

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of  
THE FLORIDA REAL ESTATE APPRAISAL BOARD  
October 7, 2019  
General Meeting**

Chair Cristy Conolly called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:30 a.m. in Orlando, Florida, on this Monday, 7<sup>th</sup> of October, 2019.

The following Board members were present: Chair Cristy Conolly, Vice-Chair Armando del Valle, Members Fran Oreto, Justin Recca, JoAnn Rooney, Dawn Warren, Janet Rabin and Michael Roy. Senior Assistant Attorney General Deborah Loucks appeared as counsel for the Board. Executive Director McDonald declared a quorum present.

Department and Division staff present at the meeting: Katy McGinnis, Director; Allison McDonald, Executive Director; David Aring, Assistant General Counsel; Al Cheneler, Chief Attorney, Mackenzie Medich, Assistant General Counsel, and Robin Rogers, Junior Attorney, appeared by video conference; Jocelyn Pomales, Education Coordinator; Whitley Ward, Government Analyst, and Giovanna Corona, Regulatory Consultant. Magnolia Court Reporting, (407.896.1813) provided court reporter services.

**General Session**  
**Approval of Minutes**

The minutes of the August 5, 2019, General Meeting were presented. Ms. Oreto moved, seconded by Mr. Roy to approve the minutes as submitted. The motion carried without dissent.

**Reports**

The Board reviewed the Education Course, Exam Performance, and License Count reports. The Board had no questions.

**Legal Case Report**

Mr. Cheneler presented the Legal Year Old Case report. Mr. del Valle moved to allow the Office of General Counsel to continue prosecution of the year-old cases; Ms. Rabin seconded; motion carried without dissent.

**Legal Appearance Docket**

The Board addressed the Legal Appearance Docket, hearing 9 docket items with the following results:

**Case No. 2018-044678 Kaycee Rae Humphrey - Settlement Stipulation**

Respondent was present and was represented by Daniel Villazon, Esquire. Ms. Connolly was recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried without dissent to reject the proposed Settlement Stipulation. Ms. Oreto moved; Ms. Rabin seconded; motion carried without dissent to propose the following counter offer:

**Penalty imposed:** Administrative fine of \$1,000.00; investigative costs of \$1,000.00; education courses: McKissock course "That's a Violation", and The Appraisal Foundation corrective courses entitled "*Appraiser Self Protection: Documentation and Record Keeping*", "*Report Certifications: What Am I Signing and Why?*",

“Residential Report Writing vs. Form filling”, and “Scope of Work: Appraisals and Inspections”; attend two complete FREAB meeting; probation for a period of twelve (12) months with early termination language.

**Violation:** Section 475.624(15), Florida Statutes, for failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

**Case No. 2018-042734 Jonathan Paul Leogrande - Settlement Stipulation**

Respondent was present and was represented by Daniel Villazon, Esquire. Ms. Conolly was recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. Following discussion, Mr. Roy moved; Ms. Oreto seconded; motion carried without dissent to reject the proposed Settlement Stipulation. Mr. Roy moved; Ms. Oreto seconded; motion carried without dissent to propose the following counter offer:

**Penalty imposed:** Administrative fine of \$2,000.00; investigative costs of \$1,699.83; education courses: “FHA Appraiser Training and Underwriting the Appraisal Training” provided by the U.S. Department of Housing and Urban Development; and the “Advanced Residential Report Writing” from the Appraisal Institute or “Residential Report Writing vs. Form Filling” from The Appraisