

State of New Hampshire
Office of Professional Licensure and Certification
Real Estate Appraiser's Board
Concord, New Hampshire

In the Matter of:
Jude T. Flynn, Jr.
License No. NHCG-632
(Disciplinary Matter)

Docket No. 19.03

FINAL DECISION AND ORDER

Before the New Hampshire Office of Professional Licensure & Certification, Real Estate Appraiser Board ("Board" or "REAB") is an adjudicatory/disciplinary proceeding in the Matter of Jude T. Flynn, Jr., NH Certified General Appraiser #632 ("Respondent" or "Mr. Flynn") in Docket Number 19.03.

BACKGROUND INFORMATION

This proceeding was commenced by an Order to Show Cause issued January 10, 2019 by the New Hampshire Real Estate Appraiser Board ("the Board"), to determine whether the Respondent engaged in unprofessional or dishonorable conduct violative of RSA 310-B:16, Rab 403.02, Rab 403.02(b) and AQB criteria specific to continuing education section III, subsection F, Number 8. by: failing to remain in compliance with the Appraisal Qualifications Board's (AQB) standards by failing to successfully complete a seven hour National Uniform Standards of Professional Appraisal Practice (USPAP) course by December 31, 2018.

An Order to Show Cause was sent to Mr. Flynn via US mail, return receipt requested, dated January 10, 2019. The envelope was returned on January 14, 2019 with a forwarding address. The Order to Show Cause was sent via US mail, return receipt requested to the forwarding address, dated January 14, 2019. A Show Cause hearing was held on Friday, February 15, 2019 at the Board office at 10:30 a.m. Mr. Flynn failed to appear at the hearing nor

did Mr. Flynn notify the Board in writing that he would be unable to attend the hearing. Due to Mr. Flynn's failure to attend the hearing; the hearing was held in absentia. Testimony was received at the hearing from Dawn Couture, Supervisor II of the Office of Professional Licensure and Certification. Mrs. Couture is the technical staff member that is responsible for overseeing compliance of USPAP on behalf of the Real Estate Appraiser Board.

Board members present were¹

Patricia Sherman, Chairperson, Presiding Officer
George Lamprey, Board Member
Douglas Martin, Board Member
Charles Schubert, Board Member
Kimothy Griffin, Banking Commission Representative
Justin Macagba, Lending Institution Representative

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

- A. Email dated July 25, 2018;
- B. Email dated August 21, 2018;
- C. Email dated September 18, 2018;
- D. Email dated October 10, 2018;
- E. Email dated November 30, 2018;
- F. Letter dated December 5, 2018;
- G. Email dated December 17, 2018;
- H. Email dated December 20, 2018;
- I. Voicemail left on December 31, 2018;
- J. Email dated on January 3, 2019;
- K. Email dated January 10, 2019;

FINDINGS OF FACT

1. The Respondent was issued a license on February 1, 2004 as a Certified General Appraiser in New Hampshire and is current until June 30, 2019.
2. USPAP courses are valid for two calendar years pursuant to AQB criteria and expire on December 31st of the second year.

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

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3. The Respondent completed a USPAP course on December 9, 2016 that expired on December 31, 2018.
4. The Respondent was notified by e-mail on July 25, 2018, August 21, 2018, September 18, 2018, October 30, 2018, November 30, 2018, December 17, 2018, and December 20, 2018 that his 2016 USPAP course was going to expire on December 31, 2018 and that a new USPAP course was required. No response from the Respondent was received to any of the Board's e-mails.
5. A letter was mailed to the respondent on December 5, 2018 with similar language to the emails, no response was received.
6. A phone call was made to the respondent's on file number on December 31, 2018 it was explained on Mr. Flynn's voicemail that he must take a USPAP prior to December 31, 2018.
7. A final notice email was sent on January 3, 2019 to the Respondent. Mr. Flynn left a voicemail on Bobbie Carter's direct phone line. Ms. Carter is a Supervisor II technical staff member of the Office of Professional Licensure and Certification. Ms. Carter returned Mr. Flynn's phone call and left a voicemail; Ms. Carter also followed up with an email stating that Mr. Flynn needs to submit something in writing requesting his license to lapse as of December 31, 2018, no response was received.
8. A Show Cause Order was issued on January 10, 2019 by the New Hampshire Real Estate Appraiser Board sent via US mail return receipt requested in which the Respondent was afforded the opportunity to appear before the Board on February 15, 2019 and show cause why any and all rights he may have to practice as a Certified General Real Estate

Appraiser in New Hampshire should not be suspended, revoked or subject to disciplinary action.

9. On January 14, 2019 the Show Cause envelope was returned to the Office of Professional Licensure and Certification with a postal forwarding address. The Order was resent to the forwarding address via US mail, return receipt requested, dated January 14, 2019.
10. A Show Cause hearing was held on Friday, February 15, 2019 at the Board office at 10:30 a.m. Mr. Flynn failed to attend the show cause hearing; therefore the hearing was held in absentia.

CONCLUSIONS OF LAW

- I. The Respondent violated the AQB standards by failing to successfully complete a USPAP course by December 31, 2018 required pursuant to RSA 310-B:16, administrative rules Rab 403.02, Rab 403.02(b) and AQB criteria specific to continuing education section III, subsection F, Number 8.
- II. The Respondent failed to respond to the Board's repeated requests for compliance with the AQB criteria regarding USPAP compliance in violation of RSA 310-B:16, Rab 403.02, and Rab 403.02(b) and AQB criteria specific to continuing education section III, subsection F, Number 8. which requires a USPAP course to be taken every two calendar years.

The Board finds that the Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 310-B:16, Rab 403.02, and Rab 403.02(b) and AQB criteria specific to continuing education section III, subsection F, Number 8.

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THEREFORE, IT IS ORDERED, pursuant to RSA 310-B:II the Board imposes the following sanctions:

The State of New Hampshire Certified Residential Appraiser license of Jude T. Flynn, Jr. NHCG-632 is hereby revoked.

A. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.

B. This Order shall take effect on the date it is signed by an authorized representative of the Board.

C. 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



Joseph G. Shoemaker, Director
Division of Technical Professions
NH Office of Professional Licensure and Certification
Authorized Representative of the NH REAB

Dated: February 19, 2019