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**FILED**  
**BOARD OF**  
**REAL ESTATE APPRAISERS**  
*James Hsu 12/10/02*  
**DR. JAMES S. HSU**  
**Executive Director**

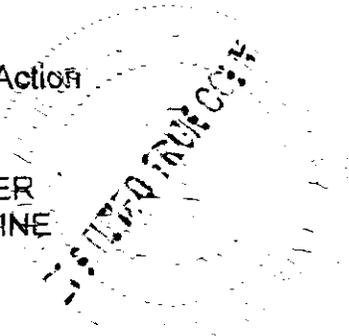
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF REAL ESTATE APPRAISERS

IN THE MATTER OF THE  
CERTIFICATION OF  
  
SAL CITTADINO  
License No. RC 00427  
  
TO PRACTICE REAL ESTATE  
APPRAISING IN THE STATE  
OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE



This matter was opened to the New Jersey State 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 entered into a Consent Order, which was filed on March 12, 2002, which indicated, inter alia, that his license to practice real estate appraising was suspended effective March 15, 2002, for a period of two (2) years; of which six (6) months was to be served as a period of active suspension; with the remaining eighteen (18) months to be served as a period of probation.
3. The Board has been provided with copies of the following appraisal reports:  
Appraisal of 3 Manor Drive, Oak Ridge, NJ date of valuation April 5, 2002, signed on April 7, 2002; 64 Edinborough Court, Hackettstown, NJ date of valuation March 2,

2002; signed April 4, 2002; Appraisal of 75 Layton Road, Sussex, NJ, date of valuation March 26, 2002, signed on April 1, 2002; 210 Elmira Trail, Hopatcong, NJ date of valuation March 26, 2002; signed on April 1, 2002; 2 Leigh Court, Randolph, NJ, date of valuation April 14, 2002, signed on April 16, 2002; 8 Westview Drive, Whippany, NJ, date of valuation April 9, 2002, signed on April 10, 2002; and 1 Columbia Street, Wharton, NJ 07885, date of valuation March 30, 2002; signed on March 31, 2002..

These reports were all submitted to Picatinny Federal Credit Union of Dover, NJ, and were signed by appraiser trainee Ernest Martin. T10-21 to 24. These reports also contained a signature block identifying the name and license number of Cal Oltan as the supervisory appraiser, although there was no signature in the block.

4. Picatinny Federal Credit Union forwarded copies of the checks used to pay the invoices for the appraisal reports indicated in paragraph #3, supra. The cancelled checks and relevant invoices indicate that payment for the appraisal reports was made to Citco Agency Inc. Citco Agency Inc. is a corporation that offers appraisal and real estate brokerage services. Respondent is the president of the corporation. T7-10 to 12.<sup>1</sup>

5. Respondent stated under oath that beginning on February 20, 2002, he was ill with acute bronchitis and under medication. According to his testimony, he did not get out of bed for at least three weeks, and had a relapse on April 4, so that he did not report to work until April 16, 2002. T11-2 to 16.

6. Respondent testified that he had no knowledge until April 16, 2002 that

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<sup>1</sup> The citation "T" refers to the transcripts of an investigative inquiry dated August 6, 2002.

his office manager had been faxing appraisals to Ernest Martin while he was absent, and that he had no knowledge that Ernest Martin was performing these appraisals. He stated that he did not sign the reports because he did not know about them, and that he had not reviewed the reports until August 6, 2002, the day of the investigative inquiry. T11-17 to 12- 8.

7. Respondent testified that his secretary had sent the appraisal reports to Picatinny Federal Credit Union without his signature because she thought it was important for Picatinny to get the reports, and didn't want to bother respondent at that time. T14-23 to 15-11.

8. On February 15, 2002, at the time that respondent signed the Consent Order which imposed suspension upon respondent, respondent was the supervising appraiser for Ernest Martin.

8. Respondent had not made his secretary or trainee Ernest Martin aware of his suspension until at least April 16, 2002. T15-23 to 16-3; T17-12 to 18.

