

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,	)	DOCKET NUMBER CAM-19-008
	)	
Complainant,	)	ORDER TO SHOW CAUSE
	)	(REC Ref. No. 10007669)
v.	)	
	)	
TITO SANTIAGO, a licensed New Jersey	)	
real estate salesperson, (SP9032851)	)	
	)	
Respondent.	)	
	)	

---

THIS MATTER being commenced by the New Jersey Real Estate 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 et seq., and it appearing that:

1. Respondent Tito Santiago is a licensed real estate salesperson, actively licensed with Garden State Properties Group, whose office is located at 5 West Park Avenue, Merchantville, New Jersey 08109. He has been licensed since September 20, 1990; and

2. The property located at 67 Aberdeen Place, Woodbury, N.J. is owned by Mr. and Mrs. Luis Rios. Their property was listed for sale with Keller Williams Burlington County on about July 16, 2018. On or about August 27, 2018, Respondent made an appointment to show the property. The appointment was made through a third-party service "Showing Time" used by the Trend Multiple Listing Service. The appointment was made for 8:00 a.m. on August 28, 2018; and

3. At 8:00 p.m. on August 27, 2018 while Mr. and Mrs. Rios were at home, prospective buyers Antonio Solis and Carlitos Montenegro entered the property unaccompanied by Respondent. They had arrived with additional family members. When they were questioned

by Mr. and Mrs. Rios as to how they got into the house, the buyers explained that Respondent had provided them with the lockbox code; and

4. The buyers were asked to leave the premises and Mr. and Mrs. Rios expressed to their listing agent, Ivy Cabrera, that they would not entertain any offers from those buyers or any other buyer produced by Respondent under the circumstances; and

5. When he was questioned by a Real Estate Commission investigator, Respondent admitted that he had provided his buyers with the lockbox code and the alarm code for the property because he was ill and could not accompany the buyers. He explained that he was mistaken as to the date and time of the showing. He also admitted that he did not inform his broker of same. He stated that he did not read the information on the Multiple Listing Service which included the fact that the sellers occupied the property; and

6. Upon further questioning, Respondent admitted that he did not have detailed information for the buyers and that he only had their names, a phone number and had a pre-qualification letter for one of them. He had no address or other information; and

7. Respondent demonstrated untrustworthiness, incompetency, bad faith and dishonesty, in violation of N.J.S.A. 45:15-17(e) when he provided the lockbox code and alarm code for the Rios property to prospective buyers; and

8. Respondent is in violation of N.J.A.C. 11:5-6.4(a) in that he failed in his fiduciary duty when he put his own interest above those of his clients by allowing them to enter the property of another unaccompanied and without a licensee or other authorized person and caused the property to no longer be available to the buyers;

And for good cause shown,

IT IS ON THIS 4th DAY OF FEBRUARY 2019

ORDERED that Respondent shall show cause why Respondent's 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. 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 Answers must include specific admissions or denials of all allegations in the Order to Show Cause, state the factual basis of each and every factual allegation denied and assert any defenses that Respondent intends to present if this matter is deemed a contested case and a plenary hearing is held; and

IT IS FURTHER ORDERED that failure to comply with all 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 New Jersey Real Estate Commission will review this Order to Show Cause and Answer filed, if any, at a meeting scheduled on or after the 26<sup>th</sup> day of MARCH 2019 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 hereof to his last known business addresses via certified mail.



---

Richard Mumford  
Acting Director  
Division of Banking