

# New Jersey



## Assessors



## Bulletin



MEMBER  
International Association  
of Assessing Officers



VOL. 32 No. 3 B

SUMMER 1994

### IAAO LETTER

Dear Colleague:

On the anniversary of your membership in the International Association of Assessing Officers, I want to bring you up-to-date on what has been accomplished at the IAAO this year.

- Relocation of our IAAO headquarters to downtown Chicago

- Creation of several new courses and workshops including *Introduction to Residential Property Appraisal*, *CAMA Software Tutorial*, *Basics of Fixed Asset Valuation*, *GIS for Assessors*, and *Mine and Quarry Valuation*

- In response to your answers on our publications survey, in 1994 we will combine the *Update*, *Assessment Digest*, *Property Tax Journal*, and *Assessment Valuation Legal Reporter (AVLR)* into one bi-monthly periodical. (This is an additional \$135 membership benefit.)

- Creation of a new Rural Issues Council
- The Legal Council conducted a well-attended Legal Seminar

- Publication of a new *Legal Issues in Property Valuation and Taxation* volume

- Signed a contract with a Mexico valuation firm to offer several IAAO courses and are in the process of creating a Mexican chapter

- Affiliation of two new associations, the Texas Association of Appraisal Districts and the Institute of Revenues Rating and Valuation in England

- Published a new *Guide to Real Property Demonstration Appraisal Report Writing*

- Considering offering a new designation for Assessment Administrators

- Certified three new PPS designees for our new designation

And all of these achievements have been realized through the effort, expertise, and commitment of our members—you.

Your skill and membership dues creates an organiza-

tion that exists to provide leadership in accurate property valuation, property tax administration, and tax policy. And who provides that leadership? You do.

Each member, be they a state association or individual, has the opportunity by their participation to chart the future of this organization and industry, and to ensure that the IAAO's future products and services are more likely to enhance their own professional development. And how do you do that?

By becoming involved in the IAAO. By joining a candidates' club, joining a council, learning to teach our courses, networking at our annual conference and seminars, and by letting us know if you would be interested in a committee appointment.

Every IAAO members—affiliate, regular, and associate—is important to us. The International Association of Assessing Officers owes its very existence to members such as you, and I hope that our relationship continues for many years to come.

If you have any questions or suggestions, please don't hesitate to call. The IAAO will always be more than happy to give assistance, answer questions, and receive any suggestions. Our headquarters phone is 312/819-6100.

Sincerely,  
David Wheelock, President

David  
Wheelock  
addressing NJ  
Assessors in  
Atlantic City  
prior to  
becoming  
president of  
IAAO.



**Association of Municipal Assessors of New Jersey**  
*publisher*

**NEW JERSEY ASSESSORS BULLETIN**

Randolph Brokaw, Editor

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**TAX ASSESSOR**—Manchester Township, Ocean County, is seeking a Certified Tax Assessor with 3 to 5 years experience. Approximately 20,000 line items. Salary commensurate with experience. Send Resume to: Frederick C. Ebenau, Business Administrator, 1 Colonial Drive, Lakehurst, N.J. 08733. EQUAL OPPORTUNITY EMPLOYER

**LETTERS TO THE EDITOR**

June 15, 1994

Association of Municipal Assessors of New Jersey  
New Jersey Assessors Bulletin  
P.O. Box 0261  
Pennington, NJ 08534-0261

Att: Mr. Randy Brokaw

Dear Randy:

Enclosed please find a few of the important court cases involving Tax Assessors.

I would like to suggest that maybe you can put one case in each of the future bulletins. I would think that putting them all in one would take up too much room.

Also, could you let me know what is the deadline dates for each of the bulletins so that I can forward other items to you.

