BEFORE THE REAL ESTATE
APPRAISER LICENSURE AND
CERTIFICATION BOARD
CAUSE NO: **REAB 09-53**

IN THE MATTER OF THE

LICENSE OF JOHN EDWARD ZUKOSKI

LICENSE NO.: CR60800946 (Active)
TR40200029 (Expired/
Superceded)

FILED
AUG 18 2009
Indiana Professional
Licensing Agency

COMPLAINT

This complaint is brought against the Licensed Residential Appraiser license of John Edward Zukoski ("Respondent") by the State of Indiana, by counsel, Deputy Attorney General Myron A. Rahn III on behalf of the Office of the Attorney General ("Petitioner") and pursuant to Indiana Code 25-1-7-7, Indiana Code 25-1-6-3, Indiana Code 25-34.1-2-5 *et seq.*, the Administrative Orders and Procedures Act, Indiana Code 4-21.5-3 *et seq.*, and Indiana Code 25-1-11-1 *et seq.* In support, Petitioner alleges and states the following:

FACTS

1. Respondent's address on file with the Real Estate Appraiser Licensure and Certification Board ("Board") is 2014 Riverside Drive, Lake Station, Indiana 46405. Respondent is a Certified Residential Appraiser holding license number CR60800946 (Active). Respondent previously held Trainee Appraiser license number TR40200029 (Expired/Superceded).

2. At all times relevant herein, Respondent was supervised by certified residential appraiser Timothy Zukoski ("Zukoski"), holding license number CR49800013 (Active).

3. On or about August 22, 2005, Respondent and Zukoski, prepared an appraisal report on the real property located at 1716 Canton Street, Elkhart, Indiana 46514 ("Subject Property") with an effective date of August 22, 2005, and an estimated value of $128,000.

4. On or about May 13, 2008, Certified Residential Appraiser Robert Dorsam ("Dorsam") performed a review appraisal on Subject Property with an effective date of August 23, 2005, and an estimated value of $75,000.

5. Respondent's appraisal contained several misrepresentations, errors, and omissions which include, but are not limited to, the following:

a. Respondent's estimated value of $128,000 is $53,000 or 59% greater than Dorsam's value of $75,000.

b. Respondent used comparables that were not the most similar to Subject Property.

c. All comparables used by Respondent either had a partial or a full basement although the Subject Property is located on a slab.

d. Respondent listed Comparable 1 as a ranch when in fact it is a two story home.

e. Respondent failed to use several similar properties within the Subject Property's neighborhood as comparable sales.

f. The comparables used by Respondent had sale prices considerably higher than the predominate price of the Subject Property's neighborhood.

g. While Subject Property had an actual age of forty-six (46) years, Respondent reported an effective age of fifteen (15) years without an explanation.

accurately set forth the appraisal in a manner that would not be misleading by making errors, including, but not limited to, using comparable sales that were not the most similar, and by reporting that Subject Property had an actual age of forty-five (45) years but an effective age of fifteen (15) years without an explanation. These errors led, in part, to a difference in value between the Subject Property Appraisal ($128,000) and the review appraisal ($75,000) of $53,000, or approximately 59%.

WHEREFORE, Petitioner requests an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and
3. Provides any other relief the Board deems just and proper under Ind. Code § 25-1- 11-12.

Respectfully submitted,

GREGORY F. ZOELLER
Attorney General of Indiana
Atty. No.: 1958-98

By: 
Myron A. Rahn III
Atty. No.: 27295-49
Deputy Attorney General
Indiana Government Center South
302 W. Washington Street, 5th floor
Indianapolis, Indiana 46204
(317) 232-6296

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2009, a true and correct copy of this Complaint was served upon the below listed party via First Class U.S. Mail, postage prepaid.

John Edward Zukoski
2014 Riverside Drive
Lake Station, Indiana 46405

Myron A. Rahn III