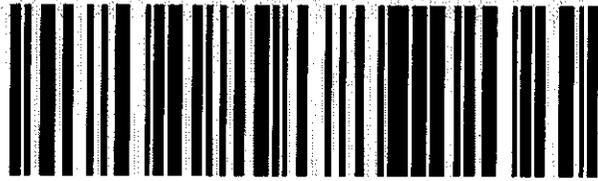


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|-----------------|----------------|
| location        | Collection-455 |
|                 | Final Order of |
| summary         | Discipline     |
|                 | 02/25/2003     |
| author          | Tracy Steel    |
| expiration_date | 02/25/2068     |
| max_versions    | 4              |
| title           | Clarke Joseph  |
|                 | 42RA00336500   |
| document        | Clarke Joseph  |
|                 | 42RA00336500   |
| keywords        |                |
| dsclass         | Document       |
| description     |                |

# COPY

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

FILED  
BOARD OF  
REAL ESTATE APPRAISERS  
*James Hsu*  
DR. JAMES S. HSU 2/25/03  
Executive Director

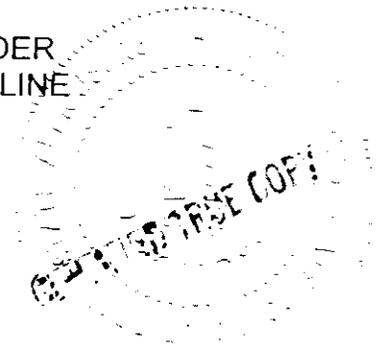
IN THE MATTER OF THE  
LICENSE OF

JOSEPH CLARKE  
License RA3365

TO PRACTICE REAL ESTATE  
APPRAISING IN THE STATE  
OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE



This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed residential real estate appraiser in the State of New Jersey, and has been licensed at all times relevant hereto.

2. In a letter dated July 3, 2002, the Board was notified by the U.S. Department of Housing and Urban Development (HUD) that respondent had been removed from the FHA Appraiser Roster for: failure to report an appraisal clearly and accurately as per USPAP Standard 2; incomplete or inaccurate description of the neighborhood, or inaccurate analysis of the property's site characteristics; failure to visit

or conduct a complete inspection of the subject property or comparables; failure to obtain timely and suitable comparable data; value conclusion not supported by data and analysis in appraisal report; failure to accurately report all readily observable property defects that affect the property marketability.

3. HUD based its determination upon a field review of respondent's appraisal report of 127 Thomas Ave., Lawnside, New Jersey.

4. The Board wrote to respondent, asking him to comment on the HUD action. Respondent replied to the Board in a letter dated July 27, 2002.

5. On October 8, 2002, respondent appeared before the Board accompanied by counsel and testified under oath with regard to his appraisal of 127 Thomas Ave., Lawnside, New Jersey.

#### CONCLUSIONS OF LAW

1. Pursuant to Standards Rule 2 of the Uniform Standards of Professional Appraisal Practice (the USPAP), an appraiser is required to communicate each analysis, opinion and conclusion in an appraisal report in a manner that is not misleading. Standards Rule 2-1(a) requires that a report must clearly and accurately set forth the appraisal in a manner that will not be misleading.

2. Pursuant to N.J.A.C. 13:40A-6.1, failure to comply with the USPAP may be construed as professional misconduct.

3. Respondent's removal from the FHA Appraiser Roster by HUD for violation of Standards Rule 2 subjects respondent to sanctions pursuant to N.J.S.A. 45:1-1(e), (g) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of

Discipline was issued, imposing upon respondent a civil penalty in the amount of \$500, a public reprimand, and costs to the Board of \$510, and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 25<sup>th</sup> day of February, 2003,

ORDERED that:

1. The Board imposes upon respondent a public reprimand pursuant to N.J.S.A. 45:1-22.
2. Respondent is assessed a civil penalty in the amount of \$500.00, and costs in the amount of \$510.
3. Respondent is to forward payment to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey

Street, 3<sup>rd</sup> Floor, Newark, New Jersey 07101, within twenty one days following the entry  
of this Order.

NEW JERSEY STATE BOARD  
OF REAL ESTATE APPRAISERS



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Barry A. Krauser  
President