Thank you,  
Jim Anderson



**COURT DECISIONS**

**AMA of NJ & Deborah Spettel VS Twp of Barnegat**—For 1991 the Twp Committee approved a 6% pay hike for white and blue collar union workers and then later approved a 4½% increase for all department heads. The municipality argued that

after settling the union and police assoc they had budgetary constraints limited its ability to pay department heads more than an increase of 4½%. The municipality also argued that the Tax Assessor had in addition to her base salary, additional payments for longevity and her longevity increased by 1% from 1990 to 1991. The court rejected the budgetary restraints and went on to say "Budgetary constraints and statutory limitations relating to a cap on budget increases from one year to another cannot preclude increases to the employee protected by the statute if other municipal employees receive increases." In regards to longevity, the court found that all full-time employees receive longevity and thus longevity payments are not a good cause under the statute for disparity among employees. The court referred to the HAUS case and said "On the present record, the fact that members of the police and public works departments are better able than plaintiffs to advance their economic interests because they are unionized is not good cause for a significant disparity in salary increases. The Mayor's statement may provide a valid economic reason for those larger salary increases, but that reason does not serve the statutory policy of protecting the economic interests of officers such as the plaintiffs who

*Continued on page four*

# ASSESSORS IN THE NEWS

## MERCER COUNTY ASSESSOR'S ASSOCIATION MINUTES OF MAY 19, 1994

The May meeting of the Mercer County Assessor's Association was hosted by Hopewell Township and held at Lindy's Restaurant. There were 23 people in attendance.

The topic was "Nostalgia", a meeting of the old and new members of the Assessor's Association.

Joseph Martin was the lead speaker and introduced to the current members:

Stuart Robson, Sr., Former Princeton Borough Assessor

Bob Ohle, Former Hightstown Borough Assessor

Henry Ditmars, Former Diector Local Property

Tony Panaro, Former Mercer County Tax Administrator

Carlton (Cubby) Force, Former Hopewell Township Assessor

Bob Immordino, Former Lawrence Township Assessor

Each of the former members gave a brief reminiscence of their experiences as Assessor or Board Members.

Bill Cromwell, CTA, past Assessor of Hopewell Township and Eleanor Dearborn, CTA, past Assessor of West Windsor, who were unable to attend, sent a letter to the secretary of the association which was read by Joseph Martin to those in attendance.

Thank you Bill and Eleanor for your input to this meeting.

The first meeting of the Mercer County Assessor's Association was held in 1957. Roger Watley was President.

On May 3, 1994, members of the Mercer County Assessor's Association met with the County Tax Board to go over procedures of Tax Appeals. If any-



**Joseph H. Martin, Master of Ceremonies and Virginia Clancy, President of Ocean County at Nostalgia Luncheon.**

one wishes a copy of the topics discussed, call Pat Hice, President at (609) 989-3083.

A letter to the Mayors of the municipalities was sent by the County Tax Administrator regarding funding for education.

The AMANJ Golf Outing will be held August 25, 1994 at Beaver Brook Country Club in Clinton.

Reservations for the League of Municipalities have been sent to all Assessors.

**Future MCAA "40th Anniversary meeting tentatively to be held in 1997".**

The next meeting will be announced at a later date.

Respectfully submitted  
Antoinette Sost, Secretary

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*Continued on page eight*



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## COURT DECISIONS cont.

typically are not unionized when employed in the public sector. (237 N.J. *Super.* at 565)." In conclusion the Judge ordered that the Assessor salary be increased 6% for 1991 over her 1990 salary. **Note:** After the case was decided, the Mayor and Twp Committee then increased all other dept. heads from 4 1/2% to 6%.

### **AMA of NJ & William Reeser VS Mullica Twp**

—The facts in this case was that the Assessor (plaintiff) in 1987 received a 4.05% raise while all other employees received in excess of 10% up to a high of 48.72%. "Plaintiffs alleged that the smaller increase in Reeser's salary, as compared with the increases in the salaries of other employees, resulted from Reeser's refusal to provide the Mayor of the Township with weekly reports describing his Assessing activities." "The county Tax Administrator also testified on behalf of the plaintiffs. He confirmed that he had advised Reeser not to submit the requested reports to the Mayor. The defendants claimed that in giving the assessor an increase, they have complied with NJSA 40A:9-165. They interpreted the statute to mean that when other employees get an increase, the assessor is to get an increase." The court made many comments that the municipality in this case completely overlooked the relationship between the municipality and its assessor to be free from municipal interference in making his assessments and carrying out his responsibilities as the

Assessor. The court said "The use of a salary ordinance to control an assessor is the very thing the statute sought to avoid and is the very thing the municipality did in this case. The municipality retaliated against the assessor by giving him a smaller increase than that given to other employees because he refused to file reports with the mayor. After the court found for the plaintiff, both sides were instructed to try and work out a settlement. No settlement was reached and the court ordered a 21% increase.

