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

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

Administrative Action

DONALD A. GORDON,
RA03372

FINAL ORDER
OF DISCIPLINE

TO PRACTICE AS A REAL ESTATE :
APPRAISER IN THE STATE :
OF NEW JERSEY :

FILED
BOARD OF
REAL ESTATE APPRAISERS
James S. Hsu
DR. JAMES S. HSU
Executive Director 12/18/06

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 real estate appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about January 20, 2006, respondent performed an appraisal of a two-bedroom residence located at 245 Cedar Grove Road, Little Falls, New Jersey ("the subject property"). The value conclusion of respondent's report was \$425,000.
3. Standards Rule 1-5 (b) of the Uniform Standards of Professional Appraisal Practice requires that an appraiser analyze all sales of the subject property

that occurred within the three years prior to the effective date of the appraisal.

4. The subject property had previously sold in 2005 for \$330,000.00.

5. Respondent failed to indicate the prior sale of the subject property in his appraisal report, or to analyze the prior sale.

6. Tax records in respondent's workfile indicated that the name of the owner of the subject property was Warren Hendrickson.

7. Respondent's appraisal report indicated that the owner of the subject property was "G. & O. Orjuela."

8. Garden State Multiple Listing Service records, which respondent acknowledges that he utilizes professionally as a research tool, indicate that the subject property was listed for sale on March 16, 2005 for \$369,000 and was under contract on May 16, 2005 for \$330,000.00.

9. The information in respondent's possession at the time of his appraisal indicated that a prior sale of the subject property within three years had probably occurred, and should have triggered investigation on the part of respondent.

CONCLUSIONS OF LAW

1. Respondent's failure to indicate and analyze the prior sale of the subject property in 2005 for \$330, 000.00, which sale occurred approximately six months prior to his appraisal of the subject for \$425,000.00, constitutes a violation of Standards Rule 1-5(b) of the USPAP, as well as Standards Rule 1-1(a) (requirement to employ recognized methods and techniques necessary to produce a credible appraisal) and Standards Rule 1-1(b) (requirement not to commit substantial error of omission or commission that significantly affects an appraisal). This subjects respondent to

sanctions pursuant to N.J.S.A. 45:1-21(e). See N.J.A.C. 13:40A-6.1 (failure to comply with the USPAP construed as professional misconduct).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on November 14, 2006, provisionally imposing a one year's suspension upon respondent, to be stayed and served as a period of probation; as well as a public reprimand, and a civil penalty in the amount of \$3,500 for respondent's violation of N.J.S.A. 45:1-21(e). A copy of the Order was forward to respondent by certified and regular mail. 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.

A response was received from respondent's counsel of record, indicating that he would not contest the terms set forth in the Provisional Order. The Board thus determined that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 18th day of December, 2006,
ORDERED that:

1. A one year suspension is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(e); such suspension is to be stayed, and served as a period of probation.

2. A public reprimand is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21 (e).

3. A civil penalty in the amount of \$3,500.00 is hereby imposed upon respondent. Payment shall be in the form of a certified check, money order or attorney trust account check made payable to the State of New Jersey, and forwarded within twenty one (21) days of the issuance of this Order 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.

4. Failure to timely forward the above penalty may result in the filing of a certificate of debt. In addition, the amount due shall be subject to interest calculated in accordance with R. 4:42-11 from the date of default.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

A handwritten signature in black ink, appearing to read "John A. McCann", is written over a horizontal line.

John A. McCann
President