

**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

DEFAULT ORDER

THIS MATTER came before the New Mexico Real Estate Appraisers Board (the “Board”) on February 3, 2017, for a decision pursuant to provisions of the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through 61-1-33 (“ULA”). After due deliberation, the Board finds that:

1. The Board has complied with all notice and hearing provisions of the ULA and has afforded Respondent Ellen Sullivan all applicable due process rights.
2. In accordance with NMSA 1978, § 61-1-4(D), the Board sent its Notice of Contemplated Action (“NCA”) in the above-captioned matter to Respondent at her last known address of record on September 13, 2016, via United States Postal Service Certified Mail, Return Receipt Requested, Article No. 9171 9690 0935 0079 1569 19. Exhibit 1 (Notice of Contemplated Action, Case No. 15-21 COM).
3. Subsequently, the Board’s NCA was returned by the United States Postal Service as “not claimed by the addressee once the item reached its maximum hold time at the post office.” Exhibit 2 (USPS Tracking on Article No. 9171 9690 0935 0079 1569 19).

4. The NCA would have notified Respondent that the Board had before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, would justify the Board in suspending or revoking Respondent's license. Exhibit 1.
5. The NCA would have further notified Respondent that the "Board will take the contemplated action" by default, unless "Respondent within twenty days after the service of this notice deposits in the mail a certified return receipt requested letter address to the Board at the address below containing a request for a hearing." Exhibit 1.
6. NMSA 1978, § 61-1-4(E) authorizes the Board to take the action contemplated in the NCA if a licensee does not mail a request for a hearing within the time and in the manner prescribed by NMSA 1978, §61-1-4. It further provides that such action taken by the Board shall be final and not subject to judicial review. NMSA 1978, § 61-1-4(E).
7. Respondent did not request a hearing within the time and in the manner prescribed.
8. Respondent has not otherwise communicated with the Board or offered any evidence rebutting or explaining the violations alleged in the NCA.


Based on the above findings, the Board enters the following Default Order:

IT IS ORDERED that Respondent's license is hereby revoked. Respondent shall not engage in the practice of Real Estate Appraisal as defined by the Act or use the title or represent herself as a licensed real estate appraiser or use any other title or abbreviations, letters, signs or devices that indicate that she is a licensed real estate appraiser.

This action is disciplinary action and as such is a public record subject to inspection.
Pursuant to NMSA 1978, Section 61-1-4(E), this action shall be final and not subject to judicial review.

This Decision and Order shall be served upon Respondent in accordance with law.

11/6/2017
Date


Chairperson
New Mexico Real Estate Appraisers Board

CERTIFIED MAIL NO. 9171 9690 0935 0155 1570 83
RETURN RECEIPT REQUESTED



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

IN THE MATTER OF)
)
ELLEN SULLIVAN) **Case No. 15-21-COM**
LICENSE #03292-G)
)
Respondent.)

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is registered pursuant to the provision of the Uniform Licensing Act, NMSA 1978, §§61-1-1 through -31, licensed under the New Mexico Real Estate Appraisers Act, NMSA 1978, §§61-30-1 to 61-30-24 (2014) and, as such, was subject to the jurisdiction of the New Mexico Real Estate Appraisers Board (“Board”) at the time of the violations alleged in this Notice of Contemplated Action and is currently subject to the jurisdiction of the Board.
2. The Board has before it sufficient evidence, which if not rebutted or satisfactorily explained, will justify the Board in suspending or revoking or taking other actions against Respondent’s license pursuant to NMSA 1978, §61-30-15B (2014).
3. This action is based upon the following allegations:
 - a. Complainant, Jane Trusty, reviewed Respondent’s residential appraisals on 501 Griffin and 640 Paseo de Peralta, Santa Fe, New Mexico. The appraisal reports were dated July 2, 2014 and July 10, 2014 respectively. Complainant states that the appraisals were based on a Broker’s Price Opinion, were not credible or reliable, were completed on a “Solution Star” form, and were classified as restricted appraisals in the appraisers’ additional comments.

- b. The appraisal of 501 Griffin was an appraisal of a condo unit and was compared to a tract house sale in a different neighborhood.
 - c. The appraisal of 640 Paseo de Peralta, a commercially mixed use property with a gallery space was compared to a commercial condo unit in a different neighborhood.
 - d. Neither appraisal demonstrated any geographic competence to determine the relevance of comparables on the basic attributes of the subject properties.
4. The allegations contained in paragraph 3 above would constitute a violation of NMSA 1978, §61-30-16A, and the USPAP Preamble, Ethics Rule, Record Keeping Rule and Standard 1: Unless the Respondent within twenty (20) days after the service of this notice deposits in the mail a certified return receipt requested letter addressed to the Board at the address below containing a request for hearing, the Board will take the contemplated action.
5. NMSA 1978, §61-1-8 (1981) Rights of person entitled to hearing.
 - A. A person entitled to be heard under the ULA shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas *duces tecum* issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefor to the board or the hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or hearing officer. All notices issued pursuant to Section 61-1-4 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

6. Unless the foregoing evidence is explained or rebutted at a formal hearing, it constitutes justification and cause for the Board to take the contemplated action as stated herein. A revocation of license issued by the Board and held by you, or other remedies available to the Board will occur unless you request a formal hearing by mailing a certified, return receipt requested letter requesting a hearing within twenty (20) days after service of this Notice of Contemplated Action.

Such written request should be submitted by certified mail (return receipt requested) to:
New Mexico Real Estate Appraisers Board
P.O. Box 25101
Santa Fe, New Mexico 87504
ATTN: Sheila Harris, Compliance Liaison

7. If the Respondent does not mail a certified return receipt requested letter to the Board for a hearing within the time and in the manner required by this section, the Board may take

the action contemplated in the notice and such action shall be final and not subject to judicial review. See NMSA 1978, §61-1-4 (2003).

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

Date: September 13, 2016

By: /s/ e-signature
Dean Zantow, Chairperson
Executed electronic signature via email authorization
Dated 09/13/16

CERTIFICATE OF SERVICE BY CERTIFIED MAIL

Return Receipt Request No: 9171 9690 0935 0079 1569 19

I, Sheila Harris, do hereby certify that I mailed a true and correct copy of the above provided Notice of Contemplated Action in Case No. 15-21-COM before the New Mexico Real Estate Appraisers Board to the Respondent/Licensee at his last known address of record, as shown by the records of the New Mexico Real Estate Appraisers Board this 13th day of September, 2016.

Sheila Harris
Print Name of Individual Certifying Service

Compliance Liaison
Title

Sheila Harris
Signature

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Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 6, 2016 , 11:34 am	Unclaimed/Max Hold Time Expired	NORTH FALMOUTH, MA 02556
Your item was returned to the sender on October 6, 2016 at 11:34 am in NORTH FALMOUTH, MA 02556 because it was not claimed by the addressee once the item reached its maximum hold time at the post office.		
September 29, 2016 , 11:15 am	Available for Pickup	NORTH FALMOUTH, MA 02556
September 20, 2016 , 12:17 pm	Notice Left (No Authorized Recipient Available)	NORTH FALMOUTH, MA 02556
September 20, 2016 , 10:49 am	Arrived at Unit	NORTH FALMOUTH, MA 02556
September 15, 2016 , 10:22 pm	Departed USPS Facility	PROVIDENCE, RI 02904
September 15, 2016 , 5:05 pm	Arrived at USPS Facility	PROVIDENCE, RI 02904
September 14, 2016	Pre-Shipment Info Sent to USPS, USPS Awaiting Item	

Available Actions

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Email Updates

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

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EXHIBIT

2