

STATE OF NEW YORK
DEPARTMENT OF STATE
OFFICE OF ADMINISTRATIVE HEARINGS
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In the Matter of the Complaint of

**DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES,**

Complainant,

DECISION

Complaint No.: C180018

-against-

MELISSA C. CRAWFORD,

Respondent.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on July 11, 2018 at the office of the Department of State located at 123 William Street, New York, New York.

The respondent, having been advised of her right to be represented by an attorney, chose to represent herself.

The complainant was represented by Hearing Presenter Nadine Azarian, appearing by video conference from the Department of State office at 99 Washington Avenue, Albany, New York.

COMPLAINT

The complaint alleges that the respondent real estate salesperson failed to provide evidence that prior to submitting her license application she completed the required qualifying education, and did not cooperate with the complainant's investigation of her application.

FINDINGS OF FACT

1) Notice of Hearing together with a copy of the Complaint was served by certified mail addressed to the respondent at her last known residence address and delivered on May 5, 2018 (State's Ex. 1).

2) On August 12, 2016 the respondent was granted a license as a real estate salesperson. That license will expire on August 11, 2018, although she is not currently associated with a licensed real estate broker (State's Ex. 2).

3) On November 13, 2017 the complainant sent the respondent an email requesting that she provide proof of completion of 75 hours of qualifying education. The respondent did not reply to either that email or a follow up email, both of which were sent to the email address which she provided when she applied for her license (State's Ex. 2).

4) The respondent testified that she did not see the emails because she had stopped using the email address which she had provided with her application.

5) The respondent completed taking an approved course of 75 hours of qualifying education prior to submitting her application, but did not take the final course examination because she misunderstood that taking the State licensing examination was sufficient. Having learned that that was not so, she took and passed the course examination on July 9, 2018 (Resp. Ex. A).

OPINION AND CONCLUSIONS OF LAW

I- The complaint alleges that the respondent violated Real Property Law (RPL) §441 (1) (c) by not supplying proof that she had completed 75 hours of qualifying education. That statute actually applies to real estate broker license applications by real estate salespersons, and provides a method to credit the salesperson's qualifying education to the fulfillment of the required real estate broker qualifying education requirement. It is RPL §441 (1-a) (d) which sets forth the requirement that an applicant for a license as a real estate salesperson provide proof of having completed 75 hours of qualifying education prior to the submission of his or her application. The applicant completed the 75 hours of course work prior to submitting her application, but, because of a misunderstanding did not take and pass the final examination required by 19 NYCRR 176.6 until just two days ago. I find, therefore, that she violated RPL §441 (1-a) (d). I have considered in mitigation her testimony that she thought that she was in compliance because she understood that taking the State licensing examination was sufficient.

II- Pursuant to RPL §442-e (5) a real estate salesperson is obligated to cooperate with the Department of State's investigations. The complaint alleges that the respondent did not respond to its emails about the qualifying education and, therefore, failed to cooperate with its investigation of possible license violations. Inasmuch as the evidence establishes that she did see the emails, that charge is dismissed. The respondent is admonished that, as she was advised during the hearing, she is obligated make certain that she always has a current email address on file with the complainant.

DETERMINATION

WHEREFORE, IT IS HEREBY DETERMINED THAT Melissa C. Crawford has violated Real Property Law §441 (1-a) (d), and accordingly, pursuant to Real Property Law §441-c, she is directed to pay a fine of \$200 to the Department of State on or before August 31, 2018, and should she fail to pay the fine her license as a real estate salesperson, UID #10401292735, if

it has been renewed shall be suspended for a period commencing on September 1, 2018 and terminating two months after the receipt by the Department of State of her license certificate, pocket card, and salesperson's identification. Should her license not have been renewed, no renewal of that license shall be granted until the fine has been paid. She is directed to send a certified check or money order for the fine payable to "Secretary of State," or her license certificate, pocket card, and salesperson's identification, to Norma Rosario, Department of State, Division of Licensing Services, One Commerce Plaza, 99 Washington Avenue, 5th Floor, Albany, New York 12231-0001. In the alternative, the fine may be paid by credit card using the form available at <http://www.dos.ny.gov/forms/licensing/1450-f-l-a.pdf>.

/S/
Roger Schneier
Administrative Law Judge

Dated: July 11, 2018