



WHEREAS, Goldberg was a residential real estate appraiser who, doing business as JJG Real Estate Appraisal Services, engaged in the business of, among other things, appraising residential real estate properties used to obtain mortgages insured by the Federal Housing Authority (“FHA”), a division of the United States Department of Housing and Urban Development (“HUD”);

WHEREAS, the Complaint alleges that, in furtherance of a scheme to defraud HUD, Goldberg caused several false and fraudulent appraisals to be submitted to HUD for the purpose of obtaining FHA-insured mortgage loans;

WHEREAS, the United States seeks civil penalties against Goldberg under the Financial Institutions Reform, Recovery and Enforcement Act, 12 U.S.C. § 1833a (“FIRREA”), as well as such injunctive relief as necessary to ensure the integrity of the HUD mortgage insurance program and to protect the interests of the United States and the public;

WHEREAS, in his answer filed March 21, 2011, Goldberg denied all the allegations of wrongdoing made against him in the Complaint; and

WHEREAS, the United States and Goldberg agree that it is in the Parties’ best interests, and the United States believes it is in the public interest, to fully and finally resolve this matter on mutually agreeable terms without resort to protracted litigation and its attendant costs, and agree that this dispute should be resolved without the necessity of an evidentiary hearing;

NOW, THEREFORE, it is hereby ORDERED as follows:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.
2. Within 45 days of the entry of this Consent Order, Goldberg shall pay to the United States the amount of \$75,000 (the "Settlement Amount"). Goldberg shall make payment of the Settlement Amount by electronic funds transfer pursuant to written instructions to be provided by the United States Attorney's Office for the Southern District of New York.
3. Contemporaneous with the signing of this Consent Order, Goldberg shall agree to a voluntary abstention from all HUD programs, including but not limited to conducting or supervising employees or independent contractors in the conduct of appraisals used to obtain FHA-insured mortgages, for a period of three (3) years.
4. The United States and Goldberg shall bear their own costs and attorneys' fees in this action.
5. Subject to the exceptions in Paragraphs 7 and 8 below, in consideration of the obligations set forth in this Consent Order, conditioned upon Goldberg's payment in full of the Settlement Amount and full compliance with Paragraphs 3-4 set forth herein, the United States (on behalf of itself and its agencies, departments, officers, employees, servants and agents) hereby releases Goldberg from any civil or administrative monetary claim the United States has or may have under FIRREA or the False Claims Act as related to the allegations asserted in the Complaint.

6. This Consent Order is intended to be for the benefit of the United States and Goldberg only, and by this instrument the parties to this Consent Order do not release any claims against any other person or entity.

7. Notwithstanding any term of this Consent Order, including the release provided in Paragraph 5, any and all of the following are specifically reserved and excluded from the scope and terms of this Consent Order as to any entity or person:

- a. any civil, criminal or administrative claims arising under Title 26, U.S. Code (Internal Revenue Code);
- b. any criminal liability;
- c. except as explicitly stated in this Consent Order, any administrative liability, including suspension or exclusion from participating in transactions with the United States;
- d. any liability to the United States (or its agencies) for any conduct other than that alleged in the Complaint;
- e. any claims based upon such obligations as are created by this Consent Order; and
- f. any liability to the United States of any entity or person that or who is not released by the terms of this Consent Order.

8. In the event of a criminal prosecution or administrative action relating to the allegations asserted in the Complaint, Goldberg waives and will not assert any defenses he may have based in whole or in part on a contention that, under the Double Jeopardy Clause in the Fifth Amendment of the Constitution, or under the

Excessive Fines Clause in the Eighth Amendment of the Constitution, this Consent Order bars a remedy sought in such criminal prosecution or administrative action.

This Consent Order is not punitive in purpose or effect.

9. Nothing in this Consent Order constitutes an agreement by the United States concerning the characterization of the Settlement Amount for purposes of the Internal Revenue Code, Title 26 of the United States Code.

10. Nothing in this Consent Order, including the payment of any sums by Goldberg, constitutes an admission of a violation of New York Executive Law Article 6-E.

11. The Court will retain jurisdiction over the enforcement and interpretation of this Consent Order and to resolve all disputes arising hereunder.

12. The undersigned signatories represent that they are fully authorized to enter into this Consent Order and to execute and legally bind the parties they represent to the terms of this Consent Order.


13. This Consent Order contains the entire agreement between Goldberg and the United States with respect to the subject matter of the Complaint. No prior agreements, oral representations or statements shall be considered part of this Consent Order.

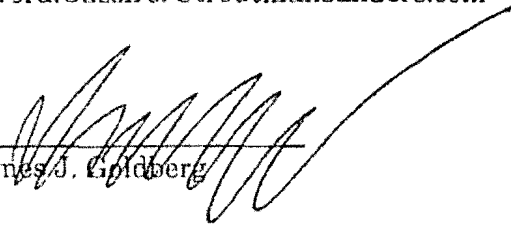
14. The Complaint is hereby dismissed as to Goldberg, without prejudice to reinstatement in accordance with the next paragraph.

15. The Complaint shall be reinstated as to Goldberg in the event the Court determines that Goldberg has failed to perform, in a timely manner, any act

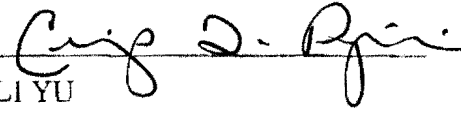
as required by this Consent Order or has otherwise failed to act in conformance with any provision of this Consent Order.

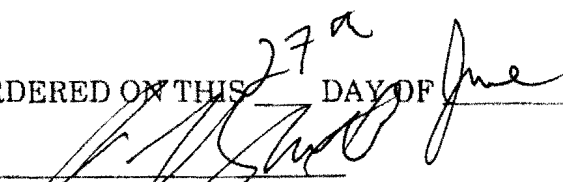
For James J. Goldberg:

  
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SO ORDERED ON THIS 27<sup>th</sup> DAY OF June, 2011:  
  
HON. P. KEVIN CASTEL  
UNITED STATES DISTRICT JUDGE