



**New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Board of Real Estate Appraisers**

2550 Cerrillos Road ▪ P.O. Box 25101 ▪ Santa Fe, New Mexico 87504
(505)476.4622 ▪ Fax (505)476.4620 ▪ www.rld.state.nm.us/boards

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Pat McMurray
DEPUTY
SUPERINTENDENT

Paul Barker
GENERAL COUNSEL

Claudia Armijo
DEPUTY GENERAL
COUNSEL

October 12, 2018

Ellen Sullivan
P.O. Box 315
North Falmouth, MA 02556

Re: New Mexico Real Estate Appraisers Board
Case #15-21-COM
Complainant: Jane Trusty

Dear Ms. Sullivan:

The records of the New Mexico Real Estate Appraisers Board reflect that you have fulfilled the terms of the Final Decision and Order. Based upon full compliance with the terms and conditions set forth, this complaint is now closed.

If you have any questions regarding this matter I can be reached at the number provided below.

Sincerely,

Kathleen Roybal

Kathleen Roybal
Compliance Liaison
(505) 476-4622
Kathleen.Roybal@state.nm.us

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

**BEFORE THE REAL ESTATE APPRAISERS BOARD
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**ELLEN SULLIVAN
LICENSE NO. 03292-G,
Respondent.**

CASE No. 15-21-COM

FINAL DECISION AND ORDER

THIS MATTER came before a quorum of the New Mexico Real Estate Appraisers Board (the "Board") at a regular meeting held April 20, 2018, at the office of the New Mexico Workers Compensation Building, 2410 Centre Ave. SE, Albuquerque, NM 87125, upon a complaint filed against Ellen Sullivan (hereinafter "Respondent") alleging possible violations of the Real Estate Appraisers Act, NMSA 1978, Sections 61-30-1 through -24 (1990, as amended through 2017). A formal evidentiary hearing was held on March 20, 2018, by designated Hearing Officer and Board Chair, Dean Zantow, pursuant to the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017), the Real Estate Appraisers Act, and the Board's rules. While the Board previously issued a default order in this matter on November 6, 2017, that order was set aside by the vote of the Board at its meeting on January 26, 2018, and this Final Decision and Order alone governs the resolution of this matter.

The Board, having familiarized itself with the record, including the Hearing Officer's Report, voted at its regular meeting on April 20, 2018, to adopt the Hearing Officer's Report and find the Respondent to have violated the Board's rules. The Board voted to impose discipline in the form of enrollment in and completion of the fifteen (15) hour Uniform Standards of Professional Appraisal Practice ("USPAP") course and payment of a \$1,000 fine within six (6) months of receipt of this Final Decision and Order. This discipline is based on the following:

FINDINGS OF FACT

The Board adopts the proposed Findings of Fact from the Hearing Officer's Report, and such findings are hereby attached and incorporated into this order.

CONCLUSIONS OF LAW

1. At the time the violations occurred, Respondent held a General Certified Appraiser License pursuant to the Real Estate Appraisers Act, NMSA 1978, Sections 61-30-1 through -24 (1990, as amended through 2017). As such, the Respondent is subject to the jurisdiction of the Board.
2. Pursuant to Section 61-1-3, Section 61-30-15, and Rule 16.62.13.14 NMAC, the Board held a proper hearing on the matter and previously provided Respondent with proper notice of the general nature of the allegations and evidence against her.
3. Respondent was provided timely notice of the hearing and advised of her rights.
4. Pursuant to Section 61-30-16 and Rule 16.62.1.8 NMAC, all those licensed by the Board under the Real Estate Appraisers Act are subject to the standards and requirements of the Uniform Standards of Professional Appraisal Practice ("USPAP").
 - a. USPAP Standards Rule 1-1(b) provides that an appraiser must "not commit a substantial error of omission or commission that significantly affects an appraisal."
 - b. USPAP Standards Rule 1-1(e) provides that an appraiser must "identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including... its location and physical, legal, and economic attributes."
 - c. USPAP Standards Rule 1-1(f) requires the appraiser to "identify any extraordinary assumptions necessary in the assignment."

- d. USPAP Standards Rule 1-4(a) provides that “[w]hen a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.”
 - e. USPAP Standard 2 states in part, “[i]n reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.”
5. Based on Respondent’s testimony and the exhibits admitted at the formal evidentiary hearing in this matter, a preponderance of the evidence supports the finding that Respondent lacked geographic competency to perform the two appraisals in this case and that Respondent has therefore violated USPAP Standards Rule 1-1(b), Standards Rule 1-1(e)(i), Standards Rule 1-1(f), Standards Rule 1-4(a), and Standard 2.
6. The Board finds that Respondent has violated Rule 16.62.1.8 NMAC (Standards of Professional Practice, Code of Professional Responsibility and Adoption of FIRREA).
7. Upon finding that a licensee has violated the Real Estate Appraisers Act or the Board’s rules, the Board is authorized to take disciplinary action. *See* § 61-30-15; *see also* § 61-1-3.
8. Respondent’s conduct warrants the imposition of discipline. Based on the totality of circumstances, it is appropriate to impose the following discipline: enrollment and completion of the fifteen (15) hour Uniform Standards of Professional Appraisal Practice (“USPAP”) course and payment of a \$1,000 fine.

ORDER

IT IS THEREFORE ORDERED that Respondent enroll in and complete the fifteen (15) hour Uniform Standards of Professional Appraisal Practice (“USPAP”) course and pay a \$1,000 fine within six (6) months of receipt of this Final Decision and Order. Respondent will not receive continuing education credit for her completion of this course.

IT IS SO ORDERED.

4/24/2018
DATE



DEAN ZANTOW, CHAIR
NEW MEXICO REAL ESTATE APPRAISERS BOARD

*Signature executed via e-mail
authorization dated 4/24/2018*

JUDICIAL REVIEW

This Order constitutes a final decision for purposes of initiating any contemplated judicial review pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, Section 61-1-17, and NMSA 1978, Section 39-3-1.1. An aggrieved party has the right to judicial review of this Order by filing a notice of appeal under Rule 1-074 NMRA within thirty (30) days of the date of filing of the final decision. Any pleadings filed with the district court must be served on the Board’s counsel, Assistant Attorney General John Kreienkamp.

CERTIFICATE OF SERVICE BY CERTIFIED MAIL

Return Receipt Request No: 9171 9690 0935 0155 2520 92

I, Kathleen Roybal, do hereby certify that I mailed a true and correct copy of the above provided Final Decision and Order in **Case No. #15-21-COM** before the State of New Mexico Real Estate Appraisers Board to the Respondent/Licensee at her last known address of record, as shown by the records of the New Mexico Real Estate Appraisers Board this 24th day of April, 2018.

Kathleen Roybal

Print the Name of Individual Certifying Service

Compliance Liaison

Title

Kathleen Roybal

Signature