on matters to which this Consent Order pertains, she is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Babino, 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 June 14, 2022; and

IT APPEARING that the matter against Babino 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 15th day of June, 2022

ORDERED AND AGREED that Respondent Babino admits the following facts:

1. Babino is an actively licensed New Jersey real estate salesperson, who was first licensed on August 27, 2015, and is currently licensed through JJ Elek Realty, Inc., licensed New Jersey real estate broker, whose office is located at 117 Main Street, Woodbridge, New Jersey 07095; and

2. At all relevant times herein, Babino represented TNA Investors, LLC, (“TNA”) as listing agent, in the sale of the property located at 24 Grover Avenue, Sayreville, New Jersey 08879 (the “Property”). Consumers Tracey and Nico Paradiso are the owners and principals of TNA; and

3. On or about May 6, 2019, Tracey Paradiso contacted Babino and requested that Babino list the Property for sale. Due to her lack of success in selling the Property without utilizing a licensed real estate broker, Tracey Paradiso insisted that Babino list the Property on the Multiple Listing Service that same day and requested that Babino complete the necessary paperwork to do so; and

4. On or about May 6, 2019, Babino completed an “Exclusive Right to Sell Listing Agreement” for the Property (the “Listing Agreement”). Babino signed Tracey Paradiso’s name, on behalf of TNA, on the Listing Agreement and dated the signature May 6, 2019. Babino provided Tracey Paradiso with a copy of the fully executed Listing Agreement on the same day; and

5. TNA never formally authorized Babino to execute the Listing Agreement on its behalf or to otherwise bind TNA to any contract or agreement; and

6. On or about May 9, 2019, TNA entered into a contract to sell the Property. The transaction was successfully consummated and closing of title was completed on June 28, 2019; and it is further

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

1. Babino’s conduct is in violation of N.J.A.C. 11:5-6.4(a), in that by composing and executing the Listing Agreement, without formal legal authority to bind TNA, Babino exceeded the scope of her authority and thus failed to strictly comply with the laws of agency and the principles governing fiduciary relationships.

Based on the above, it is hereby:

ORDERED AND AGREED that Babino shall pay a fine in the amount of two thousand dollars (\$2,000). 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 Babino shall complete 3 hours of continuing education coursework, in the subject area of agency. 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 # 10009165. The Commission reserves the right to take further administrative action if it obtains any other information that Babino may have violated the New Jersey Real Estate License Act, N.J.S.A. 45:15-1 to -42 or 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, Babino confirms that:

- a. She is not under any disability, mental or physical, nor under the influence of any medication, intoxicant or other substance that would impair her ability to knowingly and voluntarily execute this Consent Order; and
- b. She has received the advice of legal counsel on this matter and on the terms of this Consent Order, that she is entering into this agreement knowingly and voluntarily, that she 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 her to secure her acceptance of the provisions of this Consent Order.

Dated: June 15, 2022

DocuSigned by:

Eugenia K. Bonilla

07/12/22 | 6:30 AM EDT

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Eugenia K. Bonilla  
President  
New Jersey Real Estate Commission

Dated: June 7, 2022

Michelo Babino

Michele Babino  
Respondent

Dated: June 9, 2022

Barry S. Goodman

Barry S. Goodman, Esq.  
Counsel for Respondent