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REAL ESTATE APPRAISERS

2004 JUN 18 A 11:46

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

COPY

IN THE MATTER OF
THE PERMIT APPLICATION OF

SCOTT McCURLEY

TO PRACTICE AS A
REAL ESTATE APPRAISER
TRAINEE IN THE STATE OF
NEW JERSEY

Administrative Action

FINAL ORDER
OF DENIAL OF TRAINEE PERMIT

FILED
BOARD OF
REAL ESTATE APPRAISERS
James S. Hsu 6/18/04
DR. JAMES S. HSU
Executive Director

This matter came before the New Jersey State Board of Real Estate Appraisers (the Board) upon receipt of the written application of Scott McCurley ("the applicant") for a trainee permit on November 11, 2003.

A fingerprint search conducted through the New Jersey State Police and Federal Bureau of Investigation in accordance with N.J.S.A. 45:14F-10.2 revealed that the applicant had been convicted on January 26, 2003 of a disqualifying offense, see N.J.S.A. 45:14F-10.1, specifically manufacture/distribution of a controlled

dangerous subject in violation of 2C:35-5A(1). In addition, the applicant had been convicted on October 18, 1999 in Kearny Municipal Court of Improper Behavior in violation of 2C:33-2A, which is not a disqualifying offense. The applicant was sentenced to two years probation for the disqualifying offense.

Pursuant to N.J.S.A. 45:14F-10.1, inasmuch as the applicant has been convicted of a disqualifying offense, he is not statutorily eligible for license, unless he is able to demonstrate affirmatively to the Board clear and convincing evidence of his rehabilitation. The applicant was advised by letter on February 5, 2004 of the results of the statutorily required Criminal History Background Check. The applicant then petitioned the Board regarding his rehabilitation.

The Board has reviewed the applicant's submissions, including letters submitted on his behalf attesting to his good character, and has given due consideration to the requisite statutory rehabilitation factors as enumerated in N.J.S.A. 45:14F-10.1, and has determined to decline the applicant's request for a trainee permit, for reasons indicated below.

Although no incarceration was imposed in terms of the sentence, the offense of which the applicant was convicted was disqualifying. Additionally, we believe that although the applicant was only 21 years old at the time of his arrest for the criminal conduct, the conduct was very recent. The applicant was truthful

with regard to his criminal history in his application, and he appears to be observing the terms of his probation, according to the materials he has submitted. However, the Board notes that the applicant is still on probation, and only approximately one year has passed since the date of his conviction. The Board finds that insufficient time has elapsed since the conviction for the applicant to have established his rehabilitation by clear and convincing evidence.

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Trainee Permit was entered on March 31, 2004, provisionally denying the application for a trainee permit. A copy of the Order was forwarded to respondent at his address of record at 683 Belgrove Drive, Kearny, NJ 07032 by certified and regular 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 that the Provisional Order was served upon respondent, in that certified mail was signed for and regular mail was not returned, no response has been received to

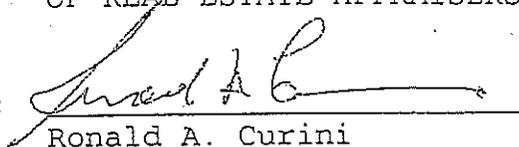
date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

THEREFORE, IT IS ON THIS 18th DAY OF June, 2004,

ORDERED:

1. Respondent's application for a trainee permit is hereby denied. The Board will not entertain an application from the applicant, whether for a trainee permit or for licensure, until he has successfully completed the full term of his probation.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

By: 

Ronald A. Curini
Board President