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FILED
BOARD OF
REAL ESTATE APPRAISERS
4/16/07
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
SUSPENSION OR REVOCATION OF
THE LICENSE OR CERTIFICATION
OF

JOSEPH R. PRIERES,
RG00184200

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

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 real estate appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. The Board conducted a continuing education audit in 2006, asking a

random sampling of its licensees for documentation of continuing education completed during the 2004-2005 licensing period.

3. Respondent submitted documentation in response to this audit, which was received on April 17, 2006.

4. Respondent did not forward proof of successful completion of the 7-hour USPAP course.

5. Respondent submitted documentation of having completed a total of 0 credit hours of continuing education prior to December 31, 2005.

6. Respondent certified upon respondent's renewal application for the 2006-2007 licensure renewal period that respondent had completed the continuing education requirement during the previous biennial licensure renewal period.

7. Respondent certified upon respondent's renewal application for the 2006-2007 licensure renewal period that respondent had completed a USPAP course.

8. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include either a seven (7) or fifteen (15) hour USPAP course.¹

CONCLUSIONS OF LAW

1. Respondent's failure to successfully complete continuing education requirements for licensure during the 2004-2005 biennial renewal period constitutes a

¹ 2004 was the last year that the 15-hour USPAP course could be used to satisfy the USPAP continuing education requirement.

violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21 (e) and (h).

2. Respondent's certification upon renewal for the January 1, 2006-December 31, 2007 renewal cycle that respondent had satisfied the continuing education requirement constitutes a violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 26, 2007, provisionally suspending respondent until he had furnished proof of successful completion of the continuing education for the 2004-2005 licensure cycle, imposing a public reprimand upon respondent, and imposing a civil penalty in the amount of \$1,750. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. 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.

Respondent forwarded proof of having belatedly satisfied his outstanding continuing education obligation to the Board, and indicated that respondent's failure to complete his continuing education obligation had been unintentional. Respondent furnished proof that he had paid for three continuing education courses in 2004, and claimed that he had completed them in 2005, but neglected to download the completion

certificate. However, the continuing education provider, McKissock, indicated that although 21 credit hours of continuing education had been paid for on November 11, 2004, he did not complete those courses at that time, and enrolled in them again on March 24, 2006, at which time his payments from 2004 were transferred to the new version of each class. N.J.A.C. 13:40A-5.8 provides notice to licensees of the required documentation for continuing education, and advises licensees that the Board would review the records of licensees from time to time to determine compliance. Licensees are required to maintain a "Uniform Continuing Education Form" or other form signed and dated by both the applicant and the course instructor. Respondent did not submit any such form to the Board in response to the continuing education audit.

Accordingly, the Board determined that further proceedings were not necessary, and that no material discrepancies had been raised with respect to the Findings of Fact or Conclusions of Law. The Board further determined that suspension was not warranted, inasmuch as respondent had submitted proof of successful completion of his outstanding continuing education obligation, but it was not persuaded that the submitted materials merited further consideration. Accordingly, it determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 16 day of April, 2007,

ORDERED that:

1. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b), (e) and (h).

2. A civil penalty in the amount of \$1,750 is hereby imposed upon respondent. Payment, in the form of a certified check or money order, made payable to

the State of New Jersey, shall be sent to the attention of Dr. James S. Hsu, Executive Director, Real Estate Appraiser Board, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, NJ 07101. Payment is due within twenty one (21) days following entry of this Order.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS



John A. McCann
President