

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

RICHARD A. ANDERSON  
RG 00117400

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

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, and his response indicated that he had completed 28 credit hours of continuing education in February of 2008 to satisfy his 2006-2007 obligation.

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 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 imposing a public reprimand and

a civil penalty 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, seeking consideration. He explained that he had completed courses in preparation for the Certified Tax Assessors Examination, but never submitted those courses for review for possible continuing education credit. He further indicated that he believed, when he renewed his license on-line, that he would complete the required continuing education before the end of the year. The Board considered respondent's submissions, and determined that no material discrepancies had been raised with respect to the findings of fact and conclusions of law in the Provisional Order, and that further proceedings were therefore not necessary. However, the Board determined that some consideration was warranted, based on respondent's explanation in mitigation, and determined that the civil penalty imposed in this matter should be reduced to \$875.00.

ACCORDINGLY, IT IS on this 28<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 \$875.00 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 Randolph-Sharpe  
Board President