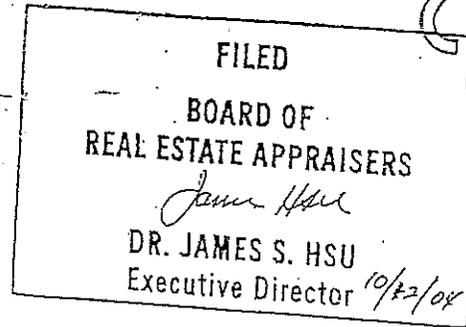


CERTIFIED TRUE COPY

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
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By: John P. Miscione
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF REAL ESTATE APPRAISERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MARIO DI IORIO, SCRREA
License Number RC01355

Administrative Action

CONSENT ORDER

TO PRACTICE REAL ESTATE
APPRAISING IN THE STATE OF
NEW JERSEY

) This proceeding was instituted in March 2004 when the Attorney General filed an Administrative Complaint pursuant to N.J.S.A. 45:1-14 et seq., alleging that Mario Di Iorio ("Respondent"), a licensee of the Real Estate Appraiser Board, violated the Real Estate Appraisers Act, N.J.S.A. 45:14F-1 et seq., ("Act") and its regulations, and engaged in behavior constituting grounds for suspension or revocation of his license under N.J.S.A. 45:1-21.

) In lieu of filing an Answer, Respondent elected, as provided in the Notice of Hearing and Notice to File an Answer, to state that although he would not admit or deny that the Complaint's allegations were true, neither would he contest them. Thus, under the Notices, a hearing to establish the correctness of the allegations became unnecessary.

Counsel also began promptly to discuss the possibility of resolving by mutual consent the remaining issues of remedies and sanctions. Those discussions resulted in the agreement approved by the Board and reflected in this Consent Order.

IT IS, THEREFORE, ORDERED, ON THE DAY FIRST WRITTEN BELOW THAT:

A. The charges of the Administrative Complaint that Respondent violated the Act and its regulations and engaged in behavior which constituted grounds for suspension or revocation of his license under N.J.S.A. 45:1-21 and the Complaint's demand for relief are finally resolved in accordance with the terms and conditions of this Consent Order.

B. There are hereby made the following findings which findings Respondent neither admits nor denies but does not contest:

1. Respondent is and was, at all pertinent times, a State Certified Residential Real Estate Appraiser.
2. Respondent, at all pertinent times, maintained offices in West Orange, New Jersey, trading as Dimar Appraisal Co.
3. In June 1999, Respondent prepared a Uniform Residential Appraisal Report for 624 Springdale Avenue, East Orange, New Jersey, which was misleading or fraudulent in:

failing to disclose two prior sales of the property within five months of the report;

characterizing the property as "corporate owned" when his work file indicated it was owned by an individual;

failing to note that a contract for sale of the property was pending and to analyze the pending sale;

comparing the property to three East Orange sales which were not comparable because they had been renovated; and

misrepresenting information as to the "comparables".

4. In March 2000, Respondent prepared a Uniform Residential Appraisal Report for 150 Paine Avenue, Irvington, New Jersey, which was misleading or fraudulent in:

indicating that the property was 2,312 not the actual 1,936 sq. ft.;

indicating that the property's owner was Neighborhood Properties which never owned the property;

omitting the recent sales history of the property which was sold in November 1999 and in March 2000;

appraising the property at \$145,000 without analyzing the then-pending contract for its sale at \$145,000;

not adequately reconciling his valuation of \$145,000, with the property's having been listed, but not sold, for \$89,990, except for needing repairs estimated at \$5,000;

comparing the property to 4 recent Irvington sales which were larger and not in need of repairs;

misrepresenting information as to the "comparables".

5. In April 2000, Respondent prepared a Uniform Residential Appraisal Report for 820-822 Hunterdon Avenue, Newark, New Jersey, which was misleading or fraudulent in:

indicating that the City of Newark was the owner and there had been no sales in the prior year when the City sold it in February 2000;

failing to analyze the pending sale of the property;

giving conflicting information as to condition and value on page one as compared with the sections within the report on valuation and conditions;

providing photographs which were of another property;

selecting properties in superior condition as "comparables" when the property needed extensive renovation; and

misrepresenting pertinent data as to the "comparables".

6. In February 2000, Respondent prepared a Uniform Residential Appraisal Report for 229-231 Lehigh Avenue, Newark, New Jersey, which was misleading or fraudulent in:

indicating that the subject property had not been sold within the year prior to the report when it was sold in January 2000;

providing information on page one as to the property's condition and value that contradicted the information set forth in the valuation conditions section;

selecting as comparable properties residences in superior condition when the subject property was in need of extensive repairs; and

misrepresenting facts as to the comparable properties.

7. In May 1999 and again in March 2000, Respondent prepared a Uniform Residential Appraisal Report for 143 North 11th Street, Newark, New Jersey.

The May 1999 report was misleading or fraudulent in:

characterizing the property as "corporate owned" when the tax records indicated the property was owned by Marvin J. and Virginia Owens; and

not mentioning numerous defects, obviously the product of years of neglect, cited in the March 2000 report.

The March 2000 report was misleading or fraudulent in:

indicating that the property had not been sold within the prior year when it was sold in September 1999;

providing information on page one as to condition and value that contradicted the information in sections on valuation and conditions;

adjusting the sales price of a comparable upwards by \$6,000 to reflect a GLA of 2,275 sq. ft., when records showed the GLA to be at least 2,475 sq. ft.

