

CERTIFIED TRUE COPY

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

IN THE MATTER OF THE  
LICENSE OF

MICHAEL R. WEINER  
License #RA 00346200

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

Administrative Action

FINAL ORDER  
OF DISCIPLINE

**FILED**  
**BOARD OF**  
**REAL ESTATE APPRAISERS**  
*James S. Hsu 6-18-09*  
**DR. JAMES S. HSU**  
**Executive Director**

This matter was opened to the New Jersey State Real Estate Appraiser Board ("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 of the Board at all times relevant hereto.
2. On or about April 11, 2008, the Board wrote to respondent to inquire about the appraisal of a commercial property that had been the subject of a complaint. The letter was sent to respondent at his address of record, which was a Post Office Box, by certified and regular mail. The certified mailing was signed for. The regular

mailing was not returned. No response was received.

3. On or about January 26, 2009, a follow-up inquiry was sent to respondent at his address of record by certified and regular mail. The certified mailing was returned, unclaimed. The regular mailing was not returned. No response has been received to date.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, subjecting respondent to sanctions pursuant to N.J.A.C. 13:45C-1.2, -1.3 and N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 24, 2009, provisionally suspending respondent's real estate appraising license, and provisionally imposing a civil penalty in the amount of \$2,500.00. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record, a post office box. 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 record reflects that the certified mailing was returned, unclaimed, the regular mailing was not returned,. No response has been received to date.

Accordingly, the Board deemed service to have been effected, inasmuch as the

mailings were sent to respondent's address of record. The Board considered this matter, and determined that inasmuch as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of June, 2009,

ORDERED that:

1. Respondent's real estate appraising license is hereby suspended until he furnishes a complete response to the Board's inquiry.

2. A civil penalty in the amount of \$2,500.00 is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(e). Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, New Jersey 07101, within twenty-one (21) days following the filing of this Order.

NEW JERSEY STATE  
REAL ESTATE APPRAISER BOARD

*Cheryle A. Randolph-Sharpe*

Cheryle Randolph-Sharpe  
Board President