

NEW JERSEY REAL ESTATE COMMISSION

In the Matter of CHERRYL SHARP )  
 ) DOCKET NUMBER REC-CO23-002  
 ) (REC File No. 10013946)  
Appeal of Denial of Application for Licensure as )  
A Real Estate Salesperson ) CONSENT ORDER  
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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; and

WHEREAS Cheryl Sharp (“Sharp”) is a previously licensed individual seeking re-licensure as a New Jersey real estate salesperson; and

WHEREAS Sharp 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 the Commission staff has secured evidence which indicates that Sharp has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

WHEREAS Sharp was first licensed on May 31, 2017. Most recently, Sharp was licensed with Sackman Realty LLC, licensed New Jersey real estate broker Sharp was continually licensed from the inception of her license until June 3, 2020, when she was terminated by her employing broker as a result of the criminal charges pending against Sharp at the time, as more fully set forth below. Sharp’s license is currently inactive; and

WHEREAS on or about March 5, 2020, Sharp was charged with one count of Conspiracy to commit Theft by Deception, in violation of N.J.S.A. 2C:5-2; one count of Theft by Deception

in violation of N.J.S.A. 2C:20-4; one count of Conspiracy to commit Falsifying or Tampering with Records, in violation of N.J.S.A. 2C:5-2; one count of Falsifying or Tampering with Records, in violation of N.J.S.A. 2C:21-4; one count of Conspiracy to commit Tampering with Public Records or Information, in violation of N.J.S.A. 2C:5-2; one count of Tampering with Public Records or Information, in violation of N.J.S.A. 2C:28-7; one count of Conspiracy to commit Money Laundering, in violation of N.J.S.A. 2C:5-2; and one count of Money Laundering, in violation of N.J.S.A. 2C:21-25; and

WHEREAS N.J.S.A. 45:15-17(s) requires that real estate licensees notify the Commission within 30 days of being indicted, or of the filing of any formal criminal charges against them; and

WHEREAS Sharp did not notify the Commission of the filing of criminal charges against her within 30 days; and

WHEREAS the criminal charges against Sharp were part of Indictment # 2020-3-558 (the "Indictment"), an 81-count indictment, charging ten individuals with various offenses related to an alleged mortgage fraud scheme, which took place between approximately June 2016 and August 2019; and

WHEREAS Sharp maintains that in 2016, before she was first licensed as a real estate salesperson, her brother, also charged as a defendant in the Indictment, asked her to sign a gift letter for her nephew to assist him in qualifying for a mortgage. Sharp signed the letter at her brother's request, without any knowledge of potential wrongdoing. Sharp's involvement in the conduct alleged in the Indictment was limited to her signature on this single document; and

WHEREAS on or about February 26, 2021, Sharp entered a plea of guilty in the Superior Court of New Jersey, Essex County, for the crime of Tampering with Public Records or

Information with no Intent to Defraud, a disorderly persons offense in violation of N.J.S.A. 2C:28-7(a)(2); and

WHEREAS on or about April 23, 2021, Sharp was convicted of the disorderly persons offense of Tampering with Public Records or Information with no Intent to Defraud and sentenced to pay fines and fees in the total amount of \$1,125.00. The sentence did not include any term of imprisonment or probationary supervision. The remaining charges against Sharp, as set forth in the Indictment, were dismissed; and

WHEREAS the sentencing court found the following mitigating factors: Sharp's conduct neither caused nor threatened serious harm; Sharp had no history of prior delinquency or criminal activity or had led a law-abiding life for a substantial period of time before the commission of the offense at issue; the character and attitude of Sharp indicated that she is unlikely to commit another offense; and that Sharp would be particularly likely to respond affirmatively to probationary treatment. The court concluded that, by clear and convincing evidence, the mitigating factors outweighed the lone aggravating factor, which was the need for deterring Sharp and others from violating the law; and

WHEREAS Sharp has submitted proof that she has paid the court-ordered fines and fees in full, in accordance with her sentence; and

WHEREAS Sharp notified Commission staff of the above conviction within 30 days in compliance with N.J.S.A. 45:15-17(s); and

WHEREAS on or about September 16, 2021, Sharp submitted an application for the reinstatement of her real estate salesperson license to the Commission. In the application, she truthfully disclosed the existence of a criminal conviction; and

WHEREAS by letter dated September 27, 2021, the Commission staff denied Sharp's application for the reinstatement of her real estate salesperson license, stating that Sharp's criminal conviction caused staff to conclude that she failed to establish her good moral character, honesty, trustworthiness and integrity as required for licensure by N.J.S.A. 45:15-9; and

WHEREAS on or about November 3, 2021, Sharp filed an appeal of staff's initial denial of her application for the reinstatement of her real estate salesperson license; and

