

**NEW JERSEY REAL ESTATE COMMISSION**

NEW JERSEY REAL ESTATE COMMISSION)	)	DOCKET NUMBER OCE-17-021
	)	
Complainant	)	ORDER TO SHOW CAUSE
	)	(REC Ref. No.10005896)
	)	
vs.	)	
	)	
JUDY FITZGERALD, a/k/a JUDITH A.	)	
FITZGERALD, licensed New Jersey real	)	
estate salesperson, (SP0230826)	)	
	)	
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, on its own motion, pursuant to the provisions of N.J.S.A. 45:15-17, 45:15-18, 45:15-19.2 and N.J.A.C. 11:5-1.1, et seq., and it appearing that:

1. Judy Fitzgerald is a licensed New Jersey real estate salesperson currently licensed with Grand Central Station, LLC, d/b/a ReMax Real Estate Ltd., licensed New Jersey real estate broker, whose main office is located at 284 Mantoloking Road, Brick, N.J. 08723. Respondent was first licensed in New Jersey in 2002. At all times relevant hereto, Respondent was actively licensed with Weichert Co., licensed New Jersey real estate broker; and

2. Respondent was arrested on or about October 20, 2015 on the charge of Theft by Deception, in violation of N.J.S.A. 2C:20-4A. Respondent did not notify the Real Estate Commission of same within thirty (30) days; and

3. On or about January 26, 2016, Respondent was indicted in the Superior Court of New Jersey, Ocean County, Indictment Number 16-01-187 on one count of

Theft by Deception, a crime of the third degree, in violation of N.J.S.A. 2C:20-4A and did not notify the Real Estate Commission of same within thirty (30) days; and

4. The above referenced crime arose out of Respondent's actions in failing to report her husband's death to the Social Security Administration and collecting her deceased husband's social security disability benefits for over two years after his death, in the total amount of \$62,911; and

5. The Commission is in possession of a true copies of the aforementioned summons and indictment; and

6. On or about May 3, 2016, Respondent was admitted into the Pre-trial Intervention Program and is currently on probation for a period of thirty-six (36) months and is required to make restitution of \$27,520; and

7. Respondent is in violation of N.J.S.A. 45:15-17(s) (two counts) in that she failed to notify the New Jersey Real Estate Commission within 30 days of the filing of formal criminal charges against her and failed to notify the Commission of the criminal indictment filed against her; and

8. Respondent is in violation of N.J.S.A. 45:15-17(e) in that by engaging in the conduct underlying the criminal charges, she demonstrated unworthiness, bad faith and dishonesty; and

9. Respondent is in violation of N.J.S.A. 45:15-17(l) in that her conduct as described above constitutes fraud or dishonest dealings; and

And for good cause shown,

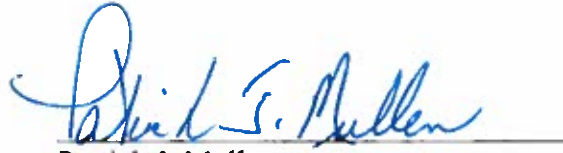
IT IS ON THIS 30<sup>th</sup> DAY OF OCTOBER, 2017

ORDERED that Respondent Judy Fitzgerald 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 20 days of the service of this Order. If a sufficiently responsive answer is not filed on a timely basis or if all allegations in the Order to Show Cause are admitted, the Respondent must appear before the New Jersey Real Estate Commission in the Real Estate Commission hearing room, Mary G. Roebling Building, 20 West State Street, Room 220, second floor, Trenton, New Jersey on the 28<sup>th</sup> day of NOVEMBER, 2017 at 9:30 a.m. to show cause why Respondent's 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. 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 she intends to present in the event that this matter is deemed a contested case and a plenary hearing is held. 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 that sanctions may be imposed on the date referenced above;

IT IS FURTHER ORDERED that if, on the basis of the Answer filed herein, the Commission deems this matter a contested case, a hearing shall thereafter be scheduled at which time the Respondent shall show cause why her 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

IT IS FURTHER ORDERED that a copy of this Order be served upon Respondent Fitzgerald 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 hereof to her last known business address via certified mail, return receipt requested.



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Patrick J. Mullen  
Director of Banking