

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

BRIAN E. GINSBERG  
RG00200500

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 general 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 had not taken any continuing education courses during the 2006-2007 licensing period because he found it more expedient to take pre-approved coursework and submit the certificates at the time of the audit.

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. Respondent has demonstrated successful completion of the requisite 28 credit hours of continuing education, including the seven-hour USPAP course, in February and March of 2008.

8. 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 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 provisionally imposing 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 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 Order, forwarding payment in the amount of \$1,750.00, and not contesting the findings of fact or conclusions of law. Accordingly, the Board determined that no material discrepancies had been raised, that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15<sup>th</sup> 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 \$1,750.00 is hereby imposed upon respondent. Inasmuch as payment has already been forwarded, no further action is required on respondent's part.

NEW JERSEY STATE  
REAL ESTATE APPRAISER BOARD  
*Cheryle A. Randolph-Sharpe*  
Cheryle Randolph-Sharpe  
Board President