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FILED
BOARD OF
REAL ESTATE APPRAISERS
5/11/07
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

Administrative Action

ROBERT J. HILBERT,
RC00124900

FINAL ORDER
OF DISCIPLINE

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

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 March 30, 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

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

CONCLUSIONS OF LAW

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

requirement .

Respondent has paid the civil penalty and subsequently forwarded proof of having belatedly satisfied his outstanding continuing education obligation to the Board. Respondent's employer took responsibility for respondent's failure to comply with the continuing education requirements. Accordingly, the Board considered this matter, determined that no material discrepancies had been raised in connection with the findings of fact and conclusions of law, and determined that the Provisional Order should be made final. Inasmuch as respondent has belatedly satisfied his continuing education requirements, however, the Board determined that the penalty of suspension was not warranted.

ACCORDINGLY, IT IS on this 11 day of May, 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 for his violation of N.J.S.A. 45:1-21(e) and (h). Inasmuch as respondent has already forwarded payment of this sum, no action is required by respondent with regard to this provision.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS



John A. McCann
President