

STATE OF NEW YORK
DEPARTMENT OF STATE

In the Matter of the Alleged Violations of Article
12-A of the Real Property Law,

CONSENT ORDER

- by-

File No.: 2022-6925

Re Max in Motion,
Licensed Real Estate Brokerage,
Lindsay D. Hart and Melissa Miller Fedrizzi,
Licensed Real Estate Broker,

Respondents.

1. The New York State Department of State (“Department”) is an executive agency of the State of New York charged with the regulation of real estate salespersons and brokers and the enforcement of Article 12-A of the Real Property Law.

2. Respondent Lindsay D. Hart and Melissa Miller Fedrizzi are and were licensed real estate brokers (UID No: 10491209901 and 10491209900 respectively) representing Respondent Re Max in Motion.

3. Respondents Re Max in Motion and Lindsay D. Hart and Melissa Miller Fedrizzi are collectively referred herein as “Respondents”.

4. On or about 6/28/22 the Department opened an investigation into Respondents’ activities concerning certain real estate advertisements placed by one or more associated licensed real estate professionals. The investigation also examined whether required disclosures and notices were available on Respondents’ website(s).

5. The Respondents have been advised of their right to counsel.

6. The Department’s staff conducted an investigation, which investigation resulted in commencement of the above-captioned administrative proceeding.

7. By executing this Consent Order, the Respondents affirmatively waive the right to a hearing in the manner provided by law, consent to the issuance and entry of this Order and agree to be bound by the terms, provisions and conditions contained herein.

8. Respondents admit the allegations and charges set forth below and as stated in the Complaint filed herein, and affirm the same have been cured:

By causing and/or permitting unlawful real estate advertisement(s) to be placed that failed to include appropriate license types, Respondents violated 19 NYCRR § 175.25.

NOW, in consideration of the above premises, it is ORDERED:

1. That Respondents shall return the fully executed and notarized Consent Order such that same is received by the Department on or before August 5, 2022. The mailing address to send the Consent Order with payment is as follows: NYS Department of State, Division of Licensing Services, Attn: Carol Brimmer, 295 Main St. Room 821, Buffalo, NY 14224.
2. That Respondents shall pay a fine in the amount of \$1,000.00, with said payment being due on or before August 5, 2022. The payment shall be in the form of a cashier's check or money order, payable to the New York State Department of State.
3. That upon execution of this Order by the Secretary of State or appointed designee, the Complaint in this matter shall be terminated, withdrawn and discontinued with prejudice with respect to the Respondents in accordance with the terms hereof and no other actions shall be taken against the Respondents based on the allegations raised in this matter.
4. That the Consent Order herein expressly depends upon representations made by the Respondents, both oral or written, formal or informal which relate to the subject matter of the Consent Order and that such representations have fully, accurately and truthfully disclosed all relevant facts to the Department of State. If any such representation is determined to be limited, inaccurate or untruthful, the Department of State shall not be bound by the terms herein and shall initiate any action it deems appropriate in the administrative, civil or criminal prosecution of the Respondents.
5. The effective date of this Order shall be the date on which the Secretary of State or appointed designee signs the same and shall expire when Respondents have fully complied with the requirements of this Order. The Department will provide Respondents or Respondents' counsel with a fully executed copy of this Order as soon as practicable after the Secretary of State or appointed designee signs the same.
6. The failure of Respondents to comply fully and in a timely fashion with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order. Such default shall result in an administrative hearing for the purpose of determining whether additional penalties should be imposed due to the Respondents' default and failure to perform an obligation under this Order.
7. This Order constitutes the entire agreement of the parties and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Secretary of State or her designee indicating an intent to modify this Order.
8. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demand whatsoever that the Department may have against anyone other than

Respondent (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; (3) any right of the Department to bring any future action, either administrative or judicial, for any other violations of the applicable laws, the implementing regulations or conditions contained in orders if any, issued by the Department to the Respondents.

Dated: 7/28/2022

Office in: New York, New York

NEW YORK STATE
DEPARTMENT OF STATE

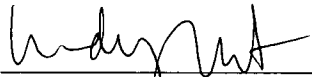
By: _____
David Mossberg
Supervising Attorney

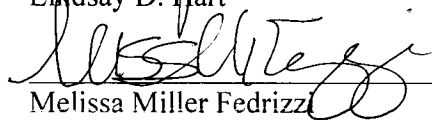
COMMISSION EXPIRES ON JUL 18, 2025
OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
JERRY R. BROPHY

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**CONSENT OF Lindsay D. Hart and Melissa Miller Fedrizzi
and Re Max in Motion**

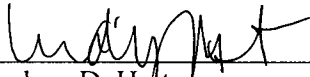
Respondents **Lindsay D. Hart and Melissa Miller Fedrizzi and Re Max in Motion** hereby consent to the issuing and entering of this Order, waive the right to a hearing and agree to be bound by the terms and conditions herein.

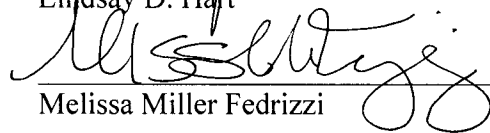


Lindsay D. Hart


Melissa Miller Fedrizzi

For: Re Max in Motion

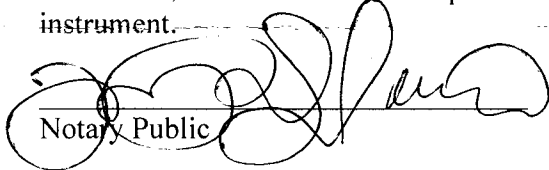


Lindsay D. Hart


Melissa Miller Fedrizzi

STATE OF NEW YORK)
)
) ss.:
COUNTY OF)

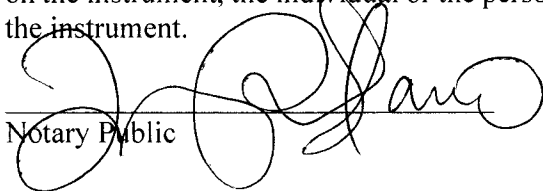
On this 21 day of July in the year 2022 before me, the undersigned, personally appeared Lindsay D. Hart, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in her/his capacity and that by her/ his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

**Jenny R DiStefano
Notary Public, State of New York
REGISTRATION NO. 01D16431702
QUALIFIED IN TOMPKINS COUNTY
COMMISSION EXPIRES APRIL 18, 2026**

On this 21 day of July in the year 2022 before me, the undersigned, personally appeared Melissa Miller Fedrizzi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in her/his capacity and that by her/ his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

**Jenny R DiStefano
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REGISTRATION NO. 01D16431702
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