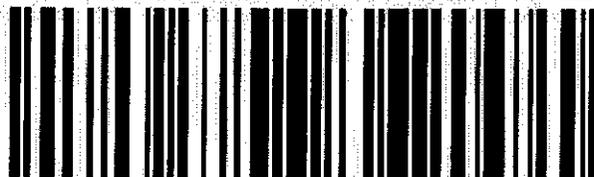


1156368290662



1156368290662

max\_versions 4  
Diodato Marc  
title S  
42RP00163700  
Diodato Marc  
document S  
42RP00163700  
location Collection-455  
summary Final Order  
06/29/2006  
keywords  
dsclass Document  
description  
author Tracy Steel  
expiration\_date 06/29/2071

ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101

By: Susan Carboni  
Deputy Attorney General  
(973)648-2894



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

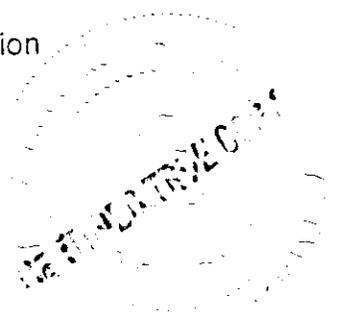
IN THE MATTER OF THE  
APPLICATION OF

MARC S. DIODATO  
RP00163700

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

Administrative Action

FINAL ORDER



This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of an application for licensure from Marc S. Diodato ("the Applicant") in April of 2005. The Applicant is currently a trainee with a permit issued by the Board, which permit is scheduled to expire in July of 2006. The Applicant has been performing appraisals under the supervision of Jacques Magloire, a licensee of this Board. According to a log of appraisal reports submitted to the Board by the Applicant, he has assisted with more than 350 appraisal reports during the period of time he was being supervised by Mr. Magloire.

On February 23, 2006, a Provisional Order issued, denying the application for licensure and indicating that the Board would not entertain an application for renewal of

the applicant's trainee permit. The basis for this denial was the applicant's admission that he had knowledge that his supervisor, Jacques Magloire, was issuing appraisal certifications that were false in their failure to acknowledge Mr. Diodato's contribution to the appraisals. These false certifications involved some, if not all of the reports on his log. These certifications, which are required by Standards Rule 2-3 of the Uniform Standards of Professional Appraisal Practice ("the USPAP") to be on each appraisal report prepared, were signed by the applicant's supervising appraiser, and indicated that Mr. Magloire had personally inspected the property that was the subject of the appraisal report. The certifications failed to indicate that Mr. Diodato had provided significant professional assistance in preparing the appraisal report, and in most cases Mr. Magloire had not himself personally inspected the property. The applicant acknowledged that he was aware that the reports were issued with false certifications, and yet continued for over three years to prepare appraisal reports for Mr. Magloire.

This matter involves the applicant acquiescing in the large scale issuance by his supervisor of appraisal reports bearing false certifications, which is an issue of first impression with the Board, concerning the trainees of this one supervising appraiser. According to N.J.A.C. 13:40A-3.4, applicants for licensure are required to complete the experience requirements established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" (hereinafter "Criteria") as promulgated by the Appraisal Qualification Board of the Appraisal Foundation, as amended and supplemented. Pursuant to the Criteria, all experience obtained after January 1, 1991 must be USPAP-compliant. The Board finds that the applicant's experience was not USPAP-compliant because it involved reports with false certifications. Therefore, and

because the applicant is unable to indicate which reports, among the reports on which he worked during the course of his employment with Mr. Magloire, issued with accurate certifications, the Board cannot accept the experience hours documented in respondent's log and therefore denies respondent's application for licensure. This Order shall serve as notice to future trainees, as well as licensees, that the Board regards the acquiescence to the submission of false certifications as professional misconduct, and a serious violation of N.J.S.A. 45:1-21(e), which may therefore result in even more serious disciplinary sanctions in the future.

However, although the Board finds that the applicant's conduct was in violation of N.J.S.A. 45:1-21(e), inasmuch as the parties desire to resolve this matter without further proceedings, and the applicant accepts responsibility for his actions and acknowledges wrongdoing in acquiescing to the inclusion of false certifications in the appraisal reports he provided to his supervising appraiser, and the applicant having agreed to furnish the Board with a signed Affidavit attesting to his specific knowledge of the aforescribed practices of his former supervising appraiser, and for other good cause shown,

IT IS on this 29<sup>th</sup> day of June, 2006,

ORDERED and AGREED that:

1. Respondent's application for licensure is hereby denied.
2. The Applicant is hereby permitted to submit a de novo application for a trainee permit which will be granted in the event he meets all ordinary pertinent requirements. Renewal of the permit, once granted, will be permitted if the regulatory requirements to do so are met, and the Applicant does not engage in professional

misconduct.

3. The Applicant's acquiescence in the submission of appraisal reports with false certifications as it relates to appraisal reports on which he worked during the course of his employment with Mr. Magloire, shall not by itself be deemed sufficient cause to deny any subsequent application for licensure by the applicant, if the applicant is otherwise eligible for licensure, and can establish the requisite USPAP-compliant experience.

4. The applicant agrees to and shall pay a civil penalty in the amount of \$1,000, as well as costs to the Board of \$306.50. Payment shall be in the form of a certified check, money order or attorney trust account check made payable to the State of New Jersey, and shall be submitted with this signed Order.

NEW JERSEY STATE BOARD  
OF REAL ESTATE APPRAISERS



Denise M. Siegel  
President

I have read and understood this Order  
and agree to be bound by its terms.

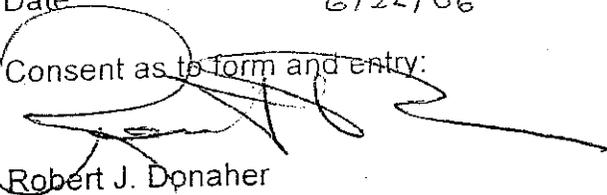
Marc S. Diodato



Date

6/22/06

Consent as to form and entry:



Robert J. Donaher

Date

6/23/06