

**CERTIFIED TRUE COPY**

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

**COPY**

IN THE MATTER OF THE  
LICENSE OF  
  
THOMAS J. LOTITO  
RA 00336900  
  
TO ENGAGE IN REAL ESTATE  
APPRAISING IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE  
FILED  
  
BOARD OF  
REAL ESTATE APPRAISERS  
  
*James S. Hsu*  
DR. JAMES S. HSU  
Executive Director 8/4/08

This matter was opened to the New Jersey State Real Estate Appraiser Board ("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 licensed residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. On or about December 27, 2007, the Board wrote to respondent at his then-address of record at 123 Maple Avenue, West Paterson, New Jersey 07424, asking his to forward information concerning nine (9) appraisal reports about which a complaint had been received. Respondent was asked to forward copies of the reports

and workfiles, and other information to the Board. Certified mail was returned unclaimed. . No response was received.

3. On or about April 30, 2008, upon receipt of information that respondent's address of record had changed, respondent was advised of the earlier letter, and asked to respond to the request for information within seven business days.

4. The letter was sent to respondent at his new address of record by overnight mail on April 30, 2008. Although UPS tracking indicates that the mailing was delivered to respondent's new address of record on May 1, 2008 at 1:28 P.M., no response has been received to date.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 11, 2008, provisionally suspending respondent's appraising license, and provisionally imposing a civil penalty in the amount of \$1,500.00. 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 30<sup>th</sup> 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.

Although the record reflects that the certified mailing was delivered at respondent's address of record on June 16, 2008, and the regular mailing was not returned, no response has been received to the Provisional Order. Accordingly the Board finds that service was effected, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 4<sup>th</sup> day of August, 2008,

ORDERED that:

1. Respondent's license is hereby suspended until he complies fully and completely with the Board's request.
2. A civil penalty in the amount of \$1,500.00 is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(e). Payment shall be due within twenty-one (21) days following the issuance of this Order, and shall be sent, in the form of a certified check or money order made payable to the State of New Jersey, to the attention of Dr. James S. Hsu, Executive Director, Real Estate Appraiser Board, P.O. Box 45032, 124 Halsey Street, 3<sup>rd</sup> Floor, Newark, NJ 07101.

NEW JERSEY STATE  
REAL ESTATE APPRAISER BOARD

*Cheryle A. Randolph-Sharpe*  
Cheryle Randolph-Sharpe  
Board President