

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

In the Matter of:

James C. Marchant, #NHCG-476
(Disciplinary Matter)

Case No. 18.02

FINAL DECISION AND ORDER

Before the New Hampshire Office of Professional Licensure & Certification, Real Estate Appraiser Board ("Board") is an adjudicatory/disciplinary proceeding in the Matter of James C. Marchant, NH Certified General Appraiser #476 ("Respondent" or "Mr. Marchant") in Case Number 18.02.

BACKGROUND INFORMATION

This proceeding was commenced by an Order to Show Cause issued January 9, 2018 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, 2017.

An Order to Show Cause was sent to Mr. Marchant via US mail, return receipt requested, dated January 9, 2018 signed for on January 22, 2018. A Show Cause hearing was held on Friday, February 9, 2018 at the Board office at 9:45 a.m. Mr. Marchant failed to appear at the hearing nor did Mr. Marchant notify the Board in writing that he would be unable to attend the hearing. Due to Mr. Marchant's failure to attend the hearing; the hearing was held in absentia. Testimony was received at the hearing from Bobbie Carter, Supervisor II of the Office of

Professional Licensure and Certification. Ms. Carter 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
Donald St. Germain, Lending Institution Representative

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

- A. Email dated July 7, 2017;
- B. Email dated August 8, 2017;
- C. Email dated September 5, 2017;
- D. Email dated October 5, 2017;
- E. Email dated November 13, 2017;
- F. Email dated December 5, 2017;
- G. Postcard mailed to the Respondent on December 12, 2017;
- H. Email dated December 21, 2017;
- I. Voicemail left on December 29, 2017;
- J. Email, return receipt requested, forwarded to the Respondent on January 3, 2018

FINDINGS OF FACT

1. The respondent was first licensed as a Certified Residential Appraiser on February 1, 1994. On March 1, 1996; Mr. Marchant became a Certified General Appraiser in New Hampshire and is current until September 30, 2018.
2. USPAP courses are valid for two calendar years pursuant to AQB criteria and expire on December 31st of the second year.
3. The Respondent completed a USPAP course on December 8, 2015 that expired on December 31, 2017.

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

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4. The Respondent was notified by e-mail on July 7, 2017, August 8, 2017, September 5, 2017, October 5, 2017, November 13, 2017, December 5, 2017, and December 21, 2017 that his 2015 USPAP course was going to expire on December 31, 2017 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 postcard was mailed to the respondent on December 12, 2017 with similar language to the emails, no response was received.
6. A phone call was made to the respondent's work number on December 29, 2017 it was explained on Mr. Marchant voicemail that he must take a USPAP prior to December 31, 2017.
7. An email, return receipt requested, was sent to the Respondent on January 3, 2018 and was read by the Respondent on that date at 9:52 a.m., no response was received by the Respondent. This email informed Respondent his New Hampshire license was now considered expired and practicing while being out of compliance with AQB is a violation of the New Hampshire Administrative Rules and State Statutes.
8. A Show Cause Order was issued on January 9, 2018 by the New Hampshire Real Estate Appraiser Board sent via US mail return receipt requested, signed for on January 22, 2018, in which the Respondent was afforded the opportunity to appear before the Board on February 9, 2018 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.

12. A Show Cause hearing was held on Friday, February 9, 2018 at the Board office at 9:45 a.m. Mr. Marchant 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, 2017 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.

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

The State of New Hampshire Certified General Appraiser license of James C. Marchant NHCG-476 is hereby revoked.

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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

Dated: February 12, 2018



Joseph G. Shoemaker, Director
Division of Technical Professions
NH Office of Professional Licensure and Certification
Authorized Representative of the NH Real Estate
Appraiser Board