

COPY

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for New Jersey State Real
Estate Appraisers Board

FILED
BOARD OF
REAL ESTATE APPRAISERS
CHARLES F. KIRK
Acting Executive Director

4-19-12

By: Barbara Lopez
Deputy Attorney General
(973) 648-7454

CERTIFIED TRUE COPY

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

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

JAMES G. GOUSE, JR.
License No. 42RC00233400

TO ENGAGE IN THE PRACTICE OF
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 ("Board") upon receipt of information concerning an appraisal report that James G. Gouse, Jr. ("Respondent") prepared for property located at 330 Sunflower Drive, Egg Harbor Township, New Jersey, on or around October 8, 2010. Respondent holds a license as a State Certified Residential Real Estate Appraiser in New Jersey.

In reviewing this matter, the Board has considered available information concerning the subject property appraisal including the consumer complaint, Respondent's complete work file, Respondent's affidavit in response to a Demand for Written Statement Under Oath, and Respondent's testimony when he appeared before the Board, accompanied by his attorney Matthew J. Heagan, Esq., on January 24, 2012.

The Board finds that in preparing said report, respondent violated numerous provisions of the Uniform Standards of Professional Appraisal Practice (USPAP) (2010-2011 Edition).

Respondent violated the Scope of Work Rule by allowing a condition to limit his inspection and failing to withdraw from the assignment when such a condition limited the scope of work to such a degree that the assignment results are not credible. Respondent maintained that a viral infection prevented him from conducting the inspection. Respondent contacted the homeowner, and instead of rescheduling due to illness or withdrawing from the assignment, Respondent sent his twenty year old son (not a licensed appraiser) to conduct the inspection by taking measurements and pictures. Respondent did not notify his client.

Respondent violated Standards Rule 1-1(a) and 2-1(b) by failing to understand the techniques necessary to produce a credible appraisal report and by failing to include sufficient

information concerning a property located in a development that was not yet finished. Only 100 units of a 397 unit development had been completed at the time of the report. Respondent included in his report that the clubhouse was not complete, but failed to include sufficient information explaining that the clubhouse had a temporary certificate of occupancy, as opposed to a final certificate of occupancy, due to failure to pay Coalition of Affordable Housing fees, which fees may not be paid until final completion of the entire development.

Respondent provided a false certification in violation of Standards Rule 2-3 and N.J.S.A. 45:1-21(b) by certifying that he made a personal inspection of the property and by failing to disclose significant assistance by another person. Respondent admits that he did not make a personal inspection of the property and that he failed to disclose that he received assistance from his son, Ryan Gouse.

Lastly, Respondent violated the Competency Rule of USPAP with respect to the type of property (a unit in an adult community in the midst of development) and with respect to the location. Respondent had only completed one other appraisal in this development and had only completed approximately ten appraisals in his career in Atlantic County, where the subject property is located.

The Board concludes that, by failing to ensure that the subject property appraisal conformed to the requirements of the USPAP, Respondent violated N.J.A.C. 13:40A-6.1 and engaged in professional misconduct. The Board thus finds that cause for formal action against Respondent exists pursuant to N.J.S.A. 45:1-21(e) and (h). Additionally, the Board finds that by submitting a false certification, Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

The parties desiring to resolve this matter without need for further proceedings, and the Board being satisfied that good cause exists for the entry of the within Order,

IT IS on this 19th day of April, 2012

ORDERED and AGREED:

1. Respondent's license to practice real estate appraising is hereby suspended for a period of one year, entirely stayed and served as a period of probation.

2. During the period of probation, respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of real estate appraising in the State or jurisdiction in which he practices real estate appraising.

3. Respondent is hereby assessed costs in the amount

of one hundred and ninety-eight dollars (\$198) and a civil penalty in the amount of two thousand five hundred dollars (\$2,500). Payment shall be made in ten equal installments of two hundred sixty-nine dollars and eighty cents (\$269.80) commencing on the first day of the month following the date of filing of this Order and continuing on the first of every month consecutively until fully paid. Payments shall be made by checks made payable to "State of New Jersey," and delivered or mailed to Charles F. Kirk, Acting Executive Director, New Jersey State Board of Real Estate Appraisers, P.O. Box 45032, Newark, New Jersey 07101. Failure to make a timely payment shall be considered a violation of probation, and the Board may bring such other proceedings as authorized by law, including the filing of a certificate of debt in accordance with N.J.S.A. 45:1-24.

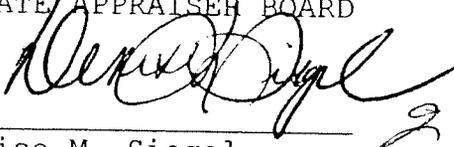
4. Respondent shall, within six months of the date of entry of this Order, provide proof to the Board that he has fully attended and successfully completed a fifteen (15) hour course in the Uniform Standards of Professional Appraisal Practice (USPAP). "Successfully complete" means that respondent shall pass any examinations given at the end of the course and/or obtain passing grades at the completion of the course. Respondent may not claim any continuing education credit for the completion of the course herein required. This course shall be

in addition to all continuing education required for license renewal.

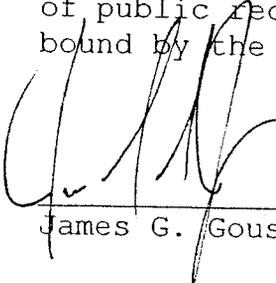
5. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that respondent has violated any term of this Order, respondent's license may be automatically suspended by the Board for the remaining period of probation. Respondent, upon reasonable notice, may request a hearing to contest the entry of such an Order. At any such hearing, the sole issue shall be whether any of the information received was materially false. In addition, the Board reserves the right to bring further disciplinary action upon receipt of any such new information.

NEW JERSEY STATE REAL
ESTATE APPRAISER BOARD

By: _____


Denise M. Siegel
Board President

I acknowledge that I have read and understand this Order, agree to the entry of the Order as a matter of public record, and agree to be bound by the terms above.


James G. Gouse, Jr.

4/13/12
Date

Consent as to form and entry of this Order.

Matthew J. Heagen 4-13-12
Matthew J. Heagen, Esq. Date
Attorney for James G. Gouse, Jr.