

STATE OF NEW JERSEY
BOARD OF REAL ESTATE APPRAISERS

DR. JAMES S. HSU
Executive Director

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 :
:
SULTAN BENSON :
RP00256000 :
:
TO PRACTICE AS A REAL ESTATE :
APPRAISER IN THE STATE :
OF NEW JERSEY :

Administrative Action

FINAL ORDER
DENYING APPLICATION
FOR LICENSURE

ORIGINAL

FILED
BOARD OF
REAL ESTATE APPRAISERS
James S. Hsu
Executive Director 9/12/05

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of an application for licensure from Sultan Benson ("the Applicant") on January 5, 2005. The Applicant at that time was a trainee with a permit issued by the Board, which permit had expired on December 31, 2004, and which was subsequently extended until March 31, 2005. The Applicant performed 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 at least 1086 appraisal reports during the period of time he was being supervised by Mr. Magloire.

On September 19, 2005, the Applicant appeared before the Board and testified under oath in connection with a Board investigation. The Applicant had been requested to bring in copies of certain appraisal reports selected at random from his log. The Applicant brought in 15 appraisal reports. The Applicant testified that he had reason to believe that all the reports that went out as a final product to clients, including the

reports he had brought in to the Board, as well as all the reports listed on his log, did not bear his name as having provided significant assistance with the reports. The Applicant further testified that he had received instruction in the Uniform Standards of Professional Appraisal Practice, and was “absolutely” aware that appraisers were required to certify in each report whether or not they had received significant professional assistance with the appraisal report. Moreover, with respect to certifications that issued with each report indicating that the appraiser (Mr. Magloire) had personally inspected the property being appraised, the Applicant admitted that his supervisor did not personally inspect all the properties listed on his log, although he was aware that the reports would have indicated that Mr. Magloire personally inspected the properties.

Additionally, at this inquiry on September 19, 2005, the Applicant was presented with copies of three appraisal reports that he had submitted to the Board in connection with his application for licensure. These reports had been presented to the Board with the Applicant’s name and signature on the signature page as well as on the certification page, although the actual report that would have issued to the client never bore the Applicant’s signature: the Applicant admitted that he did not sign appraisal reports. The Board finds that this manner of presentation was plainly intended to mislead the Board.

It is clear that the reports on the Applicant’s log, which had been submitted to establish his experience, were not USPAP-compliant. Pursuant to Standards Rule 2-3 of the USPAP, each written real property appraisal report is required to contain a signed certification indicating, inter alia, whether the appraiser received significant professional assistance in the preparation of the report, and whether the appraiser personally

inspected the property that is the subject of the report. The reports on the Applicant's log bore false or misleading certifications.

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" ("the Criteria") as promulgated by the Appraisal Qualification Board of the Appraisal Foundation, as amended and supplemented. Pursuant to those Criteria, all experience obtained after January 1, 1991 must be USPAP-compliant. The applicant's experience was clearly not USPAP-compliant, and yet he continued to work with Mr. Magloire. Finally, the applicant demonstrated that he was aware that his experience was problematic, by submitting to the Board three appraisal reports in connection with his application for licensure which had been deliberately altered so as to reflect his name and signature on both the certification page and the signature page of the reports: the Applicant deliberately signed the report, so as to give a misleading impression to the Board.

Under the Uniform Enforcement Act, licensure may be denied for deceptive conduct pursuant to N.J.S.A. 45:1-21(b), as well as for professional misconduct pursuant to N.J.S.A. 45:121(e). N.J.A.C. 13:40A-6.1 provides that the failure to comply with the USPAP may be deemed professional misconduct pursuant to N.J.S.A. 45:1-21(e). The Applicant's actions were plainly misleading within the intentment of the Conduct Section of the Ethics Rule of the USPAP, in that he knowingly participated in the preparation of over a thousand reports which bore false certifications. In addition, he deliberately attempted to mislead the Board by furnishing the three copies of the appraisal reports deliberately prepared in a misleading manner.

The Board regards the Applicant's conduct, the acquiescence to the submission of false certifications, and his submission of the three reports deliberately presented so as to appear that appraisal reports he worked on did not bear false or misleading certifications, as professional misconduct in violation of N.J.S.A. 45:1-21(e).

Therefore, the Board finds based on the Applicant's admissions that the Applicant's experience hours were not USPAP-compliant, and that the Applicant engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e) by acquiescing in the submission of reports to clients bearing false or misleading certifications, and by submitting misleading appraisal reports to the Board.

Based on the foregoing findings and conclusions, a Provisional Order Denying Application for Licensure was entered on June 26, 2006. A copy of the Order was forward to respondent by certified and regular mail at his address of record at 17 Webster Street, Irvington, New Jersey. 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.

The Provisional Order sent by means of certified mail was returned as unclaimed. The Order sent by regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and

that the Provisional Order should be made final.

Accordingly,

IT IS on this 12th day of Sept. , 2006,

ORDERED that:

1. Respondent's application for licensure is hereby denied.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS



John A. McCann
President