

In The Matter of:

Michelle Donus (Ref. No. 0125153), Licensed Real Estate Broker-Salesperson/Respondent

WHEREAS Respondent Michelle Donus, a real estate broker-salesperson licensed by the State of New Jersey, is subject to the provisions of the Real Estate Brokers and Salespersons Act, N.J.S.A. 45:15-1 et seq.; and

WHEREAS Respondent Donus is currently licensed with Preferred Realty Inc. d/b/a Century 21 – Preferred Realty, whose office is located at 43 North Road, Kinnelon, New Jersey; and

WHEREAS at all times relevant hereto, Respondent Donus was licensed with Danfer Inc., d/b/a Re/Max Gold Coast Realty, whose office was located at 56 Newark Avenue, Hoboken, New Jersey; and

WHEREAS the Real Estate Commission has secured evidence which indicates that Respondent Donus has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate brokers and salespersons as referenced above; and

WHEREAS the Commission and Respondent Donus have agreed to settle this matter in lieu of any further administrative action; and

WHEREAS Respondent Donus acknowledges that she has been made aware of her right to a full and formal hearing on any violations which the Commission may allege she has committed and having had the advice of counsel on the matters to which this Consent Order pertains, she is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS Respondent Donus acted as dual agent in a transaction concerning the property located at 3 Shadowy Lane, West Milford, New Jersey 07480; and

WHEREAS Respondent Donus failed to turn over to her broker for deposit in the broker trust account, two escrow checks provided to her by the buyers of the subject property totaling \$3,500; and

WHEREAS after providing Donus with the above-described escrow monies, the buyers of the subject property wrote a new escrow check to their attorney to be held in the attorney's trust account. Thereafter, the above-described checks being held by Donus were voided and sent back to the buyers; and

WHEREAS Respondent Donus admits that she acted in violation of N.J.S.A. 45:15-12.8 by failing to immediately turn over escrow monies received by Donus, acting as temporary custodian of the funds in a real estate transaction, to her broker for deposit in the broker trust account; and

IT IS THEREFORE AGREED BY THE PARTIES AND SO ORDERED that

RESPONDENT Donus agrees to pay a fine in the amount of \$1,500; and it is further ordered and agreed that

RESPONDENT Donus shall pay the fine in full within one year of the date of the acceptance of this Consent Order. A payment plan may be worked out with Department of Banking and Insurance, Collection Section, whereby Donus pays off the fine in monthly installments. The fine shall be payable by certified check, cashier's check or money order, payable to the "State of New Jersey" and sent to:

Division of Anti-Fraud Compliance/Collection Section
Department of Banking and Insurance
P.O. Box 325
Trenton, New Jersey 08625

RESPONDENT Donus agrees to take an additional 3 hour continuing education course in the subject area of "Agency," which will not count towards the continuing education requirement for license renewal. Proof of completion of the same shall be submitted to the Real Estate Commission within ninety (90) days of the approval of this Consent Order;

And it appearing that this matter can be resolved upon consent of the parties, without resort to any other further administrative proceeding;

It is on this 29th day of March, 2018

ORDERED and AGREED that the terms of this Consent Order are approved by the Commission at a regular meeting on Tuesday, March 27, 2018; and

It is further ORDERED and AGREED that the Commission reserves the right to take administrative action if the terms of this Consent Order are not fully complied with or if it obtains any other information that the respondent may have violated the Real Estate Brokers and Salespersons Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.;



Patrick J. Mullen
Director of Banking
New Jersey Department of Banking and Insurance

RESPONDENT CERTIFICATION

I, Michelle Donus, hereby certify that

1. I am not under any disability, mental or physical, or under the influence of any medication, intoxicant or other substance that would impair my ability to knowingly and voluntarily execute this Consent Agreement; and further
2. I have received the advice of legal counsel on this matter and I am entering into this agreement knowingly and voluntarily, that I have not been subject to any coercion or threats regarding the execution of this Consent Agreement and that other than the terms set forth above, no promises, representations or inducements have been made to me to secure my acceptance of the provisions of this Consent Agreement; and further
3. I hereby certify that I have read and agree to the terms and conditions of the Consent Order as set forth above and agree to the entry of this Order.

Consented to as to
Form, Content and Entry



Michelle Donus, Respondent

Subscribed and sworn to before me on this _____ day of _____, 2018

Notary Public