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BOARD OF
REAL ESTATE APPRAISERS
6/20/07
DR. JAMES S. HSU
Executive Director - 5 P 12:45

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 :

SHELLY G. GIBSON,
RC00064800

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

Administrative Action

FINAL ORDER
OF DISCIPLINE

42000

52406

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 31, 2006.

4. Respondent did forward proof of successful completion of the 7-hour USPAP course.

5. Respondent submitted documentation of having completed a total of 7 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 violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to

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

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 she 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 \$1,250. A copy of the Order was forwarded to respondent by certified and regular mail at her 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.

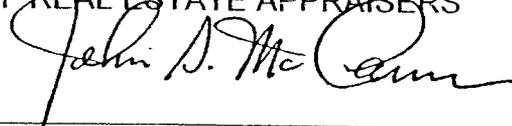
Respondent subsequently forwarded information to the Board which she had not previously furnished, indicating that respondent had timely completed nineteen (19) credit hours of continuing education during the 2004-2005 licensure cycle, and demonstrating that respondent's misrepresentation of her status upon renewal was more likely than not inadvertent, rather than deliberate, in that respondent had taken courses which she believed to be acceptable for continuing education credit which had

not been approved by the Board. Further, upon notification by the Board that she had not complied with the 2004-2005 requirements, completed additional continuing education credits which compensated for the previous deficiency. Accordingly, the Board determined that the finding of misrepresentation in the Provisional Order, and of a violation of N.J.S.A. 45:1-21(b), were not applicable, that the public reprimand imposed by the Provisional Order was not warranted, and that the civil penalty imposed in the Provisional Order should be reduced to \$500.00.

ACCORDINGLY, IT IS on this 20 day of June, 2007,
ORDERED that:

1. A civil penalty in the amount of \$500.00 is hereby imposed for respondent's violation of N.J.S.A. 45:1-21(e) and (h). 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 forwarded within twenty one (21) days of the entry of this Order 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.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS



John A. McCann
President