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TR40200029 (Expired/Superceded))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
JUN 4 2010
Indiana Professional Licensing Agency

FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

John Edward Zukoski ("Respondent") is licensed by the Indiana Real Estate Appraiser Licensure and Certification Board ("Board") as a certified residential appraiser, holding license number CR60800946. Petitioner filed a Complaint against Respondent, on August 18, 2009, charging Respondent with violations of Ind. Code § 25-1-11-5. The parties have entered into an agreement settling all issues alleged in the Complaint. The Board reviewed the matter and the Proposed Findings of Fact, Conclusion of Law and Order ("Proposed Settlement") at its duly noticed public meeting on May 13, 2010, in Indianapolis, Indiana. The Board accepted and approved the Proposed Settlement, which is attached hereto as Exhibit A and incorporated by reference into this Final Order.

WHEREFORE, the Board hereby accepts and approves the Proposed Settlement, settling all matters in this case consistent with the terms of the agreement between the parties, and Respondent is hereby ORDERED to abide by the terms of the Proposed Settlement.

ORDER

1. Respondent shall be issued a **Letter of Reprimand** by the Board.
2. Respondent must, within six (6) months from the date of the Final Order

accepting settlement, complete the thirty (30) hour Sales Comparison Approach course. Respondent must pass the exam for this course and submit to the Board proof of course completion and successful completion of the exam upon said completion.

3. Respondent may not double-count the thirty (30) hours of education required by this agreement toward his education requirements for the relevant reporting period.

4. Respondent shall, within six (6) months from the date of the Final Order Accepting Settlement, pay costs and fees in the amount of **Two Hundred Fifty Dollars ($250.00)**. The costs and fees must be made by personal check or cashiers check and made payable to the **State of Indiana**. The check can be sent to the following address:

Heather C. Kennedy
Office of the Attorney General
302 West Washington Street, 5th Floor
Indianapolis, Indiana 46204

5. Respondent shall abide by all rules, regulations, and statutes concerning the practice of real estate appraising.

6. The failure of the Respondent to comply with the requirements of this Order may subject him to a show cause hearing and the possible imposition of further sanctions.

So ORDERED this 04 day of June 2010.

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

By: _____
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Distribution:

John Edward Zukoski
2014 Riversdale Drive
Lake Station, IN 46405
CERTIFIED MAIL 91-7190-0005-2720-0001-4501
RETURN RECEIPT REQUESTED

Nicholas C. Pappas
Frost Brown Todd LLC
201 North Illinois Street
Suite 1900
PO Box 44961
Indianapolis, IN 46244

Michelle R. Maslowski
Frost Brown Todd LLC
201 North Illinois Street
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Indianapolis, IN 46204

We work to keep you working
IPLA
Professional Licensing Agency

Real Estate Appraiser Licensure and Certification Board
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3009
Fax: (317) 233-4236
Website: www.PLA.IN.gov

Governor Mitchell E. Daniels, Jr.

John Edward Zukoski
2014 Riversdale Drive
Lake Station, IN 46405

LETTER OF REPRIMAND

Re: State of Indiana v. John Edward Zukoski
License No. CR60800946 (Active)
TR40200029 (Expired/Superceded)
Cause No. REAB 09-53

Dear Timothy Zukoski:

This letter of reprimand is the result of an agreed to settlement between the Office of the Attorney General and you, resulting from charges filed by the Office of the Attorney General on August 18, 2009.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possession of a license to practice real estate appraising in this state.

It is your responsibility to conduct your practice of real estate appraising in accordance with the standards of the profession. This letter will become a permanent part of your file.

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

By: _____
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

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
APR 2 6 2010
Indiana Professional
Licensing Agency

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The following Proposed Findings of Fact, Conclusions of Law and Order ("Proposed Order") in the above case are now submitted to the Real Estate Appraiser Licensure and Certification Board ("Board"):

FINDINGS OF FACT

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

EXHIBIT
A

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 errors and omissions which include, but are not limited to, the following:

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

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

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

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

CONCLUSIONS OF LAW

6. Respondent's conduct violated Ind. Code 25-1-11-5(a)(4)(B) and 2005 USPAP Standard Rule 1-1(c), as adopted by 876 IAC 3-6-2, by making errors including, but not limited to, reporting that Comparable 1 was a ranch style home when in fact it was a two story home.

7. Respondent's conduct violated Ind. Code 25-1-11-5(a)(4)(B) and 2005 USPAP Standard Rule 2-1, as adopted by 876 IAC 3-6-2, when Respondent reported that Subject Property had an actual age of forty-five (45) years but an effective age of fifteen

(15) years without an explanation.

MITIGATING CIRCUMSTANCES

8. The Respondent's violations of the real estate appraiser statutes and rules of Indiana are violations that normally would warrant sanctions. However, during the settlement conference, the Respondent presented several mitigating factors that he would like the Board to consider in approving a less severe sanction. The Respondent would like the Board to take into account the following mitigating factors:

a. Respondent was at all times cooperative with the Office of the Attorney General;

b. Respondent has had no other complaints filed against him;

c. Respondent was a member of the local MLS for the property at issue;

d. Respondent took responsibility for his actions;

e. Respondent had no intent to defraud any third parties through his appraisal of the subject property; and

f. Respondent did not intentionally inflate the value of the subject property in his appraisals.

JOINT STIPULATIONS

9. It is expressly understood that this Proposed Settlement is subject to the Board's acceptance and has no force and effect until a Final Order based upon the Proposed Settlement is issued by the Board.

10. This Proposed Settlement is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should

this Proposed Settlement not be accepted by the Board, it is agreed that presentation to and consideration of this Proposed Settlement shall not unfairly or illegally prejudice the Board or any of its members or the Respondent from further participation in or resolution of these proceedings.

11. If this Proposed Settlement is accepted by the Board, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Proposed Settlement or the Board's final order in response. However, should this Proposed Settlement not be accepted by the Board, Respondent expressly retains all his procedural rights and his right to judicial review of the Board's final decision in this matter.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

12. Respondent shall be issued a letter of reprimand by the Board.

13. Respondent must, within six (6) months from the date of the Final Order accepting settlement, complete the thirty (30) hour Sales Comparison Approach course. Respondent must pass the exam for this course and submit to the Board proof of course completion and successful completion of the exam upon said completion.

14. Respondent may not double-count the thirty (30) hours of education required by this agreement toward his education requirements for the relevant reporting period.

15. Respondent shall, within six (6) months from the date of the Final Order Accepting Settlement, pay costs and fees in the amount of Two Hundred Fifty Dollars

($250.00). The costs and fees must be made by personal check or cashiers check and made payable to the **State of Indiana**. The check can be sent to the following address:

Heather C. Kennedy
Office of the Attorney General
302 West Washington Street
5th Floor
Indianapolis, Indiana 46204

16. Respondent shall abide by all rules, regulations, and statutes concerning the practice of real estate appraising.

17. The failure of the Respondent to comply with the requirements of this Proposed Order may subject him to a show cause hearing and the possible imposition of further sanctions.

I HAVE PARTICIPATED IN A SETTLEMENT WITH THE PARTIES AND RECOMMEND THIS PROPOSED SETTLEMENT TO THE BOARD.

John Zukoski, CR608000946 — Date: 4/19/2010

Joe Traynor, Board Liaison to the Office of the Attorney General — Date: 4-21-2010

ACKNOWLEDGMENT

The Office of the Attorney General acknowledges this Proposed Order as the final disposition of this matter by the Board upon approval by the Board.

Heather C. Kennedy
Deputy Attorney General — Date: 4/22/10

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