

COPY

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

IN THE MATTER OF THE APPLICATION OF:

: Administrative Action

MARLIN COSME

:
: FINAL ORDER
: OF DENIAL OF
: CERTIFICATION

TO PRACTICE REAL ESTATE APPRAISING :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Real Estate Appraisers (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Marlin Cosme held a Real Estate Appraiser Trainee Permit, which expired and thus became inactive as of November 30, 2010. She submitted an application to be a State Licensed Real Estate Appraiser, which was deemed null and void when she converted it to an application to be a State Certified Residential Real Estate Appraiser. The application to be a State Certified Residential Real Estate Appraiser is currently pending.

2. While Ms. Cosme's application was pending, the Board received a complaint regarding an appraisal report of property

located at 261 Maple Street, Perth Amboy, report dated March 5, 2008, effective date February 7, 2008, electronically signed by Marlin Cosme (a trainee) as Appraiser and electronically signed by Alison Kasper (a licensed real estate appraiser) as Supervisory Appraiser. The complaint alleged violations of the Uniform Standards of Professional Appraisal Practice (USPAP) (2008 - 2009 edition).

3. As a trainee, Marlin Cosme formed and is the sole member of LJK Appraisals, LLC.

4. As a trainee, Marlin Cosme collected fees from clients for appraisals.

5. LJK Appraisals collected fees from clients for appraisals.

6. LJK Appraisals and/or Marlin Cosme entered a relationship or arrangement for "split fee work" with Alison Kasper, an independent contractor. Ms. Cosme, in a July 17, 2014 certified response to the Board's Demand for Written Statement Under Oath, represented that the term "split fee work" means a division of proceeds. Ms. Cosme further explained that proceeds received for work performed by Ms. Kasper through LJK Appraisals were split equally.

7. Marlin Cosme maintains that Alison Kasper was her supervising appraiser for the subject report.

8. Marlin Cosme never provided the required notice to the Board that she intended to have Alison Kasper as a supervising

appraiser, Ms. Kasper never acknowledged in writing to the Board that she agreed to perform the responsibilities of a supervising appraiser, and the Board never approved Ms. Kasper as a supervising appraiser. Ms. Kasper, as licensed real estate appraiser at the time, did not qualify to serve as a supervising appraiser as supervising appraisers were required to be certified, as opposed to licensed, as of January 1, 2008. Board records indicate that Gary Wade was the only supervising appraiser of record for Marlin Cosme.

CONCLUSIONS OF LAW

The holder of a trainee permit shall work only under the direct supervision of a supervising appraiser. N.J.A.C. 13:40A-4.5(a). Marlin Cosme performed appraisal work while she was not under the direct supervision of a supervising appraiser. Prior to commencing any work as a trainee, the trainee shall inform the Board in writing of the identity of any individuals who have agreed to serve as a supervising appraiser for the trainee. Id. Marlin Cosme informed the Board that only Gary Wade had agreed to serve as her supervising appraiser. Marlin Cosme never informed the Board that Alison Kasper had agreed to serve as her supervising appraiser. Beginning on January 1, 2008, the supervising appraiser must be a State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser and may not be a State Licensed Real Estate Appraiser. N.J.A.C. 13:40A-4.6(d) and (e). At the time of the

subject appraisal, Alison Kasper was a State Licensed Real Estate Appraiser and would not have qualified as a supervising appraiser. The supervising appraiser must acknowledge in writing to the Board that he or she agrees to perform the responsibilities of a supervising appraiser. N.J.A.C. 13:40A-4.6(a). Gary Wade acknowledged in writing to the Board that he agreed to perform the responsibilities of a supervising appraiser. Alison Kasper never acknowledged in writing to the Board that she agreed to perform the responsibilities of a supervising appraiser. If the supervising appraiser ceases to supervise, or if the trainee acquires a new supervising appraiser, the trainee must inform the Board in writing within seven days of the change. N.J.A.C. 13:40A-4.5(a). Marlin Cosme never informed the Board that Gary Wade had ceased supervising her or that she had any other supervising appraiser other than Gary Wade.

Additionally, a trainee shall not maintain a direct relationship with an appraisal client and shall not collect any fees from a client. N.J.A.C. 13:40A-4.5(c). Marlin Cosme maintained a direct relationship with the client on the subject appraisal and collected fees from clients for appraisals. The Board regulation further provides that any form of payment for appraisals shall be directed to the supervising appraiser. Id. As her only supervising appraiser, all payments should have been directed to Gary Wade and not to Marlin Cosme, LJK Appraisals, or any other appraiser as part

of a "split fee" arrangement.

The Board finds that Marlin Cosme violated and failed to comply with multiple regulations administered by the Board. As such, the Board has determined to deny her application to be a State Certified Residential Real Estate Appraiser pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on December 4, 2014 and copies were forwarded to Ms. Cosme's mailing address in Texas and her address of record in New Jersey by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Ms. Cosme 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 her request for consideration and reasons therefor.

The Provisional Order sent to Ms. Cosme's address of record in New Jersey by means of certified mail and regular mail were both returned as "Moved, Unable to Forward." The United States Postal Service tracking system indicates that the certified mail sent to Ms. Cosme's mailing address in Texas was delivered on December 9,

2014. Additionally, the regular mail to the Texas address was not returned. The Board deems service to have been effected. Ms. Cosme failed to respond to the Provisional Order and the time to provide a written response has elapsed. Accordingly, the Board determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 29th day of April, 2015,

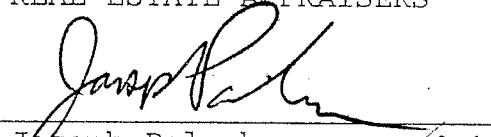
ORDERED that:

1. Marlin Cosme's application to be a State Certified Residential Real Estate Appraiser is hereby denied.

2. The Board will not entertain any application from Marlin Cosme for a minimum of three years from the date of filing of this Final Order of Denial of Certification.

NEW JERSEY BOARD OF
REAL ESTATE APPRAISERS

By:



Joseph Palumbo
Board President