

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,)	DOCKET NUMBER -
)	MID-19-021
Complainant)	
)	
v.)	ORDER TO SHOW CAUSE
)	(REC Ref. No.10008501)
STEPHEN SPRESSERT, licensed New Jersey)	
salesperson. (License Reference No. 1968416))	
)	
Respondent.)	

THIS MATTER being commenced by the New Jersey Real Estate Commission in the Department of Banking and Insurance, State of New Jersey (“Commission”), 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, Stephen Spressert (“Respondent”), is a licensed New Jersey real estate salesperson, having obtained his license on or about February 7, 2019 when hired by Mid State Realty, Inc. and was last licensed with Mid-State Realty, Inc., whose offices are located at 391 Spotswood Englishtown Road, Monroe Township, New Jersey; and

2. On or about June 21, 2019, Respondent renewed his license with Mid-State Realty, Inc. for the 2019-2021 licensing period; and

3. On or about July 28, 2019, Respondent was terminated by his broker, John Profaci of Mid-State Realty, Inc. and Respondent’s salesperson’s license is presently inactive; and

COUNT ONE

4. N.J.S.A. 2A:17-556.44d precludes the Commission from granting a license to an applicant if there is an arrearage equal to or exceeding the amount of child support payable for six (6) months or who is the subject of child support related warrant; and

5. In compliance with the requirements set forth in Paragraph 4 herein, Screening Question (“SQ”) 4 asks “Do you have a child support obligation on which there is an arrearage due that equals or exceeds the amount of child support payable for six months, or are you the subject of a child support related warrant, or during the past six (6) months have you failed to provide any court-ordered health care coverage, or have you failed to respond to a subpoena relating to paternity or child support proceedings”; and

6. On or about December 12, 2018 Respondent submitted an application for licensure as a real estate salesperson in the state of New Jersey. As part of his application, Respondent answered the SQ and certified that the answers he provided to those questions and the personal data provided on the application were true and correct; and

7. Respondent answered “NO” to SQ 4; and certified to the truth and accuracy of that answer by answering “YES” to the question at the end of the SQ averring to the truth and accuracy of his answers; and

8. Thereafter, Real Estate Commission (“REC”) Investigator Masi received information and written confirmation from Danielle Spresert, the former wife of Respondent, that Respondent was more than six (6) months in arrears of child support ordered by the Superior Court of New Jersey, Monmouth County and payable through the Monmouth County Probation Department; and

9. When REC Investigator Masi contacted Respondent by telephone and via written correspondence dated April 22, 2019 to verify the child support arrearages, Respondent did not

respond or provide written documentation as requested; and

10. By answering “NO” to SQ 4 and certifying to the accuracy and truthfulness of that information. Respondent was not truthful and his conduct demonstrates unworthiness, bad faith and dishonesty in violation of N.J.S.A. 45:5-17 (e); and

COUNT TWO

11. Respondent’s conduct, set forth more specifically in paragraph 9 above, by failing to cooperate with the investigation of the REC staff and not responding to a request for documentation and/or statement regarding the issue of child support arrears demonstrates unworthiness in violation of N.J.S.A. 45:15-17(e); and

COUNT THREE

12. On or about June 21, 2019, Respondent renewed his license for the 2019-2020 renewal license period and responded to Qualifying Questions (“QQ”) in support of his renewal application; and

13. Respondent answered NO to QQ 4a which asks: “Are you the subject of an arrest warrant for failing to comply with court ordered child support obligations and/or are you in arrears on such obligations equal to or exceeding the amount of child support payable for six (6) months”; and

14. By answering in the negative to QQ 4a Respondent blatantly violated N.J.S.A. 45:15-17(e). as his answer was not truthful, and his lack of candor demonstrates unworthiness, bad faith and dishonesty; and

COUNT FOUR

15. Respondent’s conduct as set forth in Paragraphs 4 through 14 above, clearly demonstrates that he procured his real estate license initially license by fraud, misrepresentation

and deceit in violation of N.J.S.A. 45:15-17(n); and

16. Respondent's conduct as set forth in Paragraphs 4 through 14 above, clearly demonstrates that he perpetuated that fraud when he procured his real estate license through renewal of the license during the 2019-2021 renewal period; and

COUNT FIVE

17. Respondent's answer to SQ 4 on his initial license application submitted on December 12, 2018 in which he answered that he did not have a child support obligation in which there was an arrearage due that equals or exceeds the amount of child support payable for six months was a substantial misrepresentation, in violation of N.J.S.A. 45:15-17(a); and

18. Respondent's answer to QQ 4a on his renewal application submitted on June 21, 2019 in which he answered that he did not have a child support obligation in which there was an arrearage due that equals or exceeds the amount of child support payable for six months, was a substantial misrepresentation, in violation of N.J.S.A. 45:15-17(a);

And for good cause shown.

IT IS ON THIS 29th DAY OF October, 2019

ORDERED that Respondent shall show cause why Respondent's real estate license and/or eligibility to hold a 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. 45:15-1, 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 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 if, on the basis of the answer filed herein the Commission deems this matter a contested case, a full hearing shall thereafter be scheduled at which time the Respondent shall show cause why his eligibility to hold a real estate license should not be suspended or revoked, why a Cease and Desist Order should not be entered as to Respondent and all entities operated by him and/or why fines or other sanctions should not be imposed pursuant to N.J.S.A. 45:15-17; 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 11th day of February, 2020 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 Respondent at least

ten days prior to the return date thereof, 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 address via certified mail, return receipt requested, pursuant to N.J.S.A. 45:15-18.



Marlene Caride
Commissioner
Department of Banking and Insurance