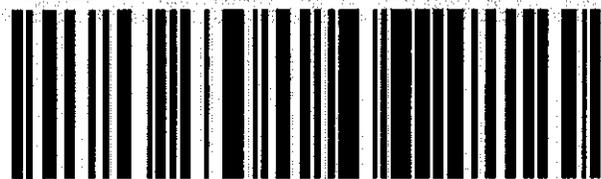


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FILED
BOARD OF
REAL ESTATE APPRAISERS
James Hsu
DR. JAMES S. HSU 2/14/06
Executive Director

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

COPY

IN THE MATTER OF THE
APPLICATION OF

ONOFIRO A. PERONTI

FOR A REAL ESTATE APPRAISER
TRAINEE PERMIT IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DENIAL OF TRAINEE
PERMIT

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon the submission of a Trainee Appraiser Permit Application by the Applicant in October of 2004. A Criminal History Background Check conducted in connection with this application revealed arrests and convictions dating from May 12, 1970 through March 21, 1996 for activity related to illegal gambling.

The applicant explained, in a written submission dated March 4, 2005, that following his last arrest he had "hit bottom," and terminated his prior way of life. He stated that he had assumed full responsibility for his mother, a 76-year old cancer patient, and his father, a 76 year old stroke victim; and for his sister, who had drug and health problems, as well as her two children, then aged 17 and 8. He further indicated that in 1993 he established his flower business. According to his submission, his eldest niece is now age 32, with a Master's degree in psychology, and his youngest niece,

now 21, was at the time of the submission, a senior in college. He also stated that he had played an active role in raising his own daughter, now age 35 and happily married, and has a relationship with his three-year-old granddaughter. He stated that he had no arrests since 1992, and was now fully rehabilitated.

On May 10, 2005, the applicant appeared before the Board and was questioned with regard to his criminal history. 2005. He acknowledged his past convictions, but noted that his record had been clean for nine years. He stated that he was presently employed as a florist, although not on a full time basis. He further stated that he was not addicted to gambling, but had been employed in gambling, and that was the basis for his arrests and conviction.

The Board asked for further information as well as character references. The applicant submitted references attesting to the Applicant's good character or attesting to a good business relationship with the Applicant's flower shop. A facilitator with the Passaic Public Schools indicated her school, Pulaski School #8, had been doing business with the Applicant for the past ten years, as did an employee of the Newark Public Schools, in connection with the Maple Avenue School.

In response to Board queries about his employment history, the Applicant, in a submission dated July 5, 2005, stated that he had been self employed in his "gambling endeavor" between 1972 and 1996. His income from these endeavors served to "supplement expenses," according to the Applicant, because until the year 2000, when his father passed away, he lived with his father, and his father paid all the bills. He maintained that he had "turned [his] back on the past," and had established a successful floral business, which earned a profit every year since 1997.

On August 2, 2005, the Applicant was asked for a more specific response to questions about his previous activities. He was asked to indicate whether, from 1972 through 1996, he had at any point been gainfully employed in any legal activity. He was further asked to describe his illegal activities more specifically, and to furnish the five latest years of any income tax returns he possessed for the years 1972 through 1996, as well as copies of his federal and state income tax returns dating from the year 2000.

Although the Applicant was asked to respond prior to the end of August to this request, no response has been returned as of the present date.

Upon a review of the available information, the Board made a preliminary finding that the Applicant apparently engaged in criminal conduct over more than 30 years. The Board invoked its own history, specifically that it was created pursuant to federal legislation in the aftermath of the Savings and Loan crisis of the 1980s, and noted that its primary mission is to ensure the integrity, as well as the competence, of appraisers.

