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

COPY

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
RICHARD DUESS, JR. :
License #42RA00099900 :
:
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 an appraisal report performed by Richard Duess, Jr. ("respondent") of a residence in Emerson, New Jersey. Respondent also performed an appraisal of a multi-unit property in Jersey City, New Jersey. He appeared and gave testimony before the Board on three occasions: April 27, 2010, May 10, 2010 without counsel and March 22, 2011 represented by

his then-counsel Davidson, Sochor, Ragsdale & Cohen, Richard Ragsdale, Esq. appearing. Respondent was subsequently represented by Robert Lytle, Esq. of Szaferman Lakind, P.C.

The Board has determined that respondent acted in violation of the Uniform Standards of Professional Appraisal Practice, subjecting him to sanctions pursuant to N.J.A.C. 13:40A-6.1 and N.J.S.A. 45:1-21(e) in the performance of the above-referenced appraisal assignments. Specifically:

- a) With respect to the 2006 appraisal of the Emerson property located at 15 Douglas Street, he failed to ascertain the square footage and failed to utilize appropriate comparable sales in determining the value of the property in his appraisal report.
- b) With respect to the 2009 Jersey City property located at 41-43 Wallis Court,
 - a. he failed to obtain and retain a final appraisal report as submitted to the lender, and
 - b. he exceeded the scope of his license by appraising a multi-unit complex property and/or individual properties which exceeded the value permitted by the scope of his licensè in violation of N.J.A.C.13:40A-1.3(a).

The above discrepancies and irregularities include violations of Standards Rule 1-1(a), (b) and (c); Standards Rule

1-4(a); Standards Rule 2-1(a); Standards Rule 2-2(a) (viii) of the USPAP, as well as a failure to adhere to the Competency Rule of the USPAP.

In addition, the Board further determined that respondent submitted to the Board an appraisal lacking the signature of a reviewing appraiser but caused the same appraisal with the addition of a reviewing appraiser's signature to be submitted to the lender in violation of the Ethics Rule, Record Keeping Section, of the USPAP.

The Board concludes that, by failing to ensure that the subject property appraisals conformed to the requirements of the USPAP, respondent violated N.J.A.C. 13:40A-6.1 and has engaged in professional misconduct, and has violated or failed to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(e) and (h).

The parties having determined to resolve this matter without further proceedings, and without admissions, respondent having waived any right to a hearing 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, 2012,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to perform real estate appraisals is hereby suspended for two years for violation of N.J.S.A. 45:1-

21(e).

2. The suspension shall be stayed in its entirety and shall be served as probation, the terms of which are as follows:

a. Respondent shall satisfactorily complete the requirements set forth in the 2008 Real Estate Appraisal Qualification Criteria (150 hours) and provide proof of same to the Board;

b. Respondent may continue appraisal work permitted by his license under the supervision of a supervising appraiser who is pre-approved by the Board, any expense for which respondent alone shall pay. The supervising appraiser shall submit quarterly reports to the Board confirming respondent's proper performance of his appraising duties, his participation in education as required in (a) above, and providing two appraisal reports by the respondent with each quarterly report. The supervising appraiser shall immediately report to the Board knowledge that respondent has violated the terms of this Order.

c. Respondent may apply to the Board after a period of one year for relief from the supervision requirement of this Order.

d. Respondent's pending application for an expanded license shall be deemed withdrawn. After completion of the terms and conditions of his probation, he may submit a new

application for an expanded license.

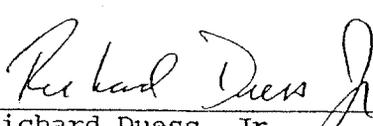
3. Respondent shall pay a civil fine in the amount of \$10,000. Payment of the fine shall be made no later two years from the date of entry of this order and in the following installments: \$2,500 within ten days of the date of entry of this order; \$2,500 one year after the entry of the order; and the balance of \$5,000 at or before two years from the entry of the order. Payments shall be made in the form of a certified check or money order made payable to the State of New Jersey, and shall be forwarded to Charles Kirk, Executive Director, 124 Halsey Street, P.O. Box 45032, Newark, New Jersey 07101.

4. Failure to remit any payment as required by this Order will result in the filing of a Certificate of Debt.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

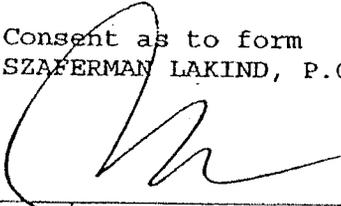
By: 
Denise M. Siegel
Board President

I have read and understood
the terms of this consent
order and hereby agree to
its entry:


Richard Dues, Jr.

Date: 05/31/2012

Consent as to form
SZAFERMAN LAKIND, P.C.



By: Robert Lytle, Esq.

Date: 6-1-12