

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION) DOCKET NUMBER REC-E-22-006
) (REC File No. 10014243)
 Complainant,)
)
 v.)
) ORDER TO SHOW CAUSE
 MATTHEW SHERZOY, licensed New Jersey)
 Jersey real estate salesperson (Ref. No. 2184146))
)
 Respondent.)

THIS MATTER being commenced by the New Jersey Real Estate Commission (the “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 to -12.18, and it appearing that:

1. Matthew Sherzoy (“Sherzoy”) is a licensed New Jersey real estate salesperson, first licensed on February 16, 2021. Sherzoy’s license was most recently affiliated with Best Network Realty Inc., doing business as Re/Max Properties Plus, licensed New Jersey real estate broker, whose main New Jersey Office is located at 3 W Railroad Avenue, Tenafly, New Jersey. Sherzoy was terminated by Re/Max Properties Plus on December 13, 2021 and his license is not currently affiliated with any licensed broker; and

2. At all relevant times herein, the residential property located at 128 Hickory Avenue, Bergenfield, New Jersey (the “Property”) was listed for sale by Churchill Real Estate LLC, doing business as Keller Williams Town Life. A coded lockbox was placed on the front door of the

home to facilitate showings while protecting the interests of the owners as well as the tenants inhabiting the Property; and

3. On October 20, 2022, Sherzoy made an appointment through ShowingTime, a software used by real estate licensees to manage appointments and showings of real property listed for sale, to view the Property on the following day, October 21, 2021, from 5:00p.m. to 5:15 p.m. Upon confirmation of the appointment, Sherzoy was provided with the access code to open the lockbox and gain entry to the Property; and

4. Sherzoy provided the lockbox access code to his unlicensed client; and

5. On October 21, 2022, at approximately 5:30 p.m., Sherzoy's client used the lockbox access code to gain entry into the Property, unaccompanied by Sherzoy or any other licensee; and

6. Upon gaining entry, Sherzoy's client was confronted by the tenant inhabiting the Property, who was frightened by the stranger entering her home and asked Sherzoy's client to immediately leave the premises; and

7. Sherzoy never received permission from the listing agent, owner of the property or any other authorized person, to allow his client to access the Property unaccompanied by a licensee; and

8. Sherzoy's conduct is in violation of N.J.S.A. 45:15-17(e), (2 counts), as follows:

a. By providing his client, an unlicensed consumer, with lockbox access code information for the Property, as more fully described above, Sherzoy demonstrated incompetency and unworthiness for licensure; and

b. By allowing his client, an unlicensed consumer, to access the Property, which was inhabited by a tenant, without supervision by a licensee or permission from an authorized party, Sherzoy demonstrated unworthiness for licensure.

And for good cause shown,

IT IS on this 12th day of May, 2022

ORDERED that Respondent Matthew Sherzoy 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 to -12.18. The 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 July, 2022 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 his last known business address via certified mail.



Marlene Caride
Commissioner
New Jersey Department of Banking and Insurance
New Jersey Real Estate Commission