

STATE OF NEW YORK
DEPARTMENT OF STATE

-----X

In the Matter of the Complaint of

**DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES,**

Complainant,

DECISION

-against-

TARA A. HUNT

Respondent.

-----X

The above noted matter came on for hearing before the undersigned, Roger Schneier, on December 6, 1995 at the office of the Department of State located at 270 Broadway, New York, New York.

The respondent, of R.T. Hunt Associates, 3009 Quentin Road, Brooklyn, New York 11234, having been advised of her right to be represented by an attorney, appeared pro se.

The complainant was represented by Supervising License Investigator Michael Coyne.

COMPLAINT

The complaint alleges that the respondent submitted false appraisal experience information in support of her application for certification as a general real estate appraiser.

FINDINGS OF FACT

1) Notice of hearing together with a copy of the complaint was served on the respondent by certified mail on November 8, 1995 (State's Ex. 1).

2) The respondent is, and has been since March 22, 1993, a certified general real estate appraiser (State's Ex. 2).

3) In response to a request for documentation supporting the claimed experience upon which her certification was issued, the respondent submitted to the Division of Licensing Services copies of several appraisal reports. Included in those copies was one for

property located at 530 Van Siclen Avenue, Brooklyn, New York (State's Ex. 4). While that copy bore the name and signature of the respondent, the appraisal had, in fact, been conducted by appraiser Edward Quigley, whose name and signature appear on the original appraisal form (State's Ex. 5 and 9). Two other copies of reports submitted by the applicant, for 73-11 Metropolitan Avenue, Queens, New York and for 867 41st Street, Brooklyn, New York, had also been altered to substitute her name and signature for those which had appeared on the originals (State's Ex. 4).

OPINION

Pursuant to Executive Law §160-k[3], an applicant for certification as a real estate appraiser must establish that she has sufficient experience to qualify. So as to implement that requirement, the State Board of Real Estate Appraisal, acting pursuant to authority granted to it by Executive Law §160-d[1], promulgated 19 NYCRR 1102.2[d], which provides:

"Upon request by the Department of State, either prior to certification or after certification, an applicant must provide documentation or other proof, satisfactory to the Department of State, to substantiate any or all of the experience claimed by the applicant."

The respondent was asked to provide such documentation. In response, she provided, among other things, three copies of appraisal reports which had been altered to falsely indicate that she had conducted the appraisals. Her conduct was in violation of Executive Law §160-u[1][a].¹

The essence of the functions of a certified real estate appraiser is the preparation and submission of honest and accurate appraisal reports. A person who has submitted to the Department of State reports which have been altered to misrepresent that she conducted the appraisals may not be trusted to perform the duties of an appraiser honestly, and it would be in derogation of its obligation to protect the integrity of the appraisal process for the Department of State to permit such a person to continue to be certified as an appraiser.

¹ Although the respondent was already certified, and Executive Law §160-u[1][a] refers to the submission of false information in procuring or attempting to procure a certificate, since her submission of the altered reports was part of an ongoing application process authorized by regulation it falls within the ambit of the statute.

CONCLUSIONS OF LAW

The applicant submitted false information in support of her certification as a general real estate appraiser in violation of Executive Law §160-u[1][a].

DETERMINATION

WHEREFORE, IT IS HEREBY DETERMINED THAT pursuant to Executive Law §160-u[1][a], the certification of Tara A. Hunt as a general real estate appraiser is revoked, effective immediately.

These are my findings of fact together with my opinion and conclusions of law. I recommend the approval of this determination.

Roger Schneier
Administrative Law Judge

Concur and So Ordered on:

ALEXANDER F. TREADWELL
Secretary of State
By:

Michael E. Stafford, Esq.
Chief Counsel