

CERTIFIED TRUE COPY

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

COPY

IN THE MATTER OF THE  
LICENSE OF

ANDREW J. LEVINE  
RC00120100

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*  
DR. JAMES S. HSU  
Executive Director  
4-10-07

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 certified residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. In April or May of 2005, respondent contracted with Charles Shennett, a consumer, to appraise property at 254 Summer Street, Passaic, for \$925.

3. Charles Shennett filed suit against respondent in Superior Court, Law Division, Essex County, Special Civil Part on June 28, 2005.

4. The Complaint alleged consumer fraud in connection with the performance of the appraisal of 254 Summer Street, Passaic.

5. Mr. Shennett obtained a judgment entered on August 16, 2005 in the amount of \$2,891.50, representing treble damages, costs and attorneys fees awarded pursuant to the Consumer Fraud Act.

6. The judgment entered was a default judgment. Respondent sought to file a motion to vacate the judgment on or about August 29, 2005, but it was returned to him for failure to pay a filing fee. Respondent thus never actually filed a motion to vacate the default judgment, nor did respondent file an appeal of the judgement.

7. The facts outlined supra signify that a court of competent jurisdiction in the State of New Jersey has found that respondent engaged in consumer fraud in connection with the performance of the appraisal of 254 Summer Street, Passaic.

CONCLUSIONS OF LAW

1. Respondent's engaging in consumer fraud in connection with the performance of an appraisal report subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 31, 2006, provisionally imposing a public reprimand on respondent for his violation of N.J.S.A. 45:1-21(b), ordering restitution to Charles Shennett in the amount of \$925, as well as costs to the Board in the amount of \$202.50. Respondent was also provisionally suspended until he provided proof of payment of the \$925 to Charles Shennett, and paid the \$202.50 in costs to the Board. A copy of the Order was forwarded

to respondent by certified and regular mail at his address of record. 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 respondent has not specifically forwarded proof to the Board of having paid restitution to Charles Shennett, the Board has received proofs of payment from other sources, as well as payment of the \$202.50 in costs. Accordingly, the Board determined that further proceedings were not necessary, that suspension was not appropriate in this instance, and that the Provisional Order should be made final.

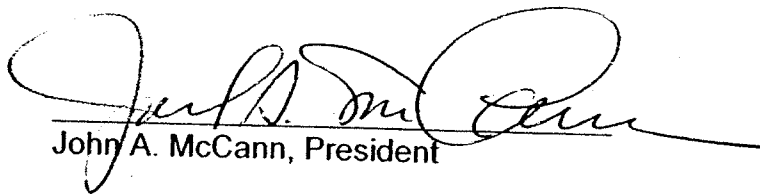
ACCORDINGLY, IT IS on this 10<sup>th</sup> day of April 2007

ORDERED that:

1. A public reprimand is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-2(b).
2. Respondent is hereby ordered to pay restitution to Charles Shennett in the amount of \$925. Inasmuch as restitution has been provided, this provision of the Order is deemed satisfied.
3. Respondent is hereby ordered to pay costs of the Board in the amount of \$202.50. Inasmuch as payment has been received, this provision of the Order is deemed satisfied.

4. Nothing in this Order shall be read to supersede or detract from the judgment entered against respondent by the Superior Court, Law Division, Essex County, Special Civil Part on August 16, 2005. This Order reflects the limits on restitution imposed by N.J.S.A 45:1-22.

NEW JERSEY STATE BOARD OF  
REAL ESTATE APPRAISERS



John A. McCann, President