

FILED

**BOARD OF
REAL ESTATE APPRAISERS**

Charles F. Kirk
CHARLES F. KIRK
Acting Executive Director

9/27/11

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

COPY

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATION OF :

ROD STONER, SCREA :
Certification No. 42RC00149800 :

ADMINISTRATIVE ACTION

FINAL ORDER OF
DISCIPLINE

TO PRACTICE AS A REAL ESTATE :
APPRAISER IN THE STATE OF :
NEW JERSEY :

CERTIFIED TRUE 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. Rod Stoner ("Respondent") is a certified residential appraiser in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about October 21, 2010, the Board sent a letter to Respondent, requesting a written response to a complaint filed on August 24, 2010 concerning an appraisal performed on property located at 1256 Echo Place, Toms River, New Jersey (the "subject appraisal"). The letter was sent to Respondent at his address of record, 13 Redwood Drive, Toms River, New Jersey 08753. Response was due within seven (7) days. The certified mailing was returned as "unclaimed;" the regular mailing was not returned. No response to the Board's request for information was received from

Respondent.

3. On or about February 15, 2011, the Board sent a second letter to Respondent, requesting a written response to the August 24, 2010. The letter was sent to Respondent at his address of record, 13 Redwood Drive, Toms River, New Jersey 08753. Response was due within fifteen (15) days. The certified mailing was returned as "unclaimed;" the regular mailing was not returned. No response to the Board's request for information was received from Respondent.

4. On or about June 14, 2011, the Board sent a third letter to Respondent requesting a written response to the August 24, 2010 complaint concerning the subject appraisal. The letter was sent to Respondent at his address of record, 13 Redwood Drive, Toms River, New Jersey 08753. Response was due within fifteen (15) days. The certified mail receipt was signed and returned; the regular mailing was not returned.

5. To date, Respondent has provided no response to the Board's three requests for information.

CONCLUSIONS OF LAW

Respondent's repeated failure to cooperate with a Board investigation by providing no response to the Board's requests for information, constitutes a violation of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on August 23, 2011, which provisionally suspended Respondent's license to practice as a real estate appraiser and provisionally imposed a \$2,500.00 civil penalty. Copies of the POD were sent to Respondent's address of record in Toms River, New Jersey via certified and regular mail. The Provisional Order of Discipline clearly stated that it was subject to finalization by the Board at 5:00 p.m. on the 30th 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 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 failed to submit a response to the POD. Because the POD was forwarded to Respondent's address of record, and because the United States Postal Service reported that the certified mailing was delivered on August 27, 2011 at 10:43 a.m., and the regular mailing was not returned, the Board deems service to have been effected. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should

be made final.

ACCORDINGLY, IT IS on this 27th day of September, 2011,

ORDERED that:

1. Respondent's license to practice as a real estate appraiser is hereby suspended for his violation of N.J.S.A. 45:1-21(e). The Board shall not entertain an application for reinstatement from Respondent unless and until he has provided to the Board's satisfaction a complete response to the Board's request for information regarding the subject appraisal.

2. A civil penalty in the amount of \$2,500.00 is imposed on Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to Executive Director Charles Kirk, State Real Estate Appraiser Board, P.O. Box 45032, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Nothing in this Order shall preclude the Board from taking disciplinary action on the underlying conduct which gave rise to the investigation.

NEW JERSEY STATE REAL ESTATE
APPRAISER BOARD

By:


Denise M. Siegel
President