

FILED
BOARD OF
REAL ESTATE APPRAISERS
James S. Hsu 10/21/08
DR. JAMES S. HSU
Executive Director

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

CERTIFIED TRUE COPY

IN THE MATTER OF THE
LICENSE OF

BRIAN J. DE CICCO
RC 00172800

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

Administrative Action

FINAL ORDER
OF DISCIPLINE

COPY

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 was not audited, but came to be aware of the audit. Respondent indicated that he had not completed any continuing education hours during

the 2006-2007 licensing period, because of illness.

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.

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.

7. 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 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 18, 2008, provisionally suspending respondent's real

estate appraising license, and provisionally imposing a public reprimand and a civil penalty of \$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.

Although the Order sent by certified mail was signed for, and the regular mailing was not returned, no response to the Provisional Order has been received to date. Accordingly, the Board determined that further proceedings were not necessary, and that the Provisional Order should be made final. However, the Board reviewed respondent's explanation of his failure to timely complete the continuing education obligation for 2006-2007 in the course of finalization, and determined that in light of respondent's illness, and the fact that he volunteered the information about the continuing education although he was not selected to participate in the random audit, consideration with regard to the penalty amount was warranted. The Board therefore determined to reduce the penalty by half.

ACCORDINGLY, IT IS on this 21st day of October, 2008,

ORDERED that:

1. Respondent's appraising license is hereby suspended until he is able to demonstrate successful completion of the twenty eight (28) credit hours of continuing

education for the 2006-2007 licensing period.

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

3. A civil penalty in the amount of \$325.00 is hereby imposed upon respondent. Payment shall be submitted in the form of a certified check or money order made payable to the State of New Jersey, and sent to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, New Jersey 07101, within twenty-one (21) days of the filing of this Order.

NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

Cheryle A. Randolph-Sharpe

Cheryle Randolph-Sharpe
Board President