

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION) DOCKET NUMBER REC-E-22-006
) (REC File No. 100014243)
Complainant,)
)
v.)
)
MATTHEW SHERZOY, licensed New Jersey real)
estate salesperson, (Ref. No. 2184146))
)
Respondent.)

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 Matthew Sherzoy ("Sherzoy"), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Sherzoy 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 Sherzoy has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

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

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

WHEREAS the Commission and Sherzoy, 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 June 27, 2023; and

IT APPEARING that the matter against Sherzoy 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 18th day of July, 2023

ORDERED AND AGREED that Respondent Sherzoy admits the following facts:

1. 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 real estate 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, 2021, 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 5:00 p.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, 2021, 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 entering the Property, Sherzoy's client was confronted by the tenant inhabiting the Property, who requested that the client 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 was 18 years old at the time of the events described in this Consent Order. The events herein described relate to one of the first real estate transactions that Sherzoy was involved in. He is currently a full-time student and not actively licensed as a real estate salesperson. Sherzoy has no prior history of discipline with the Commission; and it is further

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

1. By providing his client with the lockbox access code to the Property, and allowing his client to access the Property unaccompanied by a licensee, Sherzoy engaged in conduct demonstrating incompetency and unworthiness for licensure in violation of N.J.S.A. 45:15-17(e); and

Based on the above, it is hereby:

ORDERED AND AGREED that Sherzoy shall pay a fine in the amount of one thousand five hundred dollars (\$1,500). The fine shall be paid in full within sixty (60) 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 Sherzoy's real estate license shall be suspended for a period of sixty (60) days, from the date of the full execution of this Consent Order. Sherzoy must pay the fine prescribed herein in full prior to being eligible for reinstatement of his real estate license; and it is further

ORDERED AND AGREED that any license issued to Sherzoy after the expiration of the license suspension prescribed herein will be held on a probationary basis for a period of six (6) months, effective immediately upon execution of this Consent Order. During the probationary period, the following conditions shall apply:

- a. It shall be Sherzoy's obligation to inform any employing broker that his 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 Sherzoy may have violated the New Jersey Real Estate Licensing Law or corresponding regulations; and
- c. Sherzoy must notify the Commission within 72 hours if he is charged with, or convicted of, any criminal or disorderly persons offense; and it is further

ORDERED AND AGREED that Sherzoy shall complete 9 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 # 10014243. The Commission reserves the right to take further administrative action if it obtains any other information that Sherzoy 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, Sherzoy confirms that:

- a. He is not under any disability, mental or physical, nor under the influence of any medication, intoxicant or other substance 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 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 him to secure his acceptance of the provisions of this Consent Order.

Dated: July 13, 2023



Eugenia K. Bonilla
President
New Jersey Real Estate Commission

Dated: JUNE 21, 2023



Matthew Sherzoy
Respondent

State of New Jersey)

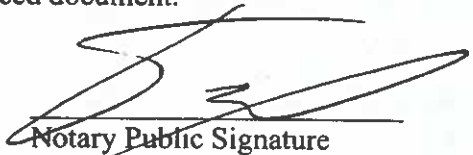
County of Bergen,)

SS

On June 21st, 20 23 before me, Drew Alexander, Notary Public in and for said county, personally appeared MATTHEW SHERZOY, (signer) who has satisfactorily identified himself as the signer to the above referenced document.

(Affix Notary Stamp Here)

DREW ALEXANDER
Notary Public, State of New Jersey
Registration No. 90072945
Commission Expires: December 4th, 2027


Notary Public Signature

My Commission Expires: December 4th 2027