

FILED
BOARD OF
REAL ESTATE APPRAISERS
James Hsu
DR. JAMES S. HSU 10/31/03
Executive Director

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

CERTIFIED TRUE COPY

COPY

IN THE MATTER OF THE LICENSE OF :
: STAN R. STEFANOWICZ :
: License RA00350200 :
: TO ENGAGE IN REAL ESTATE :
: APPRAISING IN THE STATE :
: OF NEW JERSEY :

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 a licensee at all times relevant hereto.
2. In connection with allegations of misconduct related to continuing education and qualifying education courses in real estate appraising offered by an entity known as United Business School, Douglas Cantarella, employed as a Field Representative of the Enforcement Bureau of the Division of Consumer Affairs, participated in an undercover investigation of the United Business School in the year 2003. The Enforcement Bureau is the investigative arm of the Division of Consumer Affairs.

3. On September 24, 2003, in the course of his investigation, Douglas Cantarella met with John Vatasin, an investigator employed by the Division of Consumer Affairs, at a municipal parking lot on Robert Street in Wharton, New Jersey at approximately 9:30 A.M. This parking lot was directly across the street from 17 Robert Street, Wharton, New Jersey, an office building.

4. Douglas Cantarella had previously spoken with David Mullen of United Business School, and had arranged to take certain appraisal courses on September 24, 2003 at 10:00 A.M. at 17 Robert Street, Wharton.

5. Douglas Cantarella left Mr. Vatasin and parked his car at the parking lot for 17 Robert Street. Outside the building, he waited briefly and spoke with several other people who stated they were also going to take an appraisal course.

6. After the brief wait, Douglas Cantarella went to the second floor of the building, to a door on which was posted "United Business School" and "Algonquin Appraisal."

7. Douglas Cantarella went into a large room with several chairs and tables, where there was also a smaller room, similar to a supply room.

8. At 10:20 A.M., the people in the room were asked to move their cars from the parking lot downstairs to the municipal parking lot across the street. When Douglas Cantarella moved his

car, he copied down the license plate numbers of other persons who were attending the class as they moved their cars. He provided these numbers to investigator John Vatasin.

9. Douglas Cantarella then returned to the second floor office in 17 Robert Street, where an individual who identified himself as "David" called him into the smaller room to pay for the appraisal courses he had arranged to take. He paid \$400.00 in cash, and was given no receipt.

10. The individual, David Mullen, then called others into the smaller room to pay fees for courses.

11. David Mullen advised the persons in the room that the certificates he would be giving them for a course in the Uniform Standards of Professional Appraisal Practice (USPAP) would be dated December 27, 2002. He also indicated that there was a new course entitled "Appraising a Small Business."

12. There were approximately fourteen people present at the time in the office.

13. David Mullen finished accepting payment, and then handed the persons present registration forms to complete. He told the persons present to "network" with one another while he prepared the education certificates for them.

14. Then certificates were distributed. One of the certificates given to Douglas Cantarella indicated that he had completed a 15 hour USPAP course at United Business School and

passed the final examination on December 27, 2002 at 17 Robert Street, Wharton New Jersey. A second certificate indicated that he had completed a 15 hour course in Appraising a Small Business and passed a final examination on September 18, 2003 at that same address.

15. Douglas Cantarella left 17 Robert Street at approximately 10:45A.M. He did not indicate at any point in his detailed affidavit that any instruction was provided or that any examination had been administered.

16. All of the license plates taken down by Douglas Cantarella were subsequently traced back to licensed or certified real estate appraisers.

17. Included among the real estate appraisers whose license plates were taken down by Douglas Cantarella were the plates of a 2002 Ford, plate #HWX95L, belonging to licensee Stanley R. Stefanowicz.

18. In 2004, a continuing education audit was conducted by the Board, and respondent Stefanowicz was asked to submit proofs of having satisfied his continuing education obligation as a licensed real estate appraiser for the 2002-2003 licensing cycle.

19. Respondent submitted two certificates, each bearing the name of United Business School. One certificate was for a 15 hour course in Relocation Appraisal Report Writing which indicated that respondent passed the final examination for the course on

September 24, 2003 at 17 Robert Street, Wharton, New Jersey. The second certificate indicated that respondent had completed a 15 hour USPAP course and passed a final examination on December 27, 2002 at 17 Robert Street, Wharton, New Jersey.

CONCLUSIONS OF LAW

1. Respondent submitted certifications to the Board in response to the continuing education audit of 2004 indicating that he had taken continuing education courses and passed an examination, although he did not receive any instruction and took no examination on the dates indicated in the certificates. This constituted misrepresentation and deception within the intendment of N.J.S.A. 45:1-21(b). In addition, inasmuch as these were the only certificates and proofs submitted in response to the continuing education audit, respondent did not comply with his continuing education obligation as a real estate appraiser, in violation of N.J.A.C. 13:40A-5.3. This subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(h).

DISCUSSION

Although respondent, at an investigative inquiry held on November 22, 2006, did not admit that he did not receive actual instruction from United Business School related to the certificates he had produced, he demonstrated a lack of specific memory of the circumstances under which he purportedly took the courses and received the certificates. Moreover, at a time when

investigators were able to place him at the United Business School premises at 17 Robert Street, because of his vehicle's presence there, respondent did not describe the events documented by Douglas Cantarella as having taken place. In addition, one of the certificates provided by respondent indicates that respondent completed his course and took an examination on the very day that Douglas Cantarella was present, although Douglas Cantarella described a room where no instruction was occurring and where certificates were simply being issued following payment. Finally, there is strong and reliable hearsay evidence supporting Douglas Cantarella's description of events, in that a number of appraisers whose license plates indicated their presence on September 24, 2003 admitted to having received certificates without having received instruction or an examination. Consent Orders were entered imposing disciplinary action with regard to all of the licensees, with the exception of respondent, including David Mullen (who surrendered his license), whose presence had been documented at 17 Robert Street on September 24, 2003. These Consent Orders are a matter of public record, and the admissions corroborate the essential elements of the Enforcement Bureau's report. Severe penalties were imposed on the other licensees involved in the purported United Business School course offerings on the date indicated herein.

Based on the foregoing findings and conclusions, a

Provisional Order of Discipline was entered on August 8, 2006, e
29, 2006, revoking respondent's license, and imposing a civil
penalty in the amount of \$5,000 upon respondent for his violation
of N.J.S.A. 45:1-21(e), as well as costs in the amount of
\$198.25. A copy of the Order was served upon respondent at his
address of record. The Provisional Order was subject to
finalization by the Board at 5:00 p.m. on the 30th 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.

Respondent's only reply to the Provisional Order was to
forward to the Board two separate payments in the amount of
\$5,000 and \$198.25, the amounts assessed in the Provisional
Order. Inasmuch as respondent has already forwarded his license
to the Board, the Board deemed this Provisional Order to be
uncontested, and determined that the Provisional Order should be
made final.

Accordingly,

IT IS on this 31st day of October , 2006

ORDERED that:

1. Respondent's license is hereby revoked. In light of the fact that respondent has already forwarded his license to the Board, he need take no affirmative steps to surrender his license.

2. A civil penalty in the amount of \$5,000 is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(e). Respondent has already furnished payment of this penalty, and need take no affirmative steps in this regard.

3. Respondent is hereby ordered to pay costs to the State in the amount of \$198.25. Respondent has already furnished payment of this amount, and need take no affirmative steps in this regard.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS



John A. McCann
Board President