The Board further found preliminarily that while the offenses of which the Applicant has been convicted do not constitute disqualifying offense pursuant to N.J.S.A. 45:14F-10.1 in and of themselves, it appeared that for over 30 years of the Applicant's life his sole source of gainful employment had been from criminal activity -- illegal gambling. The Board noted that the Applicant's failure to furnish the specific answers sought in the August 2, 2005 request for clarification, as well as his failure to supply copies of his tax returns as requested, led the Board to conclude that the Applicant had something to hide. In addition, the Board noted that initially the Applicant stated that his criminal activities ceased in 1992, when the record of his criminal convictions indicate that they continued at least through 1996. Thus, although the

Applicant had cited his occupation with a flower shop, and his involving himself in the raising of two nieces, as evidence of rehabilitation, it was clear that during the time that he was taking care of his nieces and occupied with the flower shop, he had continued to engage in his criminal activities.

The Board thus concluded that pursuant to N.J.S.A. 45:1-21(f), the Applicant's criminal history related adversely to real estate appraising in that it demonstrated virtually a lifelong involvement with criminal activity tending to demonstrate that respondent lacked the high standard of integrity required of real estate appraisers. The Board thus deemed it appropriate to provisionally deny the Applicant's request for a trainee permit on the same basis that it would deny an applicant for licensure under these circumstances.

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Trainee Permit was entered on October 18, 2005, and a copy was served upon respondent. The Provisional Order denied respondent's application for a trainee permit. The 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.

The Applicant replied to this Order by furnishing copies of federal income tax returns for the years 2002, 2003 and 2004, although he did not include the schedules

and statements pertaining to the returns. No New Jersey State returns were furnished, nor were any income tax returns included from the years 1972 through 1996. In addition, the Applicant briefly sketched his work history, apart from engaging in illegal gambling, between 1972 and 1996. He indicated that he had been employed at a bowling alley, that he started a business involving fundraisers for schools, worked for a limousine company, and was employed part time for a Newark corporation. He gave no dates with regard to this employment, nor did he indicate the number of weeks, months or years he worked in these positions. He gave no specific information with regard to his gambling employment, so that the Board still has no knowledge as to the type of gambling the Applicant was engaged in, where it occurred, or how many hours a day or days a week he engaged in that employment. Although the Applicant stated in his response that his source of income "Was never limited or based solely on illegal gambling," no proof was provided to document this, other than his mere assertion.

On December 6, 2005, the Attorney General forwarded a letter to each Board member, taking the position that the Applicant's criminal history related adversely to real estate appraising inasmuch as it indicated he lacked the high standard of integrity required of real estate appraisers. A copy of this communication was also forwarded to respondent by overnight mail. At the Board's December 13, 2005, the Board reviewed the Applicant's submissions, and determined that in light of the Applicant's response, it was not persuaded that the Applicant's request for a trainee permit warranted further consideration. It concluded that the Applicant's criminal history related adversely to real estate appraising in that it demonstrated a virtually lifelong involvement with criminal activity, incompatible with the high level of integrity required of real estate appraisers. It

further determined that an employment history consisting primarily of illegal activity over more than thirty years related adversely to the profession within the intendment of N.J.S.A. 45:1-21(f).

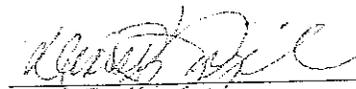
Subsequent to the Board's December 13, 2005 meeting, the December 6, 2005 communication of the Attorney General which had been sent by overnight mail was returned; it had not been delivered. On December 20, 2005, a copy of that communication was again forwarded to the Applicant, this time by certified and regular mail at the Applicant's address of record. Certified mail was returned unclaimed. Regular mail was not returned. No further submission was received from the Applicant. At the Board's regular meeting of January 10, 2006, the Board reaffirmed its earlier determination to deny respondent's application for a trainee permit pursuant to N.J.S.A. 45:1-21(f).

ACCORDINGLY, IT IS on this 14th day of February, 2006,

ORDERED that:

1. Respondent's application for a real estate appraiser trainee permit is hereby denied.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS



Denise M. Siegel
President