### **AMA of NJ & Andre Souchak VS Borough of Wildwood Crest**

—The facts are that the Director of Revenue and Finance suspended the Assessor. AMA of NJ entered into the case with a restraining order and the Director of the Division of Taxation filed to intervene in the case as a party-plaintiff along with the AMA of NJ. The Director took the position that only he has the power to discipline an assessor. The Director of the Division of Taxation was concerned about the municipality's attempt to undermine the insulated position of an assessor. He went on to further claim that in AMA of NJ VS Twp of Mullica, it was noted that an assessor's legitimate concern for independence from municipal control must be protected. The Court ruled that the Borough of Wildwood's Director of Revenue & Finance had no power to suspend the Assessor.

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### **AMA of NJ & Hobart Grant VS Merchantville**

—The municipality granted raises to everyone but part time workers. Mr. Grant was the assessor but was not a full time employee. The final decision was given by the Appellate Div. The court ruled in favor of the Assessor and their reasoning was that there was no such as office of part time Assessor. There is just an Assessor and the statute NJSA 40A:9-165 says that an assessor cannot be denied without good cause, the raise given other employees.

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## COURT DECISIONS cont.

**NOTE:** One of the other old cases was Carlo Alongi VS South River. The municipality sought to reduce the salary of the Tax Assessor so they came up with the unique idea of cutting his hours from 40 hrs to 20 hrs per week, and then his pay respectively. The court ruled that it was in their power to set his hours and that it was upheld that his hours would be reduced from 40 to 20 hrs per week. But the statute was clear that they could not reduce his salary during his term of office.

**Mary Joan Wyatt VS Town on Hammonton—**  
Mary Joan was originally appointed to an unexpired term on January 1, 1988 for a term that expired on June 30, 1990. As her term was to expire, she inquired as to her status as Tax Assessor. The taxing district failed to reply. When the term commenced on July 1, 1990 she continued to function as the Tax Assessor. She continued in this position until September 30, 1990, when another Assessor was appointed to take over and she was terminated from that position. Harry Haushalter filed legal action in Superior Court on behalf of Mary Joan. After a two day trial, the Court in an oral decision on January 8, 1991 that the actions of the municipality, in failing to terminate Mary Joan on July 1, 1990 and permitting her to function as the full-time Hammonton Tax Assessor until September 30, 1990, constituted a reappointment of Mary Joan to a 4 year term from July 1, 1990 to June 30, 1994.

**Mary Joan Wyatt VS Town of Hammonton—**  
This was the second case of Mary Joan and this involved a salary dispute. Per the December 1991 salary ordinance, Mary Joan received a 5% increase for 1991. Other primary officials including the

Clerk, Deputy Clerk, Tax Collector and other officials received salary increases of 5.85 to 14.72%. Harry Haushalter again filed a complaint in Superior Court citing this action by the Governing Body in Hammonton was in violation of NJSA 40A:9-165. This case was finally settled with Mary Joan received a 8.6% increase which was the second highest in the municipality.

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Tee offs will begin at 10:00 a.m. Please state on your form an approximate tee off time if you wish.

Lunch will be available in the Grill Room or at the snack bar and will be at your own expense. No coolers or ice chests are allowed on the course.

The cocktail hour will begin at 7:00 p.m. in the main Dining Room with a buffet dinner immediately following.

Overnight lodging is available at the Holiday Inn located minutes away on Route 173. In order to receive the discounted rate, please tell them you are with the AMANJ when making your reservation. The phone number is (908) 735-5111.

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# IAAO conference registration

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place label  
here

(Peel off the printed mailing label and place here. Make any corrections or changes directly on the label. If there is no label, provide the information requested.)

