

**STATE OF MINNESOTA
COMMISSIONER OF COMMERCE**

In the Matter of the Certified Residential
Real Property Appraiser License of
Name, License No. #4003092

CONSENT ORDER

TO: James Zweifel
3943 98th Lane NE
Circle Pines, MN 55014

Commissioner of Commerce Mike Rothman (Commissioner) has advised James Zweifel (Respondent) that he is prepared to commence formal action pursuant to Minn. Stat. §45.027 (2010) and other applicable statutes, against Respondent's real property appraisal license, which has been in effect since October 6, 1992, based on the following allegations of violations in the 2008 appraisal of a property located in Princeton, MN:

1. Respondent failed to disclose and analyze that the subject property has limited access off Highway 169 North only and is affected by noise and traffic volume of over 19,000 cars per day, violating Minn. Stat. §82B.195 Subd. 3(1)(ii) (2010), Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 1-1(b) and SR 2-1(a) (2008).
2. Respondent falsely stated that all photos used in his appraisal were original photos and not altered or enhanced. All photos of comparable sales are Multiple Listing Service (MLS) photos with the MLS copyright cropped off, violating Minn. Stat. §82B.20 Subd. 2(4) (2010) and USPAP Ethics Rule (2008).
3. Respondent mislead the lender by using a street photo of a quiet two lane road and not Highway 169, which the subject property is located along, violating Minn. Stat. § 82B.195 Subd. 3(1)(i) (2010) and USPAP SR 1-1(b) (2008).

4. Respondent inaccurately reported comparable sale information related to amenities the properties have, violating Minn. Stat. § 82B.20 Subd. 2(6)(7) (2010) and USPAP SR 1-1(c) (2008).
5. Respondent misrepresented the distance comparable sales are located from the property appraised to be less than the the actual distance, violating Minn. Stat. § 82B.20 Subd. 2(4) (2010) and USPAP SR 2-1(a) (2008).

Respondent acknowledges that he has been advised of his rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination at a hearing, and Respondent hereby expressly waives those rights. Respondent further acknowledges that he has been represented by legal counsel throughout these proceedings, or has been advised of his right to be represented by legal counsel, which right he hereby waives.

Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2010) and Minn. R. 1400.5900 (2011).

The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to Minn. Stat. § 45.027 Subd. 6 (2010), as amended, Respondent shall pay to the State of Minnesota a civil penalty of \$5,000.


IT IS FURTHER ORDERED, that respondent shall cease and desist from committing further violations of Minnesota Statutes § 82B and/or Uniform Standards of Professional Appraisal Practice.

This Order shall be effective upon signature by or on behalf of the Commissioner.

Dated: August 23, 2012

MIKE ROTHMAN
Commissioner

By:


STEVEN E. CARLSON
Deputy Commissioner

85 7th Place East, Suite 500
St. Paul, MN 55101
Telephone: (651) 296-2488

CONSENT TO ENTRY OF ORDER

The undersigned, James Zweifel, license number 4003092, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of his rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination at a hearing, and hereby waives those rights. Respondent further acknowledges that he has been represented by legal counsel throughout these proceedings, or has been advised of his right to be represented by legal counsel, which right he hereby waives; and that he consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

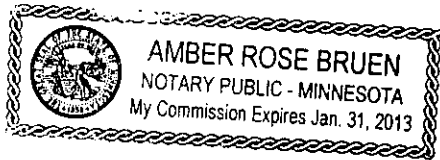
James Zweifel
James Zweifel

STATE OF Minnesota

COUNTY OF Anoka

Signed or attested before me on 8/9/12 (date)

By James Zweifel (name(s) of person(s)).



Amber Bruen
(Signature of notary officer)

Notary
(Title) and rank

My Commission expires: 01-31-13