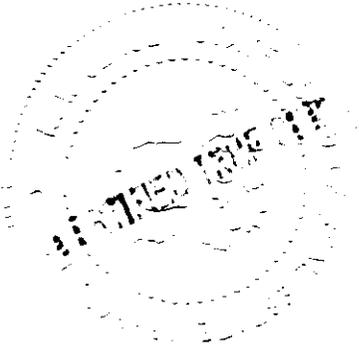


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Final Order of  
summary Discipline  
09/27/2005  
keywords  
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author Tracy Steel  
expiration\_date 09/27/2070



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

**COPY**  
Administrative Action

IN THE MATTER OF THE  
LICENSE OF

LINDA S. AVANTAGIATO  
RA00350600

TO ENGAGE IN REAL ESTATE  
APPRAISING IN THE STATE  
OF NEW JERSEY

FINAL ORDER  
OF DISCIPLINE  
FILED

**BOARD OF  
REAL ESTATE APPRAISERS**

*James Hsu*  
**DR. JAMES S. HSU**  
Executive Director 9/27/05

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 licensed residential real estate appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On April 28, 2005, a letter was sent to respondent via respondent's attorney, asking her to forward true copies of 21 appraisal reports and their related work files from 2002 and 2003. This letter was sent by certified and regular mail to respondent's attorney. No response was received.
3. On May 11, 2004, a letter was sent to respondent via respondent's attorney, with a copy sent to respondent. In this letter, respondent was reminded to

comply with the Board's earlier request.

4. In a communication dated May 19, 2005, copies of nine appraisal reports from 2003 were furnished by respondent. The Board was advised that respondent would be on her honeymoon through June 6 of 2005, but would furnish the 2002 documents shortly following her return.

5. Respondent's attorney advised the Board that respondent was unable to produce the workfiles for the reports she had provided, because the copies were maintained by the apprentices who had worked on the reports.

6. On June 15, 2005, respondent was advised via a communication to her attorney that the Board's request for the remaining documents had not been complied with. Respondent was reminded of her duty pursuant to N.J.A.C. 13:45C-1.2, 1.3, to cooperate with Board investigations, and advised to furnish the remaining documents within ten days.

7. Respondent was further advised in the June 15, 2005 communication that appraisers are required to maintain a workfile for every report that they sign pursuant to the Recordkeeping provisions of the Uniform Standards of Professional Appraisal Practice, or at least to ensure that a workfile is maintained to which they have access. Respondent was advised to obtain copies of the workfiles to her reports from the custodians of those workfiles, and to furnish them to the Board within ten days.

8. In a communication dated July 12, 2005, respondent forwarded to the Board copies of workfiles related to eight of the nine reports which respondent had forwarded to the Board's attention. At that time, it was indicated that respondent was diligently seeking the additional documents requested.

9. The Record Keeping Section of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice requires that an appraiser retain his/her workfile, including a true copy of the appraisal report, for a period of at least five years after preparation of the appraisal report.

9. As of the present date [Aug. 8, 2005], respondent has not complied with the Board's request for copies of 12 appraisal reports and 13 workfiles out of 21 appraisal reports and workfiles that were originally requested on April 28, 2005.

#### CONCLUSIONS OF LAW

1. Respondent's conduct failure to fully comply with the Board's request for documents, despite ample time and notification, constituted a failure to cooperate with an investigation of the Board pursuant to N.J.A.C. 13:45C-1.2, thus subjecting her 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 August 8, 2005, provisionally imposing a civil penalty of \$2,500 upon respondent, as well as a public reprimand, as well as provisionally imposing a suspension upon respondent until she had fully complied with the Board's request for documents. Copies of the Order were forwarded to respondent at her address of record by certified and regular mail, as well as to respondent's attorney. 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.

The record reflects that a communication dated August 31, 2005 was received by the Board, which included copies of ten of the remaining reports requested by the Board. Respondent indicated, via her attorney, that she was unable to locate the workfiles relating to those reports, or to locate two of the reports of the 21 that had originally been requested (1085 Center, Orange; and 50 Dover, Newark). No further explanation was offered as to respondent's failure to timely furnish the requested documents, and no issue of fact was raised with regard to the findings of fact in the August 8, 2005 Order. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final. However, inasmuch as respondent has ultimately, albeit after an excessive and unwarranted delay, and following receipt of the Provisional Order, apparently made a good faith effort to comply with the Board's request for documents, the Board has determined to mitigate the financial penalty provisionally imposed in the August 8 Order.

ACCORDINGLY, IT IS on this 27<sup>th</sup> day of Sept, , 2005,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of \$1,000.00 for the violation of N.J.A.C. 13:45C-1.2.

2. A public reprimand is imposed upon respondent for the same violation.

No suspension is imposed, inasmuch as respondent has complied with the Board's document request.

3. The civil penalty is to be forwarded within twenty one (21) days to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Newark, NJ 07101, in the form of a certified check, money order or attorney trust account check made payable to the State of New Jersey.

NEW JERSEY STATE BOARD  
OF REAL ESTATE APPRAISERS



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Denise M. Siegel  
Board President