

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

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

CERTIFIED TRUE COPY

COPY

IN THE MATTER OF THE
LICENSE OF

CHERYL ADAMOUSKY
RC 00183700

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

Administrative Action

FINAL ORDER
OF DISCIPLINE

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 she had not completed any of the 28 credit hours of continuing education courses required for the 2006-2007 licensing period, because of family health problems, and that she "accidentally" hit a

button that she shouldn't have when she renewed her license on-line.¹

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 certified upon respondent's renewal application that respondent had completed a course in the Uniform Standards of Professional Appraisal Practice (USPAP).

6. 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.

7. 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.

8. Respondent still has not demonstrated successful completion of the requisite 28 credit hours of continuing education, including the seven-hour USPAP course, required for the 2006-2007 licensing period.

CONCLUSIONS OF LAW

1. Respondent's failure to timely complete continuing education

¹ Because respondent's explanation relates to confidential family health matters, her submission is not included here.

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 her renewal form that she 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 18, 2008, provisionally suspending respondent's appraising license, as well as provisionally imposing public reprimand and a civil penalty in the amount of \$1,750.00. 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 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 replied to the Order, asking for consideration. Respondent's failure to complete her continuing education requirement was due to health problems in her family. The Board considered this matter, and determined that further proceedings were not necessary, inasmuch as no material discrepancy had been raised with respect to the findings of fact and conclusions of law. The Board determined that in light of respondent's circumstances, the civil penalty imposed by the Provisional Order should be rescinded, and that the Provisional Order should be made final.

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

ORDERED that:

1. Respondent's appraising license is hereby suspended until she is able to demonstrate successful completion of the twenty eight (28) credit hours of continuing education for the 2006-2007 licensing period, which credits must include a national USPAP update course of a minimum of seven (7) hours.
2. A public reprimand is hereby imposed upon respondent for her violation of N.J.S.A. 45:1-21(b), (e) and (h).
3. The civil penalty in the amount of \$1,750.00 imposed by the Provisional Order of July 18, 2008 is hereby rescinded.

NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

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