Name \_\_\_\_\_ Title \_\_\_\_\_  
Jurisdiction/Firm \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State/Province/Country \_\_\_\_\_ Zip/Postal Code \_\_\_\_\_  
Is this your first IAAO conference? ☐ Yes ☐ No  
Name of companion \_\_\_\_\_  
Address of companion \_\_\_\_\_

instructions

Complete only one registration form for each registrant and companion. Please note that IAAO members cannot register as companions. **Full payment must accompany the registration form.** Discounts for early registration are available and outlined in the Registration Fees section below. IAAO welcomes participants of any sex, race, color, nationality, and ethnic origin. It does not discriminate on the basis of sex, race, color, nationality, or ethnic origin in the administration of its policies. The IAAO complies with the Americans with Disabilities Act.

refunds

Refunds in full if *written* notice is received by IAAO by August 15, 1994. A \$200 cancellation charge will be in effect from August 16 to September 15, 1994. No refunds after September 15, 1994. No refunds for optional social events will be made after September 15, 1994. All requests for refunds must be made *in writing* to IAAO.

registration  
fees

	Prepaid by July 15	Prepaid by August 15	After August 15	Amount Due
<input type="checkbox"/> Member	\$395	\$425	\$450	\$ _____
<input type="checkbox"/> Nonmember	\$475	\$515	\$550	\$ _____
<input type="checkbox"/> Companion	\$ 95	\$ 95	\$ 95	\$ _____
			Total	\$ _____

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	Date	Price	Number	Amount Due
<input type="checkbox"/> Valuing Property Affected by Environmental Contamination Workshop	October 13-14			
IAAO member		\$265	_____	\$ _____
Nonmember		\$345	_____	\$ _____
<input type="checkbox"/> Professional Seminar	October 15	\$135	_____	\$ _____
<input type="checkbox"/> State/Provincial and Metropolitan Jurisdiction Councils Seminar Workshop	October 15			
IAAO member		\$200	_____	\$ _____
Nonmember		\$255	_____	\$ _____

Registration for Optional Events is limited. The deadline for registering is September 15, 1994.

After this date, tickets will be sold on a space availability basis only. **Payment must accompany ticket requests.**

<input type="checkbox"/> Golf Tournament	October 14	\$80	_____	\$ _____
<input type="checkbox"/> Victoria Trip	October 15	\$85	_____	\$ _____
<input type="checkbox"/> Whidbey Island Tour	October 15	\$38	_____	\$ _____
<input type="checkbox"/> Salmon Bake	October 15	\$52	_____	\$ _____
<input type="checkbox"/> Seattle City Highlights	October 16	\$20	_____	\$ _____
<input type="checkbox"/> Northwest Winery Tour	October 16	\$20	_____	\$ _____
<input type="checkbox"/> Tennis Tournament	October 16	\$25	_____	\$ _____
<input type="checkbox"/> Boundless Fun!	October 17	\$20	_____	\$ _____
<input type="checkbox"/> Silent Auction/Dance	October 18	\$ 7	_____	\$ _____
<input type="checkbox"/> Seattle Underground	October 18	\$43	_____	\$ _____

Registration Fees (carry over from above) \$ \_\_\_\_\_

Total fees \$ \_\_\_\_\_

☐ Send me information about IAAO membership. I understand my fees will be adjusted if I join.

☐ Contribution to the IAAO Educational Development Campaign (voluntary) \$ \_\_\_\_\_

Total amount due \$ \_\_\_\_\_

method of  
payment

(Payment must be included with registration form)

☐ Check payable to IAA in U.S. funds enclosed. ☐ Bill my VISA/MasterCard (provide information below)  
VISA/MasterCard (circle one) Credit card number \_\_\_\_\_ Expiration date \_\_\_\_\_

Name as printed on card \_\_\_\_\_ Signature \_\_\_\_\_  
Mail this entire form to: IAAO Conference, PO Box 88874, Chicago, IL 60680-1874, or fax to 312/819-6149. Questions about registration should be directed to 312/819-6100. **FOR FURTHER INFORMATION, CONTACT VICTOR A. HARTSFIELD, SR., IAAO REPRESENTATIVE.**

