

Before the
N.H. Real Estate Appraiser Board
Concord, N.H. 03301

In the Matter of :

Kathy A. Gosselin, #NHCR-330
Case No. 17.02
(Disciplinary Matter)

FINAL DECISION AND ORDER

Before the Office of Professional Licensure and Certification (hereafter (OPLC), New Hampshire Real Estate Appraiser Board ("Board") is an adjudatory/disciplinary proceeding in the Matter of Kathy A. Gosselin, NH Certified Residential Appraiser #NHCR-330 ("Respondent" or "Ms. Gosselin") in Case Number 17.02.

BACKGROUND INFORMATION

This proceeding was commenced by an Order to Show Cause issued February 23, 2017 by the NH Real Estate Appraiser Board ("the Board"), to determine whether the Respondent engaged in unprofessional or dishonorable conduct violative of RSA 310-B:18, II(a), (b), (e), (i), RSA 310-B:18-a and Real Estate Appraiser Rules Rab 501.02 (a) through (c)

An Order to Show Cause Hearing was sent to Ms. Gosselin via US Mail return receipt requested dated February 23, 2017 signed for by Ms. Gosselin on February 25, 2017. A Show Cause hearing was held on Thursday, April 6, 2017 at the Board office at 9:30 a.m. Ms. Gosselin appeared at the hearing and testified before the Board. Additionally, testimony was received at the hearing from Bobbie Carter, Program Specialist, Board staff member as well as Ren Horne, Investigator for OPLC/Real Estate Appraiser Board.

Board members present were¹

Patricia Sherman, Chairperson, Presiding Officer
Lee Carroll, Public Member, Vice-Chairperson
George Lamprey, Board Member
Douglas Martin, Board Member
Kimothy Griffin, Banking Commissioner Designee
Donald St. Germain, Lending Institution Member

The following exhibits were introduced into evidence and accepted into the record:

Petitioner's Exhibits:

- A. December 4, 2007 renewal application and supporting document;
- B. December 31, 2009 renewal;
- C. December 28, 2011 renewal and supporting documentation;
- D. January 31, 2017 renewal and supporting documentation submitted via My License Office database;
- E. January 31, 2017 renewal and supporting documentation submitted via email;
- F. Copy of complaint against Kathy Gosselin filed on behalf of Real Estate Appraisal Board;
- G. Complaint Packet sent to Respondent, Ms. Gosselin, from Investigator Horne of OPLC requesting response from Respondent;
- H. All responses and communications between Investigator Horne and Ms. Gosselin.
- I. Copy of Report of Investigation.

Respondent's Exhibits:

- I. Letter from Kathy Gosselin;
- II. Letter from Elliot Behavioral Health Services-Dr. Shawne Diaz;
- III. Letter from Elliot Gastroenterology-Dr. Vincent Aguirre;
- IV. Letter from Elliot Family Medicine-Jennifer Wilson, DNP,APRN;
- V. Letter from Fellow Appraiser-Donna LaFond.

FINDINGS OF FACT

1. The Respondent was granted a license as a Certified Residential Appraiser in the State of New Hampshire on August 1, 1994 and said license was current through the date of this hearing, April 6, 2017.

¹ The same Board members also deliberated and voted on this Final Decision and Order.

2. In 2009 the Respondent fraudulently altered and thereafter submitted to the OPLC documentation on a course completion certificate for the purpose of renewing her Real Estate Appraiser's License in the State of New Hampshire. The Respondent never attended that course and in fact the course was never offered on that date.

3. Again in 2011, the Respondent fraudulently altered and thereafter submitted to the OPLC documentation on a course completion certificate for the purpose of renewing her Real Estate Appraiser's License in the State of New Hampshire. The Respondent never attended that course and in fact the course in question was never offered on that date.

4. Without the fraudulent continuing education certificate in 2011, the Respondent would not have qualified for renewal based on the other certificates which she provided – as she would not have had sufficient continuing education credits.

5. Again in 2017 the Respondent fraudulently altered and thereafter submitted to the OPLC documentation of a course completion certificate for the purpose of renewing her Real Estate Appraiser's License in the State of New Hampshire. The Respondent never attended that course and in fact the course in question was never offered on that date.

6. The Respondent conceded that she fraudulently altered the above-referenced documents and that she had in fact not attended the courses she submitted for renewal referenced above.

7. The Respondent is in violation of the requirements of Uniform Standards of Professional Appraisal Practice, which establishes criteria for all licensed Real Estate Appraisers.

8. The Respondent had mitigating factors considered by this board in that she was undergoing significant emotional stress due to a number of personal issues, including the death of one of her sisters.

