

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION)	DOCKET NUMBER MON-18-001
)	(REC Ref. No. 10005970)
Complainant,)	
)	CONSENT ORDER
v.)	
)	
HONG JING, licensed New Jersey real estate)	
salesperson (Ref. No. 1431563))	
)	
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 Hong Jing (“Jing”), a licensed real estate salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

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

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

WHEREAS Jing acknowledges that she is aware of her right to a plenary hearing on any violations which the Commission may allege she has committed and she is knowingly and voluntarily waiving the right to a hearing; and

WHEREAS the Commission and Jing, 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 September 12, 2018; and

IT APPEARING that the matter against Jing 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 12th day of September, 2018

ORDERED AND AGREED that Respondent Jing admits the following facts:

1. Respondent Hong Jing is an actively licensed New Jersey real estate salesperson, who was first licensed on March 4, 2014, and is currently licensed with Adele Demoro, LLC, licensed New Jersey real estate broker. Jing is employed at the branch office, which does business under the name Keller Williams Realty – West Monmouth, located at 50B Route 9 North, Morganville, New Jersey 07751; and

2. At all relevant times herein, Jing represented Xiaoying Wang (the “Landlord”) in the rental transaction for the property located at 28 Morris Drive, Princeton, New Jersey (the “Property”). At all relevant times herein, the Landlord resided in Hong Kong, China; and

3. At all relevant times herein, Jing held herself out to the Tenants as a representative of the Landlord, and as having authority to act on behalf of the Landlord for matters concerning the general management of the Property. No property management agreement was ever entered into between the Landlord and Jing’s broker, nor did Jing’s broker authorize any arrangement or agreement for Jing to manage the Property on behalf of the Landlord; and

4. On or about June 23, 2016, the Landlord entered into a lease agreement (the “Lease”) with David and Lora Grodnick, (the “Tenants”) for the rental of the Property. The Lease was prepared by New Jersey real estate salesperson Dorothy Polack, who represented the Tenants

in the subject transaction. The term of the Lease is four years, with monthly rent payments of \$5,200. The Lease states that the Tenants are required to provide an "initial deposit" in the amount of \$26,000 to the Landlord, which "is to be applied to security deposit." The Lease further states that the Tenants shall pay the Landlord \$7,800 as a security deposit, and that the Landlord shall comply with the Rent Security Act N.J.S.A. 46:8-19; and

5. The Lease further states that: (a) the Landlord is to have the Property in good order when providing possession to the Tenants; (b) the Landlord shall repair damage to the Property and to the vital facilities caused by ordinary wear and tear within a reasonable time after notice by the Tenants; and (c) the Landlord shall have the well water tested in accordance with the Private Well Testing Act, N.J.S.A. 58:12A-26, and that the Landlord is to provide a written copy of the most recent test results to any lessee of the Property; and

6. Pursuant to the Lease, on or about June 21, 2016, the Tenants provided Jing with two checks in the amounts of \$26,000 and \$7,800 (a total of \$33,800), for deposit monies pursuant to the Lease. The checks were made payable to the Landlord; and

7. On or about July 11, 2016, Jing deposited the Tenants' deposit checks, in the total amount of \$33,800, as described above, into her personal checking account. The checks were endorsed in the name of the Landlord; and

8. Neither the Landlord, nor Jing provided a written copy of the most recent well water test to the Tenants, as required by N.J.S.A. 58:12A-26; and

9. On or about June 30, 2016, prior to moving in, a well water test was conducted on the Property. The results of that test revealed that the well water contained a level of arsenic above the maximum contamination level, as set forth by the New Jersey Department of Environmental Protection and the Private Well Testing Act; and

10. Shortly after moving in, the Tenants discovered the following additional issues with the Property, which Jing knew of or should have known:

- a. the well water pump failed
- b. the microwave/oven unit did not work properly
- c. the water heater and furnaces were not operational
- d. the electricity throughout the house continuously shorted out
- e. the living room fireplace emitted carbon monoxide fumes