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## ANALYSIS OF MANDATORY LICENSING FOR REAL ESTATE APPRAISERS

The Board of Real Estate Appraisers, established in 1991, has licensed or certified over 2,800 appraisers since its inception. All of these appraisers has met or exceeded the minimum nationally recognized standards for education, experience and examination established by the Appraiser Qualifications board of the Appraisal Foundation. All states and territories in the United States have established similar licensing and certification programs, as required by Title XI of the Financial Institutions, Reform Recovery and Enforcement Act (FIRREA). Twenty two states, including Arizona, Connecticut, Delaware, Georgia, Michigan and Texas, have mandatory licensing. California is in the process of moving to mandatory licensing.

Licensed and certified appraisers are required by regulation to produce appraisal reports that conform to the Uniform Standards of Professional Appraisal Practice established by the Appraisal Foundation. Since all work product of licensed and certified appraisers must conform to these standards, including non-federally related transaction such as tax appeals, matrimonial or equitable distribution matters, the Attorney General's office has advised the Board that it has jurisdiction over a

licensed or certified appraiser's entire appraisal practice.

The Board staff regularly receives inquiries from consumers who have been victimized by incompetent performance of appraisals on non-federally related transactions by non-licensees. In many cases the activity is related to appraisals performed in connection with property tax appeals, often where the consumer engages the appraiser in a contingent fee arrangement based on a sharing of the tax savings in the first year. This activity, where the appraiser does not act a disinterested and unbiased third party, is prohibited under Uniform Standards. As we enter the April filing deadlines for tax appeals, this activity increases measurably.

Through the end of 1993, the board had received and considered 113 complaints, has imposed \$12,500 in penalties, issued twelve reprimands, sixteen admonishments and has provided restitution to six consumers. Beyond questions of professional practice, the Board is currently involved in at least two cases involving forgery of license documents and significant mortgage and consumer fraud. Two other cases involve the production of plagiarized reports and six cases involve fraudulently submitted applications for licensing. The Board is working and cooperating closely with the FBI, the New Jersey Department of Banking, the FDIC, Resolution Trust Corporation, and the Office of Thrift Supervision on several cases.

The Board anticipates the addition of 700-1,000 new licensees by the Legislature's action to make licensing and certification mandatory. The Board does not anticipate a need to add any additional staff to handle this volume.

You should be aware that the Clinton administration has proposed new regulations seeking to raise from \$100,000 to \$250,000 the threshold under

*Continued on page eleven*

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## REAL ESTATE APPRAISER LICENSING IN NEW JERSEY

Law Passed .....	Public Law 1991, Chap. 68, Signed 3-33-91
Effective Date:	April 1, 1992
Reciprocity:	"With all States"
Temporary Practice:	Complete Application, Letter of Good Standing, Notarized Affidavit, Non-Res Consent Form, \$50
Main Contact for Members .....	Mr. Kevin B. Earle, Executive Director
Staff:	Geraldine D'Ambola, Eva Knights, George DeLuca, Chris Seepaul, Grace Gurisic, Kim Lowen
Agency Name:	Division of Consumer Affairs
Telephone Number:	201/504-6480 (FAX 201/648-3536)
Tier System (4) .....	<b>Apprentice</b> (Proposed, expected April or May) Hours: 45, including 15 S&P Exp: None (under Lic/Cert) — No Exam <b>State Licensed Real Estate Appraiser (RA)</b> Hours: 75, including 15 (after 4-27-87) S&P Exp: 2,000 hours (Not less than 2-years*) <b>State Certified Res. Real Est. Appraiser (RC)</b> Hours: 105 (to become 120 — no date set) Exp: 2,000 hours (Not less than 2-years*) <b>State Certified General R.E. Appraiser (RG)</b> Hours: 165 including S&P Exp: 2,000 hours (Not less than 2-years*) (*Nor more than 4-years)
Transitional Licensing:	Applicants before 9-21-91; Complete by 12-31-92
Exceptions:	Non FRT & below DeMinimis level
Cost of Lic/Cert:	Lic. \$470, C/Res. \$510, C/Gen. \$550; 2-years
Appraisal Agency .....	Division of Consumer Affairs Department of Law & Public Safety NJ State Board of Real Estate Appraisers
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Names (Gov. Apptd., Legislat. Apprvl.):	Joseph H. Martin, James P. Casey, Fred Rapagna, Rodney G. Kirkland, CREA, Mr. Carmen D. Mistichelli (President), Joseph H. Ravitz, Robert H. Scrivens, Jr., Kevin Earle
Meetings:	Once a month
List of Appraisers:	\$105 m.o./c.c. + blank 9-track, Debra Posich, Centralized Licensing, 140 E. Front St., Trenton 08625, 609/826-7150, name, addr, type
Testing .....	ASI
When:	First was September, 1991
Where:	8-locations state-wide
What Schedule:	Last Saturday of each month
Education .....	"Past" Courses — 15-hours, tested, documented
Continuing Ed:	20-hours every 2-years <b>Standards of Practice</b> , 15 hours <b>Residential Hands-On</b> , 15 hours <b>Residential</b> , 45 hours Instructor approval needed.

