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FILED
BOARD OF
REAL ESTATE APPRAISERS
James S. Hsu
DR. JAMES S. HSU 1-8-09
Executive Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

CERTIFIED TRUE COPY

COPY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
MARCIA A. GERMINARIO :
License #RA00356400 :
:
TO ENGAGE IN REAL ESTATE :
APPRAISING IN THE STATE :
OF NEW JERSEY :
:

CONSENT ORDER

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of a complaint concerning respondent's appraisal of 114 Center Street, Unit #8, Lakehurst, New Jersey, with a date of valuation of May 29, 2007. In the course of the Board's investigation, respondent admitted to having submitted appraisal reports, including the appraisal of

114 Center Street, Unit #8, to an unlicensed individual named Darin Gerow, with the understanding that Mr. Gerow would review and change the appraisal report prior to the report being issued to the client, and sign the report as a supervisory appraiser. Respondent acknowledged that she did not review the final product that issued to the client with respect to even one of the appraisal reports that she forwarded to Mr. Gerow for review. Respondent indicated that there were at least 33 appraisal reports that she submitted to Mr. Gerow for review, upon which Mr. Gerow may have made changes, without advising her of these changes, and upon which he affixed respondent's electronic signature prior to issuing the reports to clients. Respondent testified that she mistakenly believed that Mr. Gerow was a licensed real estate appraiser, and that she regarded him in the role of a supervisory appraiser, believing that he placed his own signature upon the appraisal reports, as well as affixing her electronic signature to the reports.

With regard to the appraisal of 114 Center Street, Unit #8, respondent indicated that she submitted to Mr. Gerow a report with the name of the borrower left blank, and with the client/lender indicated as Direct Lending Group. The actual appraisal report which issued, and which was forwarded to the Board by the complainant, indicated the borrower's name as "Colatrella" and the lender/client's name as Mortgage Line

Financial Corp. Respondent testified that she had been unaware of these changes. Respondent further indicated that she had been advised by Darin Gerow to leave the name of the borrower blank, because the buyer for the unit was not identified at the time of the assignment.

With respect to the specific appraisal of 114 Center Street, Unit #8, respondent's report did not adequately identify the intended use of the opinions and conclusions in the report. The report stated that its purpose was to provide the lender/client with an accurate opinion of the market value of the subject, and that it was for a "purchase transaction." Respondent indicated, however, that the actual purpose of the appraisal was "for the purpose of the builder having the appraisals in hand for his buyers." The Board finds that this constitutes a violation of Standards Rule 1-2(a) and (b) of the Uniform Standards of Professional Appraisal Practice, which constitutes a violation of N.J.S.A. 45:1-21(e) pursuant to N.J.A.C. 13:40A-6.1.

The Board finds that respondent's failure to ascertain the licensure status of Darin Gerow constituted the aiding and abetting and of the unlicensed practice of real estate appraising in violation of N.J.S.A. 45:1-21(n). Respondent accepted Mr. Gerow in the role of supervisory appraiser and authorized him to make changes in her reports without reviewing those changes with her; and failed to review a single appraisal report in its final

form. Even a cursory review with respect to the appraisal of 114 Center Street, Unit #8 that actually issued would apparently have revealed that Darin Gerow did not affix his own signature to reports. Had respondent verified Mr. Gerow's licensure status, or reviewed the final product of her efforts following Mr. Gerow's review and changes, respondent would have learned that Mr. Gerow was not signing the reports, so that any changes to the reports made by Mr. Gerow issued under respondent's signature, without respondent being aware of those changes, although by means of her signature respondent accepted responsibility for the report.

With respect to the appraisal of 114 Center Street, Unit #8, the Board finds that respondent's selection of three comparable sales consisting of seven rooms and three bedrooms, with the subject consisting of five rooms and two bedrooms, constitutes a violation of the Standards Rule 1-1(a) of the USPAP, subjecting respondent to sanctions pursuant to N.J.A.C. 13:40A-6.1 and N.J.S.A. 45:1-21(e).

The parties having determined to resolve this matter without further proceedings, and without admissions, respondent having waived any right to a hearing and the Board finding that the within Order is sufficiently protective of the public, and for other good cause shown,

IT IS ON THIS 8th DAY OF January, 2009,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice real estate appraising in the State of New Jersey is hereby suspended for one year for violations of N.J.S.A. 45:1-21(e) and (n). This suspension is to be stayed and served as a period of probation, which shall be deemed to commence upon the filing of the within Order.

2. Respondent shall pay a civil penalty in the amount of \$1,000.00, and investigative costs in the amount of \$211.75, for a total amount due of \$1,211.75. Payment shall be made in the form of a certified check or money order made payable to the State of New Jersey, and shall be forwarded to the Board along with this signed Order. In the alternative, respondent may elect to pay in installments, in which event respondent shall include with this signed Order a minimum payment amount of \$211.75, and shall subsequently furnish payments, due on the 15th day of each month, in a minimum amount of \$150.00 monthly, commencing upon respondent's receipt of a filed copy of this order. Payments are to be forwarded to the attention of Dr. James S. Hsu, Executive Director of the Board of Real Estate Appraisers, 124 Halsey Street, 3rd Floor, P.O. Box 45032, Newark, NJ 07101.

3. Pursuant to N.J.A.C. 13:40A-4.6, respondent shall not serve as a supervising appraiser of any trainee for three years, dating from the filing of this Order.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

Cheryle A. Randolph-Sharpe

By: _____
Cheryle Randolph-Sharpe
Board President

I have read and understood this Order and agree to be bound by its terms.

Marcia Germinario

Marcia A. Germinario

Date: 12/30/08

Consent as to form and entry:

Thomas A. Harley

Thomas A. Harley, Esq.

1/5/09

Date