

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Susan Carboni
Deputy Attorney General
(973) 648-2894

FILED
BOARD OF
REAL ESTATE APPRAISERS
James Hsu
DR. JAMES S. HSU 4/11/08
Executive Director

COPY

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

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

ANDREW KESLER :
License #RA00367800 :

TO ENGAGE IN REAL ESTATE :
APPRAISING IN THE STATE :
OF NEW JERSEY :

CONSENT ORDER

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") in connection with the Board's Receipt of information regarding the appraisal of 73 Kenmore Avenue, Newark, New Jersey, which was performed by respondent. The appraisal report's date of valuation was April 6, 2006. Having reviewed this appraisal report, the Board finds that

respondent has acted in violation of Standards Rule 1-1(a)¹ and (b)² of the Uniform Standards of Professional Appraisal Practice ("the USPAP"), and consequently finds a violation of N.J.S.A. 45:1-21((e), as specified below:

a) Respondent significantly underestimated the gross living area of the comparable sales, in that respondent's report indicated that comparable #1, 19 Noll Place, had 1400 +/- square feet gross living area, when assessor records indicated that it had 2,262 square feet; and respondent's report indicated that comparable #2, 50 Reynolds Place, had approximately 1500 square feet, when assessor records indicated it had 2048 square feet.

b) Respondent indicated that he placed almost exclusive emphasis upon comparable #3, 44 Longfellow Avenue, in reaching his value conclusion, but respondent did not indicate this in his appraisal report.

c) Respondent testified that he placed primary emphasis upon comparable #3 because it was in the same section of Newark as the

¹ Requires that appraisers correctly employed those recognized methods and techniques necessary to produce a credible appraisal.

² Requires that appraisers not commit a substantial error of omission or commission that significantly affects and appraisal.

subject, which was purportedly a section with higher property values than the section in which comparable sales #1 and #2 were located. However, respondent made no adjustment to the comparable sales in his grid to reflect this difference in property values due to the location.

In order to resolve this matter without further proceedings, and without admissions, and the Board finding that the within Order is sufficiently protective of the public, and for other good cause shown,

IT IS ON THIS 11th DAY OF June, 2008,

HEREBY ORDERED AND AGREED THAT:

1. A public reprimand is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(e).
2. A civil penalty in the amount of 610.00 is hereby imposed, as well as investigative costs in the amount of \$280.00. Respondent shall provide payment of \$250.00, in the form of a certified check, money order or attorney trust account check made payable to the State of New Jersey, by July 1, 2008. Respondent shall then, beginning on August 1, 2008, provide payment of \$106.67, with subsequent payments in an equal amount due on the

first day of each month, until the entire \$890.00 has been paid. If any individual payment is not received within 15 days of the first day of the month in which it is due, the entire unpaid balance due and payable under this Order shall immediately become accelerated and be deemed due and payable without the need for notice and presentment, with interest calculated in accordance with R. 4:42-11 from the date of default.

3. Within six months following the entry of this order, respondent shall furnish the Board with proof of successful completion of a course in basic residential appraisal practice.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

By: Stephen P. Giocondo
Stephen P. Giocondo
Board President

Andrew Kesler
Andrew Kesler

Date: June 2, 2009

Consent as to form:
Howard Nirenberg, Esq.
Howard Nirenberg, Esq.

June 9, 2009
Date