which an institution would not be required to have an appraisal performed. This action has been met with universal negative reaction by appraisal regulators, major appraisal trade organizations, the National Association of Realtors, and the Appraisal Foundation.

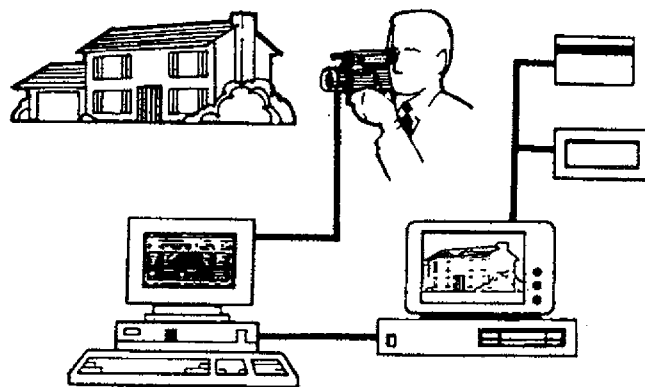
This action greatly concerns the Board, since 75% of the complaints submitted to the Board involve residential transactions.

The proposed move to mandatory licensing and certification is universally supported by the major appraisal trade organizations such as the New Jersey Chapters of the National Association of Independent Fee Appraisers and the Appraisal Institute, who seek to insure that users of appraisal services receive competently prepared work.

### **15 WAYS TO KILL AN ORGANIZATION**

1. Don't attend meetings, but if you do, arrive late.
2. Be sure to leave before the meeting is closed.
3. Never have anything to say at the meeting. Wait until you get outside.
4. When at meetings, vote to do everything. Then go home and do nothing.
5. The next day after a meeting, find fault with the officers.
6. Take no part in the organization's affairs.
7. Be sure to sit in the back row, so you can talk it over with your neighbor.
8. Get all the organization can give you, but don't give the organization anything.
9. Never invite a new member.
10. Talk cooperation but never cooperate.
11. At every opportunity, threaten to resign, and try to get others to resign.
12. If asked to help, always say you don't have time.
13. Never read anything that pertains to the organization. You may become too enlightened.
14. Never accept an office. It is easier to criticize that do things.
15. If appointed to a committee, never give any time or service.

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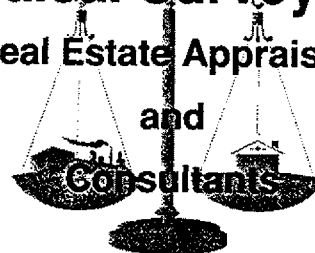
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## REMINDERS

### AMANJ

Golf Outing  
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August 25, 1994

Contact Dorothy Kreitz or Tom Gluck

### CTBC&A

Cape May, NJ

September 21 - 23, Contact Ray Brown

### IAAO

Seattle, Washington

October 16 - 19, Contact Vic Hartsfield

### AMANJ

AC NJ USA

November 15 - 18, Doug Stewart

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