

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

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IN THE MATTER OF:

PAUL A. BERNARD,

RESPONDENT.

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DBR No. 08-L-0279

**CONSENT AGREEMENT**

The Department of Business Regulation (“Department”) and Paul A. Bernard (“Respondent”) hereby agree that:

1. Respondent is a Licensed Residential Appraiser, License Number A00701R, pursuant to R.I. Gen. Laws § 5-20.7-1, *et seq.*

2. The Real Estate Appraisers’ Board (“Board”) investigated Respondent’s appraisals of two properties (the “Appraisals”). The first appraisal was of a property located at 72 Monterey Drive, West Warwick, Rhode Island. The second appraisal was of a property located at 131 Nausauket Road, Warwick, Rhode Island.

3. Respondent met with the Board on November 5, 2008 to answer questions regarding the Appraisals.

4. Based upon its investigation and its informal meeting with Respondent, the Board found probable cause that the Appraisals did not conform to the Uniform Standards of Professional Appraisal Practice (“USPAP”), citing violations of the following rules:

a. The Competency Rule as relating to Respondent’s lack of geographic competency;

b. Standards Rule 1-1(a) because Respondent was not aware of, understood, or correctly employ recognized methods and techniques necessary to produce a credible appraisal;

c. Standards Rule 1-1(b) because Respondent committed substantial errors of omission that significantly affected the Appraisals;

d. Standards Rule 1-1(c) because Respondent rendered appraisal services in a careless or negligent manner by making a series of errors that although individually might not have significantly affected the results of the Appraisals, in the aggregate, did affect the credibility of those results;

e. Standards Rule 1-2(e)(i) because Respondent did not properly identify the relevant characteristics of the subject property's location or its physical, legal, or economic attributes;

f. Standards Rules 1-4(a) because Respondent did not properly collect, verify, and analyze all information necessary for a credible application of the Sales Comparison Approach;

g. Standards Rule 2-1(a) because Respondent did not provide for clearly and accurately written appraisals in a manner that would not be construed as being misleading; and

h. The Conduct Section of the Ethics Rule because Respondent:

(1) Advocated the cause or interest of a party to the transaction

(2) Failed to perform the assignment with impartiality, objectivity, and independence, and without accommodation of personal interests; and

(3) Accepted an assignment that included the reporting of a predetermined conclusion.

5. 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.

6. 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).

7. 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 acknowledges that there is probable cause that the Appraisals did not conform with USPAP as set forth in Paragraph 4;

b. Respondent’s license shall be suspended for thirty (30) days beginning on the date this Consent Agreement’s execution;

c. Respondent shall submit a list of completed appraisals of property located in Rhode Island to the Board via e-mail ([deannadaniels@dbr.state.ri.us](mailto:deannadaniels@dbr.state.ri.us)) each month for the six (6) months, beginning with the month of February, 2009, so that it may occasionally request appraisal reports to review;

d. Respondent shall promptly provide the appraisal reports requested by the Board for its review in PDF format via e-mail ([deannadaniels@dbr.state.ri.us](mailto:deannadaniels@dbr.state.ri.us));

e. Respondent shall enroll and successfully complete a thirty (30) hour course in Basic Appraisal Procedures in a classroom setting (i.e., not via online or other

distance learning method) within twelve (12) months of the date of this Consent Agreement;


f. Respondent shall not use the 30-hour course in Basic Appraisal Procedures ~~or the 15-hour course in Residential Report Writing, referenced in Paragraphs 8(d) and 8(e), respectively,~~ <sup>(MO) 1-5-09</sup> to fulfill the continuing education requirement for renewal of his license; and

g. Respondent shall remit a \$500.00 administrative penalty, made payable to the Rhode Island General Treasurer, to the Department within thirty (30) days of this Consent Agreement's execution.

8. 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 decide to take such action.

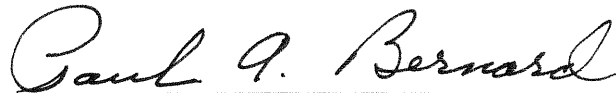
THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation  
By its Legal Counsel:

  
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Michael P. Jolin  
Department of Business Regulation

Date: 1-5-09

Paul A. Bernard, Respondent  
By:

  
\_\_\_\_\_  
Paul A. Bernard

Date: January 3<sup>rd</sup> 2009