

**NEW JERSEY REAL ESTATE COMMISSION**

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER CAM-19-010
	)	
Complainant	)	CONSENT ORDER
	)	RFC Ref. Nos. 10004779, 10006685
	)	
vs.	)	
	)	
MICHAEL L. McGAVISK, licensed New Jersey	)	
real estate broker, (Lic. No. 0893593)	)	
	)	
Respondent.	)	

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THIS MATTER having been opened to the New Jersey Real Estate Commission ("Commission") in the Department of Banking and Insurance, State of New Jersey, upon information that Michael L. McGavisk d/b/a MLM Realty may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Michael L. McGavisk and MLM Realty are subject to the provisions of the Real Estate Licensing Law, N.J.S.A. 45:15-1 et seq.; and

WHEREAS, the staff of the New Jersey Real Estate Commission ("Commission staff") has alleged that Michael L. McGavisk and MLM Realty may have violated various provisions of the real estate laws of the State of New Jersey; and

WHEREAS Michael L. McGavisk acknowledges that he is aware of his right to a hearing on any violations which the Commission may allege he has committed and having obtained the advice of counsel on the matters to which this Consent Order pertains, on behalf of himself and MLM Realty, he is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Michael L. McGavisk, in order to avoid the costs and uncertainty of further litigation and to resolve this 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 as amended were approved by the Commission at a regular meeting on June 11, 2019; and

IT APPEARING that the matter against Respondent 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 24<sup>th</sup> day of January, 2020

ORDERED AND AGREED that Michael L. McGavisk admits the following facts:

1. Respondent Michael L. McGavisk is a licensed sole proprietor real estate broker doing business as MLM Realty with its main office address on file with the New Jersey Real Estate Commission listed as 1814 E. Marlton Pike, Suite 200, Cherry Hill, N.J. 08003; and

2. Essence Singleton Cook submitted her application for a real estate salesperson's license to her prospective employing broker, Respondent Michael L. McGavisk in a timely manner and he did not process same properly, resulting in the application being denied by Real Estate Commission staff; and

3. Thomas Dimitriou submitted an application and fee to Respondent for the renewal of his referral license for the 2017-2019 license term and that Respondent failed to renew the license causing Mr. Dimitriou's license to become inactive; and

4. A Real Estate Commission investigator visited the office located at 1814 E. Marlton Pike, Suite 200, Cherry Hill, N.J. on or about January 25, 2018. The location was occupied by TAM Lending Center and the investigator was advised by a representative of TAM that Respondent had moved his office to 409 Route 70 East, Cherry Hill, N.J. The investigator

then visited the Route 70 location and found that the premises were occupied by Keller Williams Real Estate. Respondent Michael L. McGavisk, d/b/a MLM Realty did not maintain an office at that location; and

5. At all times relevant hereto, there was no change of address for Respondent's real estate office filed with the New Jersey Real Estate Commission; and

6. From January 25, 2018 through September 26, 2018, the investigator made several attempts to contact Respondent by telephone and by e-mail. The investigator left several telephone messages and made an e-mail request for Respondent to contact her and to provide information relative to the investigation. While the investigator was successful in contacting Respondent on one occasion in June 2018, Respondent did not provide information as requested and did not contact the investigator as requested subsequent to that date; and

7. On or about October 24, 2018, the investigator issued a subpoena to the Respondent for him to appear at the offices of the New Jersey Real Estate Commission and produce records on November 8, 2018. The subpoena was served by regular and certified mail at the Marlton Pike address on file with the Commission. Both the certified and regular mail were returned marked "not deliverable as addressed; unable to forward"; and

8. Respondent has recently submitted an application to the Real Estate Commission to open a new real estate brokerage company at the Route 70 location in Cherry Hill, N.J. and has represented that he is not currently conducting real estate activity in New Jersey and will not conduct such activity until the new license has been issued; and it is further

ORDERED AND AGREED that based on the above facts, Respondent Michael L. McGavisk, d/b/a MLM Realty admits to the following:

9. Respondent has demonstrated incompetency (2 counts) in violation of N.J.S.A. 45:15-17(e) when he failed to process the license applications of Ms. Cook and Mr. Dimitriou as set forth above;

10. Respondent is in violation of N.J.S.A. 45:15-12 in that he failed to maintain an office open to the public as required; and

11. Respondent is in violation of N.J.S.A. 45:15-13 in that he failed to advise the Commission of a change of business address; and

12. Respondent is in violation of N.J.S.A. 45:15-17 (e), unworthiness in that he failed to cooperate with a Real Estate Commission investigation; and

Based on the above, it is hereby:

ORDERED AND AGREED that Michael L. McGavisk shall complete six (6) credits in total of continuing education in the subject areas of office management and the New Jersey Real Estate License Law and regulations on or before December 31, 2019. This obligation is in addition to the continuing education requirements for all real estate licensees in order to renew their licenses; and it is further

ORDERED AND AGREED that Michael L. McGavisk, d/b/a MLM Realty, Inc. shall pay a total fine in the amount of \$4,500.00 which shall be paid in full before any license is issued for the real estate company referenced in paragraph 8 above. The fine shall be payable by certified check, cashier's check or money order payable to the "State of New Jersey" and sent to the Fiscal 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 this Consent Order encompasses only the information in Commission investigation files #10004779 and 10006685 as set forth above. The Commission reserves the right to take further administrative action if it obtains any other information that Michael L. McGavisk d/b/a MLM Realty, Inc. may have violated the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.; and it is further

ORDERED AND AGREED that the balance of the allegations in the Order to Show Cause filed in this matter are hereby administratively dismissed; and it is further

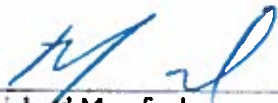
ORDERED AND AGREED that by signing below, Michael L. McGavisk confirms that:

a. he is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair his ability to knowingly and voluntarily execute this Consent Order; and

b. he is entering into this agreement knowingly and voluntarily, that he has not been subject to any coercion or threats regarding his execution of this Consent Order and that other than the other terms set forth above, no promises, representations or inducements have been made to him to secure his acceptance of the provisions of this Consent Order; 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.

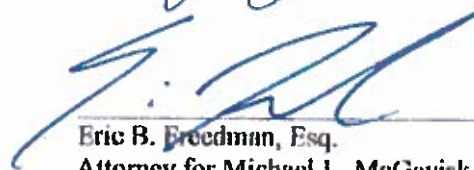
Dated: 1/22/2020

  
Richard Mumford  
Acting Director  
Division of Banking

Consented to as to  
Form, Content and Entry

Dated: 7/1/2019

  
Michael L. McGavisk, d/b/a MLM Realty

  
Eric B. Freedman, Esq.  
Attorney for Michael L. McGavisk