

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION	)	DOCKET NUMBER BUR-17-020
	)	REC Ref. No. 10003556; 10003650
Complainant,	)	
	)	ORDER TO SHOW CAUSE
v.	)	
	)	
ROBERTO V. MILIANO, licensed New Jersey	)	
Real estate broker-salesperson, Ref. No. 8932983	)	
	)	
Respondent.	)	

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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 Roberto V. Miliano (“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. From August 1, 2011 until 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 until 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

2. On or about October 24, 2014, Kellie Rasmussen (“Seller”) entered into a listing agreement with Miliano, on behalf of Keller Williams Realty Medford, to list the property located

at 417 Elm Avenue, Woodbury, New Jersey 08096 (“Property”) for rent. The expiration date of the listing agreement was November 10, 2014; and

3. Miliano did not enter the above 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

4. In or around December, 2014, Edward and Sandy Miller (the “Tenants”) moved into the Property as renters; and

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

6. 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

7. 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

8. On or about February 26, 2015, the Tenants 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. The Property was in a short sale situation and therefore the agreement was subject to approval by the Seller’s lender. Miliano represented both the Tenants (as buyers) and the Seller in the transaction as dual agent; and

9. Upon information and belief, the Tenants were unable to secure a mortgage commitment and as a result, the above contract of sale was cancelled and the transaction did not go through; and

10. On or about September 14, 2015, the Commission received a written complaint from the Tenants, against Miliano for his conduct surrounding the subject transaction; and

11. On or about September 16, 2015, the Commission received a written complaint from Michael Alessi, broker of record for Keller Williams Medford, against Miliano for his conduct surrounding the subject transaction; and

12. On or about November 4, 2016, Commission investigators met with Miliano in connection with the Property and the subject transaction. At that meeting, Miliano stated to investigators that he had submitted the rental listing to Keller Williams Medford, and had notified TREND Multiple Listing Service of the rental listing; and

13. 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 TREND Multiple Listing Service of his having acquired the rental listing of the Property within 48 hours of the effective listing date; and

14. The Respondent's conduct is in violation of N.J.S.A. 45:15-17(e), in that by failing to submit any documentation regarding the listing of the Property for rent to his broker, Keller Williams Medford, and failing to notify the multiple listing service of his having acquired the listing while he was licensed with Keller Williams Medford, Miliano engaged in conduct demonstrating unworthiness, incompetency, bad faith or dishonesty; and

15. The Respondent's conduct is in violation of N.J.S.A. 45:15-17(a), substantial misrepresentation, in that he misrepresented to Commission investigators that he submitted documentation for the rental listing of the Property to Keller Williams Medford.

And for good cause shown, IT IS on this 16<sup>th</sup> day of May, 2018

ORDERED that Respondent Roberto V. Miliano shall show cause why his 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 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 the Commission will review this Order to Show Cause and Answer(s) filed, if any, at a meeting scheduled on or after the 10<sup>th</sup> day of July, 2018 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 thereof to his last known business address via certified mail.



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