

FINDINGS OF FACT

1. Gary Hall ("respondent") is the holder of a current certification to practice real estate appraising in the State of New Jersey (Certification #42RG00230100). At all times since December 05, 2007, the mailing address and the address of record which respondent has provided to the Board has been 125 N. Lafayette Avenue #2, Ventnor City, NJ 08406. Respondent last renewed his license to practice real estate appraising on-line on or about February 4, 2014, and then confirmed the above listed address of record and mailing address. Since February 4, 2014, respondent has not contacted the Board to notify of any change to the above address. (See Certification of Charles F. Kirk, Executive Director of the Board, offered in support of the Provisional Order of Discipline, hereinafter "Kirk Certification," ¶2).

2. Respondent is currently the subject of an investigation being conducted by the Board, which investigation was initiated upon the Board's receipt of a letter dated January 13, 2014, from the United States Department of Housing and Urban Development, advising that respondent had been removed from the FHA Appraiser Roster for non-compliance with FHA policies and requirements on appraisals (hereinafter the "HUD complaint," see Kirk Certification, ¶3).

3. Following receipt of the HUD complaint, the Board sought a written response to the issues raised therein from Mr. Hall. The Board forwarded Mr. Hall three letters, respectively dated January 23, 2014, March 6, 2014 and April 1, 2014, by certified and regular mail, asking that respondent address the allegations within the HUD complaint and that he provide the Board with a copy of his workfile for the appraisal which was the predicate for HUD's action (specifically, an appraisal of property located at 14 Marshall Avenue, Blackwood, New Jersey; hereinafter the "subject property report"). See Kirk Certification, ¶4. After receiving the third letter (all three certified letters were claimed and signed for), respondent submitted a written response to the Board dated April 16, 2014. See Kirk Certification, ¶5.

4. After reviewing Mr. Hall's April 16, 2014 response, the Board directed its counsel, Senior Deputy Attorney General Steven Flanzman, to pose additional questions to respondent in a Demand for Statement in Writing Under Oath ("DSWUO"), as authorized by N.J.S.A. 45:1-18. On September 11, 2014, a DSWUO was forwarded to respondent, at his address of record, by both regular and certified mail. Respondent failed to claim the certified mail, and the regular mailing was not returned. Respondent has failed to provide any response to the DSWUO. See Kirk Certification, ¶6).

5. On February 25, 2015, Emilio Aviles, Assistant to the Executive Director of the Board, forwarded an e-mail to respondent

at GLH77@comcast.net (e-mail address listed on the subject property report), wherein Mr. Aviles requested that respondent contact the Board office immediately regarding pending disciplinary complaints. As of July 1, 2015, the Board has received no reply, by e-mail, phone or otherwise, from respondent to said e-mail. See Kirk Certification, ¶7.

CONCLUSIONS OF LAW

Respondent's failure to respond to the DSWUO served upon him on September 11, 2014, and/or his failure to respond to Mr. Aviles' e-mail, constitutes a failure to cooperate with a Board investigation, in violation of N.J.A.C. 13:45C-1.2 and 1.3. The Board deems respondent's failure(s) to constitute professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and thus concludes that grounds for the imposition of disciplinary action against respondent, to include ordering the suspension of respondent's license and the assessment of civil penalties, exist pursuant to both N.J.S.A. 45:1-21(e) and 45:1-21(h).

ACCORDINGLY, IT IS on this 28th day of July, 2015,

ORDERED that, upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's certification to practice real estate appraising in the State of New Jersey is suspended. The suspension Ordered herein shall remain in full force and effect until such time as respondent fully responds (by providing all information and

records requested within all prior letters sent to him by the Board) to the pending complaint, the Board receives said responses and has an opportunity, at a scheduled Board meeting, to review the responses and determine whether the responses are in fact full and complete, and, upon such review and determination that respondent has fully responded to the requests made, then enters a supplemental written Order reinstating respondent's license.

2. Respondent shall cease and desist from practicing as a real estate appraiser and shall not represent himself as a State licensed or certified real estate appraiser until such time as a supplemental written Order reinstating his license is entered by the Board. Any practice of real estate appraising in New Jersey prior to reinstatement shall constitute the unlicensed practice of real estate appraising, and shall be grounds upon which the Board may take independent disciplinary action against respondent.

3. Respondent is assessed a civil penalty in the amount of \$1,000 for his failure to have responded to the DSWUO served on September 11, 2014.. Payment of the fine assessed herein shall be made by certified check, bank cashier check or money order payable to the "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 attempted will be rejected and returned to the party making the

payment. Payment shall be made no later than fifteen days after the date of filing of a **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.

4. The Board expressly reserves the right to initiate independent disciplinary proceedings based upon any of the claims made in the HUD Complaint, and/or based upon any new information or complaints the Board may receive regarding respondent's professional practice and/or conduct.

The Provisions of Paragraph 5-8 below apply only if the Order herein is a **PROVISIONAL ORDER OF DISCIPLINE**. Paragraphs 5-8 are not applicable if the Order herein is a **FINAL ORDER OF DISCIPLINE**.