WHEREAS the New Jersey Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 to -16 (the "RCOA") prohibits the Commission from disqualifying or discriminating against an individual seeking licensure based on a criminal conviction, unless an exception applies or unless the conviction relates adversely to the real estate brokerage business; and

WHEREAS the RCOA requires the Commission to consider certain factors when determining whether disqualification from licensure based on a criminal conviction is appropriate, which factors include: the nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying; the nature and seriousness of the crime; the circumstances under which the crime occurred; the date of the crime; the age of the person when the crime was committed; whether the crime was an isolated or repeated incident; social conditions which may have contributed to the crime; any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision; and any other factors deemed relevant by the Commission; and

WHEREAS N.J.S.A. 45:1-21.5 prohibits the Commission from disqualifying any person from obtaining a real estate license solely because a person has been convicted of or engaged in

acts constituting any crime or offense, unless the crime or offense has a direct and substantial relationship to the real estate brokerage business or is of a nature such that licensure of the person would be inconsistent with the public's health, safety or welfare; and

WHEREAS N.J.S.A. 45:1-21.5 requires the Commission to consider certain factors when determining whether disqualification from licensure based on a criminal conviction is appropriate, which factors include: the nature and seriousness of the crime or offense and the passage of time since its commission; the relationship of the crime or offense to the purposes of regulating the profession or occupation regulated by the entity; any evidence of rehabilitation of the person in the period of time following the prior conviction that may be made available to the entity; and the relationship of the crime or offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation regulated by the entity; and

WHEREAS Sharp is 65 years old and was 59 at the time of the events underlying the conviction described above. Prior to the incident described above, Sharp has never been convicted of any criminal offense in New Jersey or any other jurisdiction. Sharp has no history of discipline by the Commission; and

WHEREAS Sharp is a registered nurse and a minister at the Living Word Christian Fellowship in Neptune, New Jersey. Sharp has volunteered at RTN Prayer & Crisis Network International Prayer Line since 2017; and

WHEREAS Sharp 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 notice of her right to obtain the advice of counsel on matters to which this Consent Order pertains, she is knowingly and voluntarily waiving the right to a hearing and to legal counsel; and

WHEREAS in lieu of instituting more formal proceedings, the Commission and Sharp desire to resolve this matter consensually, based upon the terms set forth herein; and

WHEREAS the Commission and Sharp, in order to avoid the costs and uncertainty of 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 April 11, 2023; and

IT APPEARING that the matter against Sharp 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 28th day of April, 2023

ORDERED AND AGREED that based on the above, Appellant Cherryl Sharp admits to the following:

1. Sharp's conduct is in violation of N.J.S.A. 45:15-17(s), in that she failed to notify the Commission of the formal filing of criminal charges against her, as more fully described above.

Based on the above, it is hereby:

ORDERED AND AGREED that Sharp shall pay a fine in the amount of five hundred dollars (\$500). 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 the Commission staff's denial of Sharp's application for the reinstatement of her real estate salesperson license is hereby withdrawn. Sharp shall be eligible for the reinstatement of her real estate salesperson license, subject to the terms of this Consent Order; and it is further

ORDERED AND AGREED that Sharp must make complete payment of the fine ordered herein prior to being eligible for the issuance of any real estate license. Upon payment in full of the fine ordered herein, Sharp shall be eligible for the reinstatement of her real estate salesperson license, in accordance with the terms of this Consent Order; and it is further

ORDERED AND AGREED that upon payment in full of the fine ordered herein, Sharp's real estate salesperson license shall be reinstated on a probationary basis for two (2) years. During the probationary period, the following conditions shall apply:

- a. It shall be Sharp's obligation to inform any employing broker that her license is on probation; and
- b. Any employing broker must notify the Commission within 72 hours if he or she receives any information indicating that Sharp may have violated the New Jersey Real Estate Licensing Law or corresponding regulations; and
- c. Sharp must notify the Commission within 72 hours if she is charged with, or convicted of, any criminal or disorderly persons offense; and it is further

ORDERED AND AGREED that Sharp shall complete six (6) 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 # 10013946. The Commission reserves the right to take further administrative action if it obtains any other information that Sharp may have violated 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 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, Sharp 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 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: April 28, 2023

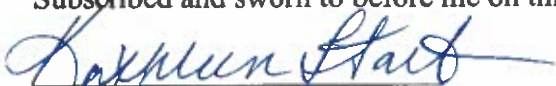
  
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Eugenia K. Bonilla  
President  
New Jersey Real Estate Commission



Dated: 3/8, 2023

  
Cheryl Sharp  
Appellant

Subscribed and sworn to before me on this 8<sup>th</sup> day of March, 2023

  
Notary Public

KATHLEEN HART  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires March 18 2024