8. Respondent's misleading or fraudulent behavior as set forth in detail above constitutes a violation of each of the following rules of the Uniform Standards of Appraisal Practice ("USPAP"), which standards the Board has incorporated in its regulations (N.J.A.C. 13:40A-6.1(a)):

The Ethics Rule whose Conduct Section provides, in part, that an appraiser must not communicate assignment results in a misleading or fraudulent manner or communicate a misleading or fraudulent report;

Standards Rule 1-1(a) which requires that an appraiser correctly employ methods and techniques necessary to produce a credible appraisal;

Standards Rule 1-1(b) which requires that an appraiser not commit a substantial error of omission or commission that significantly affects an appraisal;

Standards Rule 1-1(c) which requires that an appraiser not render appraisal services in a careless or negligent manner;

Standards Rule 5 which requires an appraiser to analyze all agreements of sale, options, or listings of the subject property which are current as of the effective date of the appraisal; and all sales that occurred within the then 1 year-period, now 3 year-period, prior to the appraisal; and

Standards Rule 2-1(a) which requires that each appraisal report clearly and accurately set forth the appraisal in a manner that will not be misleading.

9. Respondent's numerous failures to comply with the provisions of USPAP may, under Board regulation N.J.A.C. 13:40A-6.1(b), be construed to be, and are hereby construed to be, professional misconduct.

10. Respondent's numerous failures to comply with the provisions of USPAP also constitute:

the use of deception and misrepresentation

any certificate, registration or license under N.J.S.A. 45:1-21(b);

gross negligence, gross malpractice and gross incompetence which permit the Board to suspend or revoke any certificate, registration or license under N.J.S.A. 45:1-21(c);

repeated acts of negligence, malpractice and incompetence which permit the Board to suspend or revoke any certificate, registration or license under N.J.S.A. 45:1-21(d);

professional misconduct, as found above, which permits the Board to suspend or revoke any certificate, registration or license under N.J.S.A. 45:1-21(e); and

violations of the Board's regulations inasmuch as USPAP has been incorporated therein by N.J.A.C. 13:40A-6.1(a), thereby permitting the Board to suspend or revoke any certificate, registration or license under N.J.S.A. 45:1-21(h).

C. Respondent further consents to, and there are hereby imposed, the following sanctions:

1. Respondent's license to practice as a real estate appraiser in New Jersey shall be and hereby is suspended for a period of five years.

The first three years of the suspension shall be served as an active suspension, during which Respondent shall be barred from engaging in any practice, and shall fully comply with N.J.A.C. 13:40A-7.9.

During the remaining two years, Respondent shall be on probation, and during the entire time of the probation he shall remain under the supervision of licensed real estate appraiser, approved by the Board.

During this probationary period Respondent shall not serve as the supervisor for others and shall maintain a log of all work performed, subject to inspection of the Board.

No time shall count towards the three year period of active suspension if Respondent is practicing in any jurisdiction, in the United States or abroad.

The suspension shall be effective on the date of the entry of this order.

2. Respondent shall pay a penalty in the amount of \$20,000 and \$2,500 in reimbursement of the Board's costs.

3. The sum of the fine and reimbursement is to be paid as follows: \$7,500 within 30 days of Respondent's signing the order; \$7,500 within 60 days of such signing; and \$7,500 within 90 days of such signing.

4. If Respondent shall fail to timely make any payment due, such failure will, without more, in the sole discretion of the Board, either:

(i) render all unpaid amounts immediately due and payable; commence the running of interest on all unpaid amounts at the prime lending rate charged by commercial banks in New Jersey; and authorize the Board to seek judgment against Respondent for such amounts plus such interest until the date of payment, in a summary proceeding under the Penalty Enforcement Act, or any successor thereto;

or (ii) render this Consent Order partially vacated with respect to the sanctions enumerated above; and render this proceeding reinstated for the sole purpose of establishing appropriate sanctions, in accordance with the findings of this Consent Order, irrespective of the fact that Respondent neither admits nor denies such findings.

5. Before any return to practice Respondent shall demonstrate compliance with the probationary requirements and full payment of all sums assessed herein.

NEW JERSEY STATE BOARD OF REAL ESTATE APPRAISERS

BY:

Frank A. Willis

Frank A. Willis,
Board President

Date:

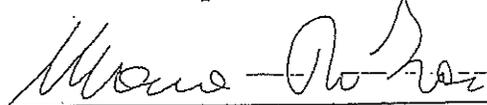
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CONSENT OF RESPONDENT

I hereby certify, subject to penalties for false swearing and such other sanctions as may be applicable in the event that any portion

of this, my consent, is willfully false, that: I have read and understand the terms of this Consent Order; I have conferred with counsel, whose related consent appears below, as to the meaning and effect of those terms; I voluntarily consent to entry of this Consent Order; and I agree to be bound by its terms.

Date: 9/24/04

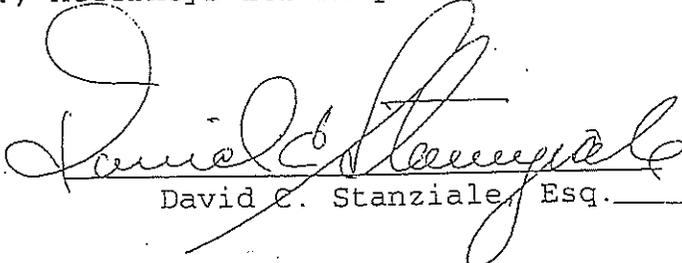

MARIO DI IORIO

CONSENT OF COUNSEL

The undersigned counsel for Respondent hereby consent to the form and entry of this Consent Order.

Stanziale & Stanziale, P.C., Attorneys for Respondent

Date: September 24, 2004


David C. Stanziale, Esq.