

NEW JERSEY REAL ESTATE COMMISSION

NEW JERSEY REAL ESTATE COMMISSION,	)	DOCKET NUMBER CUM-15-007
	)	REC Ref. No. 10002040
	)	
Complainant,	)	
	)	CONSENT ORDER
v.	)	
ANTHONY L. HOUSER, licensed New Jersey	)	
Real estate salesperson (Ref. No. 0345668)	)	
	)	
Respondent.	)	

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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 Anthony L. Houser ("Houser"), licensed as a salesperson, may have violated various provisions of the real estate licensing law of the State of New Jersey; and

WHEREAS Houser is a licensed real estate salesperson. He is currently licensed with AR Puesi LLC d/b/a Coldwell Banker Excel Realty, licensed real estate broker, whose office is located at 1100 E. Landis Avenue, Vineland, New Jersey; and

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

WHEREAS on or about April 7, 2012, Joshua McIntyre ("the buyer") entered into a contract of sale for the purchase of the property located at 4516 Tuckahoe Road, Franklinville, New Jersey ("the property") from Barry and Kathleen Renshaw ("the sellers"); and

WHEREAS Houser acted as a disclosed dual agent in the transaction; and

WHEREAS on or about May 25, 2012 a Certificate of Occupancy inspection of the property was conducted by the Township of Franklin, which resulted in a "fail" at which time an engineer's certificate was requested for the foundation; and

WHEREAS on or about June 2, 2012, a structural inspection was performed on the property by Klock Engineering, LLC ("engineer's report") on behalf of the sellers. The engineer's report concluded: "It is my professional opinion, to a reasonable degree of engineering certainty and based upon my education, knowledge, experience, training and the analysis conducted in conjunction with this inspection that the washed out soil has not negatively affected the footed and block wall above the area at this time. However, to ensure the long term structural integrity of the area it is recommended that a concrete block wall be installed against the dirt under the opening;" and

WHEREAS on June 6, 2012, the Certificate of Occupancy was approved by the Township of Franklin; and

WHEREAS Houser did not provide a copy of the engineer's report to the buyer prior to closing; and

WHEREAS on June 20, 2012, the closing of title occurred; and

WHEREAS by his actions as set forth above, the Commission has cause to believe that Houser violated N.J.A.C. 11:5-6.4(a) and N.J.S.A. 45:15-17(t) by failing to protect and promote the interests of the client that he had undertaken to represent; and

WHEREAS by his actions as set forth above, the Commission has cause to believe that Houser violated N.J.A.C. 11:5-6.4(c) by not disclosing the sellers' confidential engineer's report, which pertains to the physical condition of the property, which he knew or a reasonable effort to ascertain such information would have revealed to his other clients, the buyers; and

WHEREAS the New Jersey Real Estate Commission and Houser desire and have agreed to settle this matter in lieu of a full and formal hearing; and

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

WHEREAS the Commission and Houser, in order to avoid the costs and uncertainty of litigation and to resolve this matter with finality, hereby agree to the terms of 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 April 21, 2015 and

IT APPEARING that the matter against Houser 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 21 day of April, 2015

ORDERED AND AGREED that by his actions as set forth above, the Commission has cause to believe that Houser violated N.J.A.C. 11:5-6.4(a) and N.J.S.A. 45:15-17(t) by failing to protect and promote the interests of buyers, clients who he had undertaken to represent, and that allegations of such a violation stemming from the actions described above are fully and finally resolved; and it is further

ORDERED AND AGREED that by his actions as set forth above, the Commission has cause to believe that Houser violated N.J.A.C. 11:5-6.4(c) in that he did not disclose all information material to the physical condition of the property which he knew or which a reasonable effort to ascertain such information would have revealed to his other client, the buyers; and it is further

ORDERED AND AGREED that Houser does not contest the above allegations of violations; and it is further

ORDERED AND AGREED that Houser shall be required to pay a fine in the amount of \$3,000, within six months of the acceptance of this Consent Order; and it is further

ORDERED AND AGREED that the fine shall be payable by certified check, cashier's check or money order 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

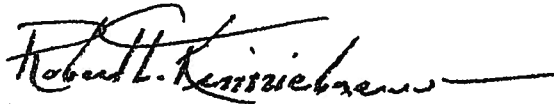
ORDERED AND AGREED that Houser shall be required to complete a 30 hour pre-licensure brokers' course on ethics and agency law and relationships, offered by a licensed school, within six months of the approval of this Consent Order. He will not be given credit toward the continuing education requirement upon completion of the course; and it is further

ORDERED AND AGREED that this Consent Order encompasses only the information in Commission investigation file #10002040. The Commission reserves the right to take further administrative action if it obtains any other information that Houser may have violated the Real Estate Brokers and Salesperson Act, N.J.S.A. 45:15-2 et seq., or corresponding regulations, N.J.A.C. 11:5-1.1 et seq.; and it is further

ORDERED AND AGREED that by signing below, Houser confirms that:

- a. he is not under any disability, mental or physical, nor under the influence of any medication, intoxicants or other substances that would impair his ability to knowingly and voluntarily execute this Consent Order; and
- b. he is entering into this agreement knowingly and voluntarily, that he has not been subject to any coercion or threats regarding her execution of this Consent Order and that other than the other terms set for above, no promises, representations or inducements have been made to him to secure his acceptance of the provisions of this Consent Order; 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 alleged violations contained herein.

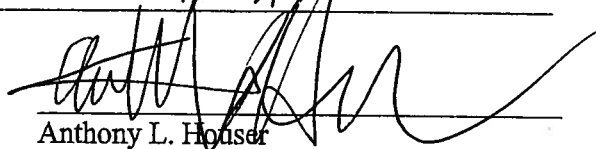


Robert L. Kinniebrew  
Executive Director  
New Jersey Real Estate Commission

Consented to as to  
Form, Content and Entry

Dated: \_\_\_\_\_


4/13/15



Anthony L. Houser

Bressler, Amery & Ross  
Attorney for Respondent

By \_\_\_\_\_



Michael J. Morris, Esq.