§ 160-u. Disciplinary proceedings. 1. The rights of any holder under a state certificate as a state certified real estate appraiser, or a license as a state licensed real estate appraiser, may be revoked or suspended, or the holder of the certification or license may be otherwise disciplined in accordance with the provisions of this article, upon any of the grounds set forth in this section. As an alternative or in addition to such suspension or revocation, a fine not exceeding two thousand dollars may be imposed on any holder of the certification or license, provided that fifty percent of all moneys received by the department of state for such fines shall be payable to the anti-discrimination in housing fund established pursuant to section eighty-a of the state finance law. The department may investigate the actions of a state certified or licensed real estate appraiser, and may sanction or otherwise discipline a certificate or license holder for any of the following acts or omissions:

a. Procuring or attempting to procure a certificate or license pursuant to this article by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or license or through any form of fraud or misrepresentation;

b. Failing to meet the minimum qualifications established by this article;

c. Paying money other than provided for by this article to any member or employee of the department to procure a certificate or license under this article;

d. A conviction of a felony or a misdemeanor which is substantially related to the qualifications, functions and duties of a person developing real estate appraisals and communicating real estate appraisals to others;

e. An act or omission involving dishonesty, fraud or misrepresentation with the intent to substantially benefit the certificate or license holder or another person or with the intent to substantially injure

another person;

f. Violation of any of the standards for the development or communication of real estate appraisals as provided in this article;

g. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

h. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

i. Willfully disregarding or violating any of the provisions of this article or the regulations of the board for the administration and enforcement of the provisions of this article;

j. Accepting an appraisal assignment as defined in section one hundred sixty-x of this article, when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment;

k. Violating the confidential nature of governmental records to which he or she gained access through employment or engagement as an appraiser by a governmental agency;

l. Entry of a final civil judgment against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal of real property; or

m. Violation of article fifteen of the executive law committed in his or her capacity as a real estate appraiser.

2. In a disciplinary proceeding based upon a civil judgment, the certified or licensed real estate appraiser shall be afforded an

opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

3. The provisions of subdivisions one and two of this section shall also be applicable to licensed real estate appraiser assistants.