9. A Show Cause Order was issued sent to Ms. Gosselin via US Mail return receipt requested dated February 23, 2017 and signed for by Ms. Gosselin on February 25, 2017

10. A Show Cause hearing was held on Thursday, April 6, 2017 at the Board office at 9:30 a.m. at which the Respondent did appear.

CONCLUSIONS OF LAW

- I. The Respondent is in violation of New Hampshire RSA 310-B:18, II(a) in that she procured or attempted to procure a license or certificate pursuant to this chapter by knowingly making a false statement, submitting false information . . . or through any form of fraud or misrepresentation.
- II. The Respondent is in violation of New Hampshire RSA 310-B:18, II(b) as she failed to meet the minimum qualifications established by this chapter for renewal, in that she provided insufficient continuing education credits for her renewal period in 2011, excluding the fraudulently altered continuing education certificate she submitted.
- III. The Respondent is in violation of New Hampshire RSA 310-B:18, II(e), as she committed an act or omission involving dishonesty, fraud or misrepresentation with the intent to substantially benefit the license or certificate holder . . .
- IV. The Respondent is in violation of New Hampshire RSA 310-B:18, II(i) in that she disregarded or violated any of the provisions of this chapter or the rules adopted by the board for the administration and enforcement of this chapter.
- V. The Respondent is in violation of New Hampshire R.S.A. 310-B:18-a, which states that “For purposes of RSA 310-B:18, the Uniform Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in effect at the time of the appraisal assignment shall be the unethical and professional conduct standards to be followed at the time of any violation.” For the renewal period beginning 2009, 2011 and 2017, the Respondent submitted fraudulent documentation to OPLC, Real Estate

Appraisers Board, for the purpose of procuring a renewal of her New Hampshire Real Estate Appraiser's License, violating USPAP standards.

- VI. The Respondent violated New Hampshire Real Estate Appraiser Rule Rab 501.02 (a) which states that ethical standards set forth in this part shall bind all apprentice, licensed or certified real estate appraisers . . . and a violation of any such standard shall result in disciplinary sanctions.
- VII. The Respondent violated New Hampshire Real Estate Appraiser Rule Rab 501.02(b) which states that "all persons licensed or certified under RSA 310-B shall be considered to have knowledge of the existence of these code of ethics and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of appraisal is a privilege, as opposed to a right, and the apprentice, licensed or certified real estate appraiser . . . shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.
- VIII. The Respondent is in violation of New Hampshire Real Estate Appraiser Rule Rab 501.02(c) which states that "All persons licensed or certified under RSA 310-B shall submit only truthful and correct information in any application or other document filed with a statement made to the board."
- IX. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 310-B: II (a), (b), (e) and (i), RSA 310-B:18-a and Rab 501.02 (a) through (c).

THEREFORE, IT IS ORDERED, pursuant to the authority set forth in New Hampshire RSA 310-B:III, the Board imposes the following sanctions:

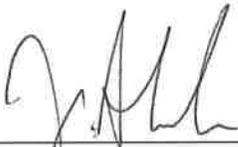
- A. The Respondent is REPRIMANDED.

- B. The Respondent shall reimburse the cost of investigation in this matter in the amount of \$368.00, payable to Treasurer, State of New Hampshire, within ninety (90) days of the effective date of this Order, delivered or mailed to the OPLC office at 121 South Fruit Street, Suite 201, Concord NH 03301.
- C. The Respondent's Real Estate Appraiser's License is suspended for a period of thirty (30) days.
- D. The Respondent is required to pay a fine in the total amount of \$2,000, payable to the Treasurer, State of New Hampshire, which shall be delivered to the Office of Professional Licensure, 121 South Fruit Street, Concord, New Hampshire, within ninety (90) days of the effective date of this Order.
- E. The Respondent is required to complete fifteen (15) hours of ethics courses related to real estate appraising, and shall provide proof of successful completion of said courses to the Office of Professional Licensure, Real Estate Appraisers Board, within one year of the effective date of this Order.
- F. Failure to comply with the terms of this order shall result in the Board immediately scheduling a Show Cause Hearing to determine further disciplinary action for failure to comply with the terms of this Order.
- G. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.
- H. This Order shall become effective at 12:01 a.m. on April 7, 2017.

- I. A motion for rehearing, reconsideration, or clarification shall be filed within 30 days of the effective date of this Order. This motion shall be in accordance with Rab 214. Filing a motion for rehearing or reconsideration shall be a prerequisite to appealing this Order.

BY ORDER OF THE BOARD

Dated: April 7, 2017



Peter Danes,
Executive Director

