

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER BUR-17-020
)	(REC Ref. No.'s 10003356; 10003650)
Complainant,)	
)	CONSENT ORDER
v.)	
)	
ROBERTO V. MILIANO, licensed New Jersey)	
real estate broker-salesperson (Ref. No. 8734053))	
)	
Respondent.)	

THIS MATTER having been opened to the New Jersey Real Estate Commission ("Commission") in the Department of Banking and Insurance, State of New Jersey, upon information that Roberto V. Miliano ("Miliano"), a licensed real estate broker-salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Miliano is subject to the provisions of the New Jersey Real Estate Licensing Law, N.J.S.A. 45:15-1 et seq. and corresponding regulations; and

WHEREAS the Real Estate Commission staff has alleged that Miliano has violated certain provisions of the laws and regulations governing the conduct of New Jersey real estate licensees; and

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

WHEREAS the Commission and Miliano, in order to avoid the costs and uncertainty of further 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 Wednesday, November 14, 2018; and

IT APPEARING that the matter against Miliano 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 15th day of November, 2018

ORDERED AND AGREED that Respondent Miliano admits the following facts:

1. Miliano is a licensed New Jersey real estate broker-salesperson, who was first licensed in August, 1989 and was most recently licensed with Reality Real Estate, Inc., whose office is located at 751 Stokes Road, Medford, New Jersey, 08055. Miliano's license is currently inactive; and

2. From August 1, 2011 through January 26, 2015, Miliano was licensed as a broker-salesperson with RM Realty Associates of Medford, LLC d/b/a Keller Williams Realty Medford, whose office is located at 620 Stokes Road, Suite A-D, Medford, New Jersey 08055 ("Keller Williams Medford"). From January 29, 2015 through January 20, 2017, Miliano was licensed as broker of record of Premier Realty Homes Corp., whose office was located at 525 Route 73 North, Suite 104, Marlton, New Jersey 08053; and

3. In or around September, 2014, Edward and Sandy Miller approached Miliano and expressed a desire to find a property and enter into a "rent to own" arrangement, such that they would be able to obtain possession of a property as renters and eventually convert such possession into ownership of the property; and

4. On or about October 24, 2014, Kellie Rasmussen (the "Seller") entered into a listing agreement with Miliano, on behalf of Keller Williams Medford, to list the property located at 417 Elm Avenue, Woodbury, New Jersey 08096 (the "Property") for rent. The listing agreement authorized Miliano to advertise the Property on the internet. The expiration date of the listing agreement was November 10, 2014; and

5. Miliano did not enter the above rental listing into the multiple listing system, inform his employing broker of the listing or submit any documentation or information regarding the Property whatsoever to Keller Williams Medford; and

6. In or around December, 2014, the Millers moved into the Property as renters. Upon information and belief, there was no written lease agreement in place and Miliano did not receive a commission or other compensation for the rental of the Property; and

7. On or about January 26, 2015 Miliano terminated his business relationship with Keller Williams Medford; and

8. On or about January 29, 2015, Miliano opened Premier Realty Homes Corp. Miliano was the owner and broker of record for Premier Realty Corp.; and

9. On or about February 12, 2015, the Seller entered into a listing agreement with Premier Realty Homes Corp to list the Property for sale. The expiration date of the listing agreement was December 31, 2015; and

10. On or about February 26, 2015, the Millers entered into a contract to purchase the Property from the Seller. The Seller's signature on the contract of sale was dated February 12, 2015. Miliano represented both the Millers (as buyers) and the Seller in the transaction as dual agent; and

11. The sale transaction was never completed and upon information and belief Miliano did not receive any compensation for his role in the transaction.

And it is further

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

1. Respondent Miliano's conduct is in violation of N.J.S.A. 45:15-17(e), dishonesty, in that Miliano attempted to secure the listing of the Property for sale with Premier Realty Homes Corp. by subverting the broker through which he was licensed at the time, Keller Williams Medford by failing to submit any information or documentation regarding the listing of the Property for rent and failing to notify the multiple listing service of his having acquired the listing while he was licensed with Keller Williams Medford, which conduct demonstrates dishonesty; and

2. Respondent Miliano's conduct is in violation of N.J.A.C. 11:5-6.4(f)(1)(i), in that he did not notify the multiple listing service of his having acquired the rental listing of the Property within 48 hours of the effective listing date.

Based on the above, it is hereby:

ORDERED AND AGREED that Miliano shall pay a fine in the amount of one thousand dollars (\$1,000). The fine shall be paid in full within one (1) year of the full execution of this Consent Order. A payment plan may be worked out with the Department of Banking and Insurance, Collection Section, whereby Miliano pays off the fine in monthly installments. 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 Miliano's eligibility for licensure as a real estate broker or salesperson shall be suspended for a period of three (3) months from the date of the full execution of this Consent Order. Miliano must pay the fine prescribed herein in full prior to being eligible for re-licensure; and it is further

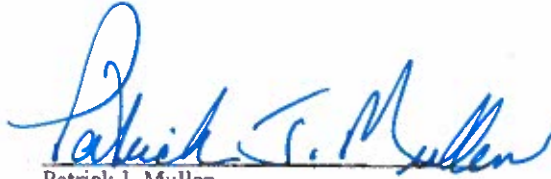
ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file #'s 10003556 and 10003650. The Commission reserves the right to take further administrative action if it obtains any other information that Miliano may have violated the Real Estate Brokers and Salespersons Act, N.J.S.A. 45:15-1 et seq. or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.; 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, Miliano confirms that:

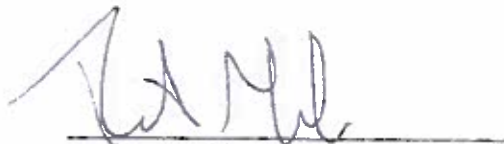
- a. He is not under any disability, mental or physical, nor under the influence of any medication, intoxicant or other substance that would impair his ability to knowingly and voluntarily execute this Consent Order; and
- b. He has received the advice of legal counsel on this matter and on the terms of the Consent Order, that 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: November 15, 2018



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

Dated: 11-8, 2018



Roberto V. Miliano

Dated: 11-9, 2018



Theodore Costa, Esq.
Attorney for Respondent