9. Respondent testified that he did not provide direct supervision of the appraisal reports performed by Ernest Martin during the period of February 20, 2002 through April 16, 2002, because he was too sick. T22-14 to 23-20; T37-2 to 7.

10. Respondent initially testified that during the February 20, 2002 through April 16, 2002 period he was too ill to perform any appraisal work or to communicate with his office. T26-25 to 27-9. Subsequently an appraisal report of 118 Neptune Court, with a date of valuation of March 9, 2002, was shown to respondent. The document bore his signature, and indicated that he had inspected the property on March 9, 2002. T27-14 to 28-20. At that point, respondent remembered that he drove down with Ernest

Martin to inspect that property, a distance of 80 miles, and returned, because it was a sunny day and he felt well enough to take a drive. T29-2 to 25. T30-11 to 31-6.

### CONCLUSIONS OF LAW

1. Respondent's failure to inform his secretary and Ernest Martin, towards whom he had assumed the responsibility of supervising appraiser, of his suspension, or to inform them that he was unable to supervise Ernest Martin's appraisal reports, at a time when he knew or should have known that Ernest Martin would be doing appraisal reports without supervision, resulted in the issuance of appraisal reports in violation of N.J.S.A. 45:14F-21(c). Thus respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(m) (permitting unlicensed person to perform acts for which licensure or certification is required, or aiding and abetting an unlicensed person to perform such an act).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, activating respondent's stayed suspension of his certification to engage in real estate appraising in the State of New Jersey, so that it remained active until the expiration of the original two year period. The Order was entered on September 16, 2002, and a copy served upon respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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.

A response was received, dated October 9, 2002, arguing that the issuing by respondent's office of appraisal reports that went out during respondent's period of active suspension, unreviewed by respondent, and without respondent's signature, although bearing respondent's name and certification number, was inadvertent. Respondent acknowledged that he ought to have promptly advised his staff of his suspension, but indicated that as a result of illness in his family and ill health, he became distressed, distraught, and had difficulty functioning. It was further argued that his errors of judgment were not of sufficient gravity to warrant activating respondent's suspension for the full remainder of its term, and that the primary responsibility for the issuance of the appraisal reports without respondent's signature, but bearing his name, belonged to respondent's trainee.

The Board considered these arguments, and determined that further proceedings were not necessary. Furthermore, the Board did not find that respondent's supervisory responsibility was vicarious, inasmuch as, in agreeing to be a supervisory appraiser, he agreed to directly supervise his trainee. Respondent was aware of his suspension; was aware that his staff did not know of his suspension; and was aware of the manner in which his trainee received work assignments, and the manner in which his trainee handed in those assignments. Although respondent claims to have been so ill from February 20, 2002 through April 16, 2002, that he was unable to go to work or deal with business, it was evident from his own testimony that his illness was not so grave that he could not have informed his staff of his suspension in a brief telephone call. Indeed, by his own testimony, it is apparent that at least on March 9, 2002, only days before the date upon which his suspension began, he was actually in the

presence of his trainee, and traveled with him to an appraisal assignment 80 miles from his home. Nevertheless, upon consideration of respondent's argument that in the twilight of his career, an active suspension lasting from the present until March 15, 2004 would be unduly harsh, the Board determined to reduce the term of active suspension to be imposed to an additional nine months, which active suspension is to begin effective December 15, 2002.

ACCORDINGLY, IT IS on this 10th day of December, 2002.

ORDERED that:

1. Respondent's suspension, pursuant to the Consent Order that issued on March 12, 2002, which was originally to include six months active suspension dating from March 15, 2002, followed by 18 months of suspension to be served as a period of probation, is hereby to become an active suspension for nine additional months, which period is to begin on December 15, 2002, and last until October 15, 2003. Respondent is therefore prohibited from engaging in real estate appraising from December 15, 2002 until October 15, 2003, and prohibited from supervision of trainees during that same period.

NEW JERSEY STATE BOARD  
OF REAL ESTATE APPRAISERS

  
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Barry J. Krauser  
President