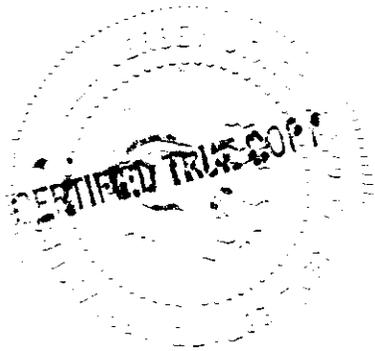


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location	Collection-455
	Final Order of
summary	Discipline
	02/24/2005
author	Tracy Steel
expiration_date	02/24/2070
max_versions	4
title	Gatta Ciriaco A
	42RC00131700
document	Gatta Ciriaco A
	42RC00131700
keywords	
dsclass	Document
description	



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

REAL ESTATE BOARD
 P 1:17

IN THE MATTER OF THE
 CERTIFICATION OF

CIRIACO A. GATTA
 RC001317

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

FILED
BOARD OF
REAL ESTATE APPRAISERS
James Hsu 2/24/05
DR. JAMES S. HSU
Executive Director

Administrative Action

FINAL ORDER
 OF DISCIPLINE

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") 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 certified residential real estate appraiser at all times relevant hereto.
2. On January 14, 2004, the Board received information that respondent had

been suspended from the FHA Appraiser Roster effective July 29, 2003, for one year.

3. On August 26, 2004, the Board sent respondent a Demand for Statement in Writing Under Oath, asking respondent questions about some of the appraisal reports cited by the U.S. Department of Housing and Urban Development (HUD) in its notification of respondent's suspension. The Demand was sent by certified and regular mail. Certified mail was signed for. Regular mail was not returned. No response was received.

4. - On September 30, 2004, the Board again sent respondent a copy of the Demand, and asked for a response within 15 days. The Demand was sent by certified and regular mail. Neither the certified nor the regular mail was returned. No response has been received to date.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's communications constituted a failure to cooperate with an investigation of the Board pursuant to N.J.A.C. 13:45C-1.2, thus subjecting him to sanctions pursuant to N.J.S.A. 45:1-21 (e) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 29, 2004, provisionally imposing a civil penalty of \$2000 and a public reprimand upon respondent for the violation of N.J.A.C. 13:45C-1.2, and suspending respondent until the Board had received a complete response to the Board's Demand for Statement in Writing Under Oath. Copies of the Order were forwarded to respondent at his address of record 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, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 24th day of February, 2005,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of \$2,000 for the violation of N.J.A.C. 13:45C-1.
2. A public reprimand is hereby imposed upon respondent for that same violation of N.J.A.C. 13:45C-1.2.
3. Respondent's certification to engage in real estate appraising in New Jersey is hereby suspended until respondent provides a complete response to the Board's Demand for Statement in Writing Under Oath.

Respondent is to forward payment in the form of a certified check, money order or attorney's trust account check made payable to the State of New Jersey 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, as well as respondent's certificate as a certified residential real estate appraiser in the State of

New Jersey (see N.J.A.C. 13:40A-7.9), is due within twenty one (21) days following the issuance of this Order.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

Frank A. Willis

Frank A. Willis
President