5. This order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Charles F. Kirk, Executive Director, State Board of Real Estate Appraisers, P.O. Box 45032, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

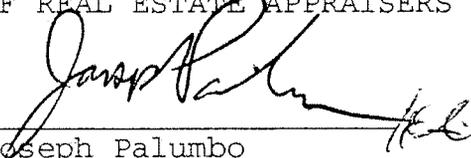
7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically convert to a Final Order of Discipline. The Final Order of Discipline shall then be filed, and copies of the filed Order shall be served upon

Respondent by mailing to the address of record that respondent maintains with the Board. Thereafter, any failure by respondent to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4, and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

By:



Joseph Palumbo
Board President

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

In the Matter of:

GARY HALL
Certification #42RG00230100

CERTIFICATION IN SUPPORT
OF PROVISIONAL ORDER
OF DISCIPLINE

CHARLES F. KIRK hereby certifies as follows:

1. I am the Executive Director of the New Jersey State Real Estate Appraiser Board, and have served in that capacity since June 2009. As the Executive Director, I serve as the Custodian of Records for the Board, and have knowledge regarding all statements set forth herein.

2. Review of Board records reveals that Gary Hall is the holder of a current certification to practice general real estate appraising in the State of New Jersey (Certification #42RG00230100). The Board's records reflect that respondent's mailing address and his address of record are 125 N. Lafayette Avenue #2, Ventnor City, NJ 08406, and further reflect that respondent has maintained the same address since December 05, 2007. Mr. Hall last renewed his license to practice real estate appraising on-line on or about February 4, 2014, and then confirmed the above listed address of record and mailing address. As of July

1, 2015, the Board has not received any notification from respondent of any changes to the above addresses. A copy of a screen-shot from the Board's computer records (printed on July 1, 2015), showing respondent's address of record and the date on which the address of record was last changed, is attached as Exhibit A.

3. A review of Board records reveals that there is a presently pending investigation of Mr. Hall's practice of real estate appraising, which was initiated upon receipt of notification from the United States Department of Housing and Urban Development, in a letter dated January 13, 2014, that Mr. Hall had been removed from the FHA Appraiser Roster for non-compliance with FHA policies and requirements on appraisals (hereinafter the "HUD complaint"). A copy of the HUD complaint (without exhibits) is appended hereto as Exhibit B.

4. Upon receipt of the HUD complaint, the Board sought a written response to the issues raised therein from Mr. Hall. The Board forwarded Mr. Hall three letters asking that he address the allegations within the HUD complaint and that he provide the Board with a copy of his workfile for the appraisal which was the predicate for HUD's action (specifically, an appraisal of property located at 14 Marshall Avenue, Blackwood, New Jersey; hereinafter the "subject property report"). The letters were all sent by regular and certified mail, and were dated January 23, March 6, and April 1 in 2014. In each case, the Board received signed return

receipts for the certified mailings, and the regular mailings were not returned. Copies of the Board's letters and the signed certified mail receipts for each letter are appended hereto as Exhibit C.

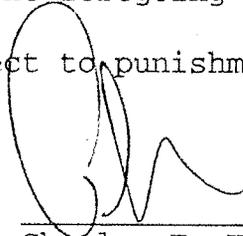
5. Following the third letter, Mr. Hall responded to the Board by letter dated April 16, 2014. A copy of Mr. Hall's April 16, 2014 letter (without exhibits) is appended hereto as Exhibit D.

6. The Board thereafter reviewed Mr. Hall's written response, and determined that additional questions should be directed to Mr. Hall in the form of a Demand for Statement in Writing Under Oath ("DSWUO"), as authorized by N.J.S.A. 45:1-18. Board records reflect that the Board's counsel, Senior Deputy Attorney General Steven Flanzman, forwarded Mr. Hall a DSWUO on September 11, 2014, by both regular and certified mail, to Mr. Hall's address of record at 125 N. Lafayette Avenue #2, Ventnor City, NJ 008406. Board records further reflect that the DSWUO sent by certified mail was returned marked "return to sender, unclaimed, unable to forward," and that the regular mailing was not returned. Board records further reflect that respondent has failed to provide any response to the DSWUO. A copy of the DSWUO is appended hereto as Exhibit E, and a copy of the returned certified mailing envelope is appended as Exhibit F.

7. On February 25, 2015, Emilio Aviles, Assistant to the Executive Director of the Board, sent an e-mail to respondent at

GLH77@comcast.net (email address listed on the subject property appraisal), wherein Mr. Aviles requested that respondent contact the Board office immediately regarding pending disciplinary complaints. As of July 1, 2015, the Board records reflect that Mr. Hall has not replied, by e-mail, phone or otherwise, to Mr. Aviles' e-mail. A copy of the e-mail forwarded by Mr. Aviles to Mr. Hall is appended hereto as Exhibit G.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Charles F. Kirk

Dated: July 28, 2015