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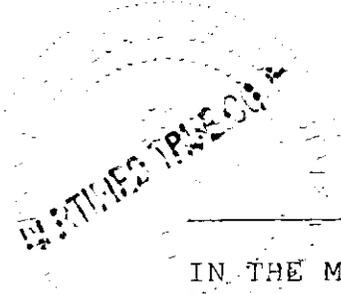
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**FILED**  
**BOARD OF**  
**REAL ESTATE APPRAISERS**  
*James Holl 8/30/97*  
**DR. JAMES S. HSU**  
**Executive Director**

By: John G. Holl  
Deputy Attorney General  
(973) 693-6485



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF REAL ESTATE APPRAISERS

\_\_\_\_\_  
IN THE MATTER OF : ADMINISTRATIVE ACTION  
: :  
: : CONSENT ORDER AND AGREEMENT  
DAVID M. KAPLAN, S.C.G.R.E.A. :  
\_\_\_\_\_ :

This matter having been opened to the New Jersey State Real Estate Appraisers Board (hereinafter "the Board") upon receipt of information that Respondent, David M. Kaplan, violated provisions of the New Jersey Administrative Code by acting in contravention to the Uniform Standards of Professional Appraisal Practice (hereinafter "USPAP"), which are incorporated into the Code by N.J.A.C. 13:40A-5.1. Specifically, it has been alleged that Respondent in preparing on June 30, 1997, a "Consulting Appraisal" for the Willingboro Public School District violated USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 1-3(a), 1-3(b), 1-4(a), 1-4(b)(iv)(v)(vi), 1-4(c), 1-4(g), 2-1, 2-2 and 2-3. Additionally, it has been further alleged that Respondent violated the Departure and Competency provisions of USPAP in the preparation

of this "Consulting Appraisal." On February 9, 1999, Respondent appeared with counsel, Alfred O. Powell, Esq., at an investigative inquiry held by the Board into the matter set forth above.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, the Board finds that Respondent violated the above-referenced provisions of USPAP in his preparation of the "Consulting Appraisal."

These facts establish the basis for disciplinary action pursuant to N.J.S.A. 45:1-21. It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and for good cause shown:

IT IS, on this 30th day of August, 2000, hereby ORDERED and AGREED as follows:

1. Respondent has successfully completed and passed the following continuing education: a USPAP course in September of 1999; and has attended a one-day seminar, sponsored by the Appraisal Foundation for USPAP Instructors.

2. Respondent is hereby PUBLICLY REPRIMANDED for his conduct in connection with the preparation of the Willingboro School District "Consulting Appraisal."

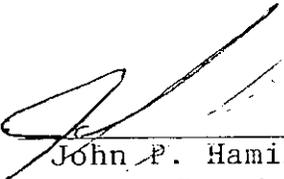
3. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000.00 for his conduct as outlined above. Respondent shall pay the \$5,000.00 in eighteen equal monthly installments of with interest calculated at

five percent. Each monthly payment shall be in the amount of \$288.90. The first payment for the civil penalties shall be submitted no later than 15 days from the entry of this Consent Order and Agreement, by cashier's or certified check or money order made payable to the State of New Jersey and shall be sent to Dr. James S. Hsu, Executive Director, State Board of Real Estate Appraisers, 124 Halsey Street, Sixth Floor, P. O. Box 45032, Newark, New Jersey 07101. Thereafter, subsequent payments shall continue to be due by the first of each succeeding month until all 18 payments are completed. All payments shall be made by cashier's or certified check or money order. In the event that respondent does not make a timely payment, the full balance will become immediately due. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

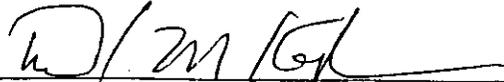
4. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
REAL ESTATE APPRAISERS

BY

  
\_\_\_\_\_  
John P. Hamilton  
Board President

I have read and I understand the terms of this Consent Order and Agreement. I agree to be bound by them, and I hereby give my consent to the Board to enter this Order.

  
\_\_\_\_\_  
David M. Kaplan, S.C.G.R.E.A.

Consented as to form and entry:

  
\_\_\_\_\_  
Alfred O. Powell, Esq.  
Attorney for Respondent

  
\_\_\_\_\_  
John G. Hoff  
Deputy Attorney General