

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

In the Matter of:

Joseph Coakley, #NHLR-241
(Disciplinary Matter)

Case No. 15.01

FINAL DECISION AND ORDER

Before the New Hampshire Joint Board of Licensure & Certification, Real Estate Appraiser Board ("Board") is an adjudicatory/disciplinary proceeding in the Matter of Joseph Coakley, NH Licensed Residential Appraiser #241 ("Respondent" or "Mr. Coakley") in Case Number 15.01.

BACKGROUND INFORMATION

This proceeding was commenced by an Order to Show Cause issued February 4, 2015 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: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, 2014.

An Order to Show Cause was sent to Mr. Coakley via US mail, return receipt requested, dated February 4, 2015 signed for by Mr. Coakley on February 7, 2015. A Show Cause hearing was held on Tuesday, March 24, 2015 at the Board office at 9:30 a.m. Mr. Coakley failed to appear at the hearing nor did Mr. Coakley notify the Board in writing that he would be unable to attend the hearing. Due to Mr. Coakley's failure to attend the hearing; the hearing was held in absentia. Testimony was received at the hearing from Bobbie Carter, Program Specialist II of the

Joint Board of Licensure and Certification. Ms. Carter is the Joint Board 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
Lee Carroll, Public Member, Vice-Chairperson
George Lamprey, Board Member
Douglas Martin, Board Member
Charles Schubert, Board Member
Kimothy Griffin, Banking Commissioner Designee

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

- A. Copy of Mr. Coakley's USPAP Certificate dated August 7, 2012.
- B. Mr. Coakley's Renewal – Received January 15, 2014.
- C. E-Mail from Bobbie Carter dated November 20, 2014.
- D. E-Mail Response from Mr. Coakley to Bobbie Carter dated December 9, 2014 in response to an E-Mail from Bobbie Carter dated December 9, 2014.
- E. E-Mail from Bobbie Carter dated December 31, 2014.
- F. Letter from Bobbie Carter dated January 4, 2015.
- G. Letter from Bobbie Carter dated January 12, 2015.
- H. Letter from Bobbie Carter dated January 26, 2015.
- I. Memo to the Board from Bobbie Carter dated February 3, 2015
- J. AQB's (Appraisal Qualifications Board) criteria "Criteria Specific to Continuing Education" Section III, Subsection F, Number 8
- K. Rab 403.02, Rab 403.02(b)
- L. RSA 310-B:16

FINDINGS OF FACT

1. The Respondent was granted a license as a Licensed Residential Appraiser in the State of New Hampshire on June 1, 2000 and said license is current through January 31, 2016.
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 August 7, 2012 that expired on December 31, 2014.

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

4. The Respondent was notified by e-mail on November 20, 2014, and December 9, 2014 that his 2012 USPAP course was going to expire on December 31, 2014 and that a new USPAP course was required. No response from the Respondent was received to the Board's November 20, 2014 e-mail.
5. Mr. Coakley responded to the Board's December 9, 2014 email on December 9, 2014 indicating that he was not appraising and would comply with the USPAP requirement should he reenter the profession.
6. The Respondent was sent an additional USPAP course reminder e-mail on December 31, 2014 similar to those sent November 20, 2014 and December 9, 2014. A phone call was received in response to the December 31, 2014 email, it was explained to Mr. Coakley that he must take a USPAP course or turn in his Real Estate Appraiser license.
7. A letter dated January 4, 2015 was sent to the Respondent via U.S. mail requesting compliance with the USPAP course from Mr. Coakley. No response was received to the Board's January 4, 2015 letter.
8. On January 4, 2015 a phone call was made by Ms. Carter to Mr. Coakley's on file telephone number. Mr. Coakley was not available but Ms. Carter spoke to the Respondent's wife, Mrs. Coakley, and informed her of the requirement for Mr. Coakley to comply with the AQB requirements of a current USPAP course and requested that Ms. Coakley relay the message to the Respondent.
9. A letter regarding the Respondent's failure to comply with the USPAP course requirement were sent from the Board office to Mr. Coakley via US mail, return receipt requested, on January 12, 2015 and January 26, 2015. The return receipts were signed for by the Respondent on January 17, 2015 and January 30, 2015.

10. A phone call was made to Ms. Carter on January 30, 2015, Mr. Coakley stated that he did not respond because he was currently living in Maine and did not retrieve his mail in time to respond to the January 30, 2014 letter. Ms. Carter informed the respondent that a notice of hearing would be issued for his failure to comply with the USPAP requirement.
11. A Show Cause Order was issued on February 4, 2015 by the New Hampshire Real Estate Appraiser Board sent via US mail return receipt requested, signed for by the Respondent on February 7, 2015, in which the Respondent was afforded the opportunity to appear before the Board on March 24, 2015 and show cause why any and all rights he may have to practice as a Licensed Residential Real Estate Appraiser in New Hampshire should not be suspended, revoked or subject to disciplinary action.
12. A Show Cause hearing was held on Tuesday, March 24, 2015 at the Board office at 9:30 a.m. Mr. Coakley 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, 2014 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 Licensed Residential Appraiser license of Joseph Coakley NHLR-241 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

Dated: March 24, 2015


Louise Lavertu
Executive Director