11. The Tenants contacted Jing regarding the remediation of each of the above issues. In response, Jing refused to provide the Landlord's direct contact information and failed to have any of the issues addressed, stating that such issues were "petty" and that the Landlord should not be bothered; and

12. The Tenants paid out of pocket at great expense to them to remediate each of the aforementioned issues concerning the Property; and

13. Frustrated by the conduct of real estate licensee Jing, the Tenants filed a complaint with the New Jersey Real Estate Commission on April 11, 2017; and

14. On or about September 28, 2017, Jing was interviewed by a Commission investigator regarding the subject transaction. During that interview, Jing stated to the investigator that the Tenants' deposit funds described above were deposited in the Landlord's bank account in China, when in fact, Jing had deposited the Tenants' funds into her own personal bank account; and it is further

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

1. Respondent Hong Jing's conduct is in violation of N.J.S.A. 45:15-17(o), in that by depositing the Tenant's deposit monies, totaling \$33,800, into her own personal bank account as described above, Jing commingled the money of her principal with her own and failed to maintain and deposit in a special account, separate and apart from her personal or other business accounts, all monies received by Jing as the temporary guardian of the funds of others in a real estate transaction; and

2. Respondent Hong Jing's conduct is in violation of N.J.S.A. 45:15-12.8, in that Jing failed to immediately turn over the Tenants' deposit monies described above to her broker, for deposit in the broker trust account; and

3. Respondent Hong Jing's conduct is in violation of N.J.S.A. 45:15-1 and 3, in that she engaged in unlicensed activity by acting on her own behalf in engaging in the practice of property management, and not under the authority of the real estate broker with whom she was licensed at the time; and

4. Respondent Hong Jing's conduct is in violation of N.J.S.A. 45:15-17(e), in that by failing to remediate or otherwise address the multitude of serious issues with the Property, as described above, Jing engaged in conduct demonstrating unworthiness, incompetency, bad faith or dishonesty; and

5. Respondent Hong Jing's conduct is in violation of N.J.S.A. 45:15-17(a), in that Jing made a substantial misrepresentation to a Commission Investigator, by representing that the Tenant's deposit monies were deposited in the Landlord's bank account, when in fact Jing had deposited the funds into her own personal bank account; and

6. Respondent Hong Jing's conduct is in violation of N.J.A.C. 11:5-6.4(a), in that by engaging in the conduct described above, Jing failed in her obligation to deal fairly with all parties involved in the subject transaction.

Based on the above, it is hereby:

ORDERED AND AGREED that Jing shall pay a fine in the amount of five thousand dollars (\$5,000). The fine shall be paid in full within two (2) years 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 Jing pays off the fine in monthly installments. The fine shall be paid 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 Jing's real estate salesperson's license shall be revoked for a period of three (3) years from the full execution of this Consent Order. Upon completion of the period of revocation, Jing shall be required to completely requalify for licensure, and pay the fine prescribed herein in full, in order to be eligible for the issuance of any real estate license; and it is further

ORDERED AND AGREED that any real estate license issued to Jing upon completion of the period of revocation shall be held on a probationary basis for a period of two (2) years. During the probationary period, the following conditions shall apply:

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

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file # 10006245. The Commission reserves the right to take further administrative action if it obtains any other information that Jing 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, Jing confirms that:

- a. She is not under any disability, mental or physical, nor under the influence of any medication, intoxicant or other substance that would impair her ability to knowingly and voluntarily execute this Consent Order; and
- b. She is entering into this agreement knowingly and voluntarily, that she 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 her to secure her acceptance of the provisions of this Consent Order.

Dated: 09/12, 2018



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

Dated: 08/09, 2018



Hong Jing

Subscribed and sworn to before me on this 9th day of August, 2018



Notary Public

LEONORA STEVENS
NOTARY PUBLIC OF NEW JERSEY
ID # 2383715
My Commission Expires 3/18/2019