

the Attorney General pursuant to Rule 5.1(a), that the Complaint challenged the constitutionality of a state statute, and that the Complaint was filed against Gurbir S. Grewal, Esquire as the New Jersey Attorney General, New Jersey Board of Real Estate Appraisers ("Board"), Michelle L. Miller, in her official capacity, as Director of the New Jersey Department of Law and Public Safety, Paul R. Rodrigues, in his official capacity as Acting Director of the New Jersey Division of Consumer Affairs, and Barry J. Krauser, John McCann, and Joseph Palumbo, in their official capacity as Members of the New Jersey Real Estate Appraiser Board.

3. In this manner, Plaintiffs complied with Rule 5.1(a)(2) requirements that the Attorney General be notified that a state statute is being challenged through this action and serve the notice and paper on the state attorney general if a state statute is questioned either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.

4. Plaintiffs believe the January 9, 2019, letter satisfies their substantive obligations under Rule 5.1(a)(2). However, Plaintiffs file this Notice to clarify that through this action, and as reflected in their Complaint, Plaintiffs are challenging the constitutionality of N.J.A.C. 13:40A-6.1 and related regulations because they violate the non-delegation rule relating to the delegation to private individuals of governmental legislative functions by permitting private individuals, without any government oversight, to establish standards of conduct and measures by which such standards are to be judged; and, in seeking to discipline the Plaintiffs, the Board is using a Board of private individuals who are competitors of the Plaintiffs and who are using standards created by private individuals to judge Plaintiffs while failing to abide by those same regulations in doing so.

5. To the extent the time requirements set forth in Rule 5.1(c) would be triggered by this Notice, the Attorney General has 60 days from receipt of this Notice to intervene in this matter.

6. In further compliance with Rule 5.1(a)(2), Plaintiffs will serve the Attorney General with a copy of this Notice via certified mail.

Respectfully submitted this the 9th day of January, 2019.

O'HAGAN MEYER

By: /s/ Kevin F. Berry
Kevin F. Berry, Esquire
46 West Main Street
Maple Shade, NJ 08052
267-386-4353
kberry@ohaganmeyer.com

EXHIBIT “A”

O'HAGAN MEYER

ATTORNEYS ▲ ADVISORS

Kevin F. Berry, Esquire
Kberry@ohaganmeyer.com

Philadelphia Office
Two Logan Square
100 N. 18th St., Suite 700
Philadelphia, Pennsylvania 19103
Telephone: (215) 569-2400
Direct Dial: (267-386-4353
Cell No.: 610-909-5410
Fax: (215) 665-8300

Visit us online at
www.ohaganmeyer.com

January 9, 2019

First Class Mail

Certified, Return Receipt Requested

The Honorable Gurbir S. Grewal
New Jersey Attorney General
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080

Re: *Gerald B. McNamara and Colleen M. Kudrick vs. Gurbir S. Grewal, et al*
USDC District of New Jersey, No. 3:19-cv-00173

Dear Mr. Grewal:

Enclosed please find a Summons and Complaint filed against you in the United States District Court for the District of New Jersey on January 7, 2019. I additionally enclose herein a copy of the Notice of Rule 5.1 and a Notice of a Lawsuit and Request to Waive Service of a Summons. In order to avoid the expenses incurred for service of the enclosed Summons and Complaint, I request that you sign the enclosed Waiver of the Service of Summons and return one copy to me in the stamped, self-addressed envelope enclosed.

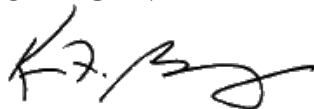
Furthermore, pursuant to Rule 5.1(a) of the Federal Rules of Civil Procedure, Plaintiffs, by and through counsel, respectfully provide this Notice of Constitutional Challenge of Statute. This action was instituted by Plaintiffs on January 7, 2019. By this certified letter dated January 9, 2019, and pursuant to Rule 5.1(a)(2), Plaintiffs provide the Attorney General of New Jersey with a copy of the Summons and Complaint, provide notice that the Complaint challenges the constitutionality of a state statute, and provide notice that the Complaint was filed against Gurbir S. Grewal, Esquire as the New Jersey Attorney General, New Jersey State Board of Real Estate Appraisers, Michelle L. Miller, in her official capacity as Director of the New Jersey Department of Law and Public Safety, Paul R. Rodrigues, in his official capacity as Acting Director of the New Jersey Division of Consumer Affairs, and Barry J. Krauser, John McCann, and Joseph Palumbo in their official capacity as Members of the New Jersey State Board of Real Estate Appraisers.

The Honorable Gurbir S. Grewal
New Jersey Attorney General
January 9, 2019
Page 2

Should you have any questions with regard to the enclosed, please do not hesitate to contact me.

Respectfully,

O'HAGAN MEYER



Kevin F. Berry

KFB:njf
Enclosures

cc: *Via First Class Mail*
New Jersey State Board of Real Estate Appraisers (w/encs.)
Michelle L. Miller, Director, Dept. of Law & Public Safety (w/encs.)
Paul R. Rodrigues, Acting Director, NJ Division of Consumer Affairs (w/encs.)
Barry J. Krauser, NJ State Board of Real Estate Appraisers (w/encs.)
John McCann, NJ State Board of Real Estate Appraisers (w/encs.)
Joseph Palumbo, NJ State Board of Real Estate Appraisers (w/encs.)
Dennis Scardilli, Esquire (via email)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GERALD McNAMARA and : CIVIL ACTION
COLLEEN KUDRICK, :

Plaintiffs, :

v. :

GURBIR S. GREWAL, in his official capacity as : No. 3:19-cv-00173
New Jersey Attorney General :

RJ Hughes Justice Complex :
25 Market Street, Box 080 :
Trenton, NJ 08625-0080, :

NEW JERSEY STATE BOARD OF REAL :
ESTATE APPRAISERS, :
124 Halsey Street, Newark, NJ 07102 :

MICHELLE L. MILLER, in her official :
capacity as Director of the New Jersey :
Department of Law and Public Safety, :
124 Halsey Street, Newark, NJ 07102 :

PAUL R. RODRIGUES, in his official :
capacity as Acting Director of the :
New Jersey Division of Consumer Affairs, :
124 Halsey Street, Newark, NJ 07102 and :

BARRY J. KRAUSER, JOHN McCANN, :
JOSEPH PALUMBO, in their official capacities :
as Members of the New Jersey State Board of :
Real Estate Appraisers :
124 Halsey Street, Newark, NJ 07102 :
Defendants. :

CERTIFICATE OF SERVICE

I, Kevin F. Berry, Esquire, hereby certify that on this 9th day of January, 2019, I caused a true and correct copy of the Notice of Rule 5.1(a) to be served upon the following parties below via:

First-Class Mail, Certified, Return Receipt Requested to:

GURBIR S. GREWAL
New Jersey Attorney General
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080

First Class Mail to:

NEW JERSEY STATE BOARD OF
REAL ESTATE APPRAISERS
124 Halsey Street, Newark, NJ 07102

MICHELLE L. MILLER
Director of the New Jersey
Department of Law and Public Safety
124 Halsey Street, Newark, NJ 07102

PAUL R. RODRIGUES
Acting Director
New Jersey Division of Consumer Affairs,
124 Halsey Street, Newark, NJ 07102

BARRY J. KRAUSER
New Jersey State Board of Real Estate Appraisers
124 Halsey Street, Newark, NJ 07102

JOHN McCANN
New Jersey State Board of Real Estate Appraisers
124 Halsey Street, Newark, NJ 07102

JOSEPH PALUMBO
New Jersey State Board of Real Estate Appraisers
124 Halsey Street, Newark, NJ 07102

O'HAGAN MEYER

By: /s/ Kevin F. Berry

Kevin F. Berry, Esquire
46 West Main Street
Maple Shade, NJ 08052
267-386-4353

kberry@ohaganmeyer.com

*Attorneys for Plaintiffs,
Gerald McNamara and Colleen Kudrick*

Dated: January 9, 2019