

CERTIFIED TRUE COPY

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

IN THE MATTER OF THE  
LICENSE OF

DAVID M. ROBERTS  
RC 00036700

TO ENGAGE IN REAL ESTATE  
APPRAISING IN THE  
STATE OF NEW JERSEY

Administrative Action

COPY

FINAL ORDER  
OF DISCIPLINE

**FILED**  
**BOARD OF**  
**REAL ESTATE APPRAISERS**  
*James S. Hsu*  
**DR. JAMES S. HSU** 10-1-08  
**Executive Director**

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 certified 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 February 11, 2008, the Board conducted a continuing education audit, asking a random sampling of its licensees for documentation of having completed the continuing education requirements set forth in N.J.A.C. 13:40A-5.3 and N.J.A.C. 13:40A-5.4 for the 2006-2007 licensing period. The request for information

was sent by regular mail to licensees at their address of record.

3. Respondent replied to the audit, indicating that he taken 15 credit hours of continuing education during the 2006-2007 licensing period, although in February of 2008 he belatedly took an additional 14 credit hours of continuing education to satisfy his 2006-2007 obligation. Respondent indicated his failure to timely complete the continuing education requirements for 2006-2007 was an "oversight."

4. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that respondent had completed the continuing education requirements during the previous biennial renewal period.

5. 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 a seven hour USPAP course, or its equivalent.

6. The Real Property Appraiser Qualification Criteria, issued by the Appraiser Qualifications Board of the Appraisal Foundation, do not recognize any reason apart from military service or inactive status as a justifiable reason for failure to timely complete continuing education requirements.

#### CONCLUSIONS OF LAW

1. Respondent's admission to failure to timely complete continuing education requirements 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 on his renewal form that he had successfully completed the 2006-2007 continuing education requirements constitutes misrepresentation, in 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 July 16, 2008, provisionally imposing a public reprimand, and a civil penalty in the amount of \$1,000.00. 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.

Respondent replied to the Provisional Order, forwarding payment in the amount of \$1,000.00. The Board considered this matter, and determined that no material discrepancies had been made with respect to the findings of fact and conclusions of law, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 1st day of October, 2008,

ORDERED that:

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

2. . A civil penalty in the amount of \$1,000.00 is hereby imposed upon respondent. Inasmuch as respondent has already furnished payment of this amount, respondent need take no further action in this matter.

NEW JERSEY STATE  
REAL ESTATE APPRAISER BOARD

*Cheryle A. Randolph-Sharpe*

Cheryle Randolph-Sharpe  
Board President