



COPY

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

IN THE MATTER OF THE LICENSE OR	:	Administrative Action
CERTIFICATION OF	:	
	:	
	:	
ROBERT JOHNSON	:	
Certification # 42RC00218500	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE REAL ESTATE	:	
APPRAISING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Real Estate Appraiser Board ("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. Robert Johnson ("Respondent") is a State Certified Residential Real Estate Appraiser in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about December 10, 2013, Respondent completed and submitted an online biennial license renewal form and Respondent's license was then renewed through December 31, 2015.

3. Respondent was asked on the biennial renewal application whether Respondent "completed the continuing education requirement during the past two years," referring to the biennial renewal period of January 1, 2012 through December 31, 2013. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees are required to obtain at least 28 credit hours of approved continuing education for each biennial renewal period subsequent to licensure/certification or 14 hours of continuing education if initially licensed or certified in the first six months of the second year. If initially licensed or certified during the last six months of the second year, no continuing education is required. If you are exempt from this requirement for this renewal period only, please answer "yes" to this question. Credits may not be carried over to another renewal period.

Respondent answered "yes" to the question and certified that answer to be true and complete by clicking on the "Submit Answers" button and proceeding with the application.

4. Respondent was asked on the biennial renewal form whether Respondent successfully completed the seven hour National USPAP Update Course or its equivalent during the past two years, referring to the biennial period of January 1, 2012 through December 31, 2013. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees must successfully complete the seven-hour National USPAP Update Course, or its equivalent, at a minimum of every two years.

Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Respondent answered "yes" to this question and certified that answer to be true and complete by clicking on the "Submit Answers" button and proceeding with the application.

5. After January 1, 2014, the Board commenced a continuing education audit, asking a random sampling of its licensees to submit documentation to verify completion of required continuing education. Respondent was selected for inclusion within the continuing education audit.

6. On or about April 30, 2014, all licensees selected for inclusion in the audit were sent a notice, by regular mail, addressed to the address of record that the licensee maintained with the Board, advising of the need to supply copies of documentation maintained to verify continuing education hours claimed. The regular mail was not returned.

7. On or about June 13, 2014, those licensees who failed to respond to the first notice were sent a second notice by the Board detailing the need to supply documentation to verify continuing education claims. The second notice was sent both certified and regular mail. The regular mail was not returned. The receipt for the certified mail was signed upon delivery.

8. Respondent failed to reply to any of the notices that

were forwarded regarding the need to supply documentation verifying completion of continuing education.

CONCLUSIONS OF LAW

Pursuant to N.J.S.A. 45:14F-18 and N.J.A.C. 13:40A-5.3, all licensed and certified real estate appraisers are required to complete all continuing education requirements established by "The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria" promulgated by the Appraisal Qualifications Board of the Appraisal Foundation (the "AQB"). The AQB requirements are incorporated by reference in the Board's regulations. For the two year period of January 1, 2012 - December 31, 2013, the AQB Qualification Criteria mandated that appraisers complete a minimum of twenty-eight class hours of approved continuing education.

Pursuant to N.J.A.C. 13:40A-5.4, all licensed and certified appraisers are required to complete a seven hour National Update Course on the Uniform Standards of Professional Appraisal Practice ("USPAP"), or its equivalent, at least once every twenty-four months. The AQB Qualification Criteria similarly mandate that appraisers must successfully complete the seven hour USPAP Update Course, or its equivalent, every two calendar years.

Pursuant to N.J.A.C. 13:40A-5.8, licensees or certificate

holders are required to maintain documentation for at least four years of continuing education hours completed in order to verify program attendance and/or activity completion.

Respondent's failure to reply to the notices that were sent requiring Respondent to supply documentation verifying the completion of continuing education constitutes a violation of the Uniform Duty to Cooperate regulation, N.J.A.C. 13:45C-1.2 and 1.3, which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

By virtue of having failed to respond to the notices, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed any hours of continuing education and the seven hour USPAP Update course for the biennial period of January 1, 2012 - December 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:40A-5.3 and 5.4, which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based on the above findings and conclusions, the Board further finds that Respondent falsely certified on the renewal application that all responses to all questions that were asked on that application were true. By doing so, the Board finds that Respondent engaged in misrepresentation, and is therefore subject to sanction pursuant to N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and a three thousand five hundred dollar (\$3500) civil penalty was entered on February 20, 2015. Copies were served upon Respondent via 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 Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by 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 timely replied to the Provisional Order of Discipline by providing documentation of timely completion of 28 hours of continuing education within the January 1, 2012 - December 31, 2013 biennial period, including the 7 hour USPAP Update Course. Respondent offered no explanation as to why he had not provided the information when originally requested as part of the continuing education audit.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary, but that modification of the Provisional Order was required. Inasmuch as

Respondent demonstrated timely completion of continuing education, the Board determined that the suspension and civil penalties totaling two thousand and five hundred dollars (\$2500) were no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a one thousand dollar (\$1000) civil penalty for violation of the duty to cooperate regulation.

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

1. Respondent is assessed a civil penalty in the amount of one thousand dollars (\$1000) for violating the Uniform Duty to Cooperate Regulation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Charles Kirk, Executive Director, State Board of Real Estate Appraisers, P.O. Box 45032, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. 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.

NEW JERSEY STATE REAL
ESTATE APPRAISER BOARD

By:



Joseph Palumbo
Board President