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location	Collection-455
dsclass	Document
	Cevera
title	Nicholas
	42RC00107200
keywords	
summary	Final Order of Discipline
expiration_date	03/12/2002
author	03/12/2067
max_versions	Tracy Steel
	4
	Cevera
document	Nicholas
	42RC00107200
description	

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BOARD OF
REAL ESTATE APPRAISERS
James Hsu 3/14/02
DR. JAMES S. HSU
Executive Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF REAL ESTATE APPRAISERS

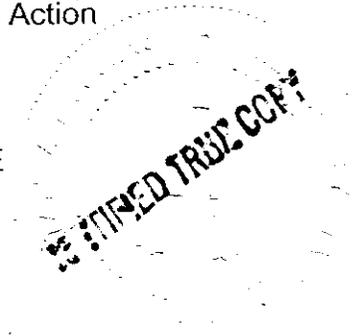
IN THE MATTER OF THE
CERTIFICATION OF

NICHOLAS CEVERA
RC 01072

TO PRACTICE REAL ESTATE
APPRAISING IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE



This matter was opened to the public by the Board of Real Estate Appraisers upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a Certified Residential Real Estate Appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. Respondent acknowledged that he accepted his responsibilities as a supervising appraiser for apprentice Martin A. DeFilippis, and would immediately notify the Board in writing in the event that respondent ceased to perform his responsibilities as a supervising appraiser for Mr. DeFilippis, in a notarized document dated February 19, 1999.
3. Respondent indicated that he had never signed any reports or otherwise acted in the role of supervising appraiser for Martin DeFilippis in sworn testimony on July 23, 2001. T69-18 to 70-3.
4. Respondent indicated that he had never met or spoken with Mr. DeFilippis

in a sworn statement dated September 21, 2001.

5. Respondent indicated that he first became aware of a law suit against him filed by S.L.M. Financial Corporation in October of 2000, upon being first served with the complaint. See sworn statement dated September 21, 2001,

6. The subject of the complaint filed by S.L.M. Financial Corporation was an allegedly fraudulent appraisal report signed by Martin DeFilippis, with Nicholas Cevera signing as supervising appraiser.

7. Respondent did not notify the Board that he was not acting as supervising appraiser for Martin DeFilippis until the date of his appearance on July 23, 2001, because he "did not think that he [Mr. DeFilippis] was acting as a appraiser[.]" See sworn statement dated September 21, 2001.

CONCLUSIONS OF LAW

1. Respondent's failure to notify the Board that he had ceased acting, and in fact never acted as supervising appraiser for Martin DeFilippis until July 23, 2001 constitutes a violation of N.J.A.C. 13:40A-4.6(b)4, which provides that a supervising appraiser "shall immediately notify the Board, in writing, in the event that he or she ceases to perform the responsibilities [of a supervising appraiser]." This subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(h) for violation of an act or regulation administered by the Board. The fact that respondent must be deemed to have been aware through the allegations of the complaint by S.L.M. Financial Corporation with which he was served as early as October of 2000, of the existence of an appraisal report which purported to bear the signatures of Mr. DeFilippis and of respondent, with respondent acting as supervising

appraiser, heightens the gravity of respondent's regulatory infraction.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 11, 2001, provisionally imposing a civil penalty in the amount of \$1000 as well as costs in the amount of \$1219.19 for a total of \$2219.19. A copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects, via a receipt for certified mail signed by respondent on January 15, 2002, that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 12th day of March, 2002,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of \$1000, as well as costs to the Board of \$1219.19, for a total of \$2219.19. Payment should be made in the form of a certified check or money order made payable to the State of New Jersey, and forwarded to the attention of Dr. James S. Hsu, Executive Director, Board of Real

Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, NJ 07101.

Payment is due within twenty one (21) days following the issuance of this Order.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

A handwritten signature in black ink, appearing to read "John A. McCann", written over a horizontal line.

John A. McCann
President