

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF:

JAMES F. MARSH,

RESPONDENT.

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DBR No. 16AP004

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and James F. Marsh (“Respondent”) hereby agree that:

1. Respondent is a Licensed Residential Appraiser, holding License Number CRA.0A000819, issued by the Department pursuant to R.I. Gen. Laws § 5-20.7-1, *et seq.*
2. The Real Estate Appraisers Board (“Board”) received a complaint against the Respondent on November 6, 2015 regarding his appraisal of the property located at 15 Lisa Lane, Warwick, Rhode Island. (“Murdy complaint”).
3. The Respondent also was the subject of an earlier complaint, in June of 2015 relative to his performance of an appraisal of property located at 27 Jackson Avenue, East Providence, Rhode Island (“Zeller complaint”).
4. After a review of the Zeller complaint, the Board issued a decision and findings that the Respondent be issued a Notice of Formal Reprimand, with request that he was to successfully complete an additional seven (7) hours of appraisal education in the area of Sales Comparison

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Approach prior to his next credential renewal date (August 23, 2017). That Notice of Formal Reprimand was sent to the Respondent on September 2, 2015.

5. Upon information and belief, the Respondent has not yet complied with that Board request.

6. The Murdy complaint was reviewed by the full Board at its regular meeting in January of 2016, at which time the Respondent appeared before the Board for questioning.

7. Based upon its investigation of that second complaint, the Board found probable cause that the Appraisal did not conform to the Uniform Standards of Professional Appraisal Practice (“USPAP”) for the following reasons:

a. The Respondent’s appraisal report was prepared in a careless or negligent manner by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of the results. Those errors included: a miscalculation of the general living area, report that an oil tank existed on the property, which was not true, and the sewer system being listed as public, when in fact it was a private system. (USPAP Section 1-1(c)).

b. The Respondent failed to accurately identify the characteristics of the property relevant to the type and definition of value and intended use of the appraisal. (USPAP Section 1-2(e) (i)(v))

c. Respondent failed to analyze comparable sales data available to indicate a value conclusion for credible assignment results. (USPAP Section 1-4(a))

d. Respondent failed to analyze all agreements of sale or listings of the subject property as of the effective date of the appraisal. (USPAP Section 1-5(a))

5. Given the above findings, the Board determined that Respondent has violated the rules cited.

6. Pursuant to R.I. Gen. Laws § 5-20.7-19, a certified or licensed real estate appraiser must comply with the Uniform Standards of Professional Appraisal Practice ("USPAP") as promulgated by the Appraisal Standard Board of the Appraisal Foundation.

7. Pursuant to R.I. Gen. Laws § 5-20.7-19, the Department has cause to initiate administrative proceedings to sanction Respondent's license via suspension or revocation or otherwise pursuant to R.I. Gen. Laws § 5-20.7-20(2).

8. In an effort to resolve the above-referenced matter, effect a timely and amicable resolution of the issues raised in this Consent Agreement, and allow Respondent to maintain his license in good standing, Respondent understands and agrees to the following:

a. Respondent shall remit a Five Hundred (\$500.00) Dollar administrative penalty, payable to the Rhode Island General Treasurer, due within sixty (60) days from the execution of this Consent Agreement by the Department.

b. Respondent shall successfully complete a fifteen (15) hour residential report writing course. He may utilize these credits toward his required continuing education credits for his next renewal.

10. If Respondent fails to abide by any of the requirements of this Consent Agreement, the Department will initiate administrative proceedings to impose penalties against Respondent including, but not limited to: (i) suspension, (ii) revocation, and/or (iii) other additional administrative penalties as deemed appropriate by the Department. Respondent shall be provided with notice and opportunity for hearing should the Department choose to initiate such action.

**THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO
THE FOREGOING AS TO FORM AND SUBSTANCE:**

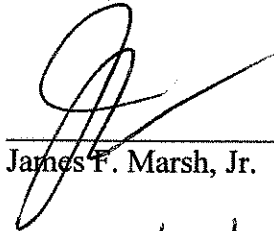
Department of Business Regulation
By its Legal Counsel:

Respondent:



Ellen R. Balasco, Esq.
Deputy Chief of Legal Services

Date: 1/23/17



James F. Marsh, Jr.

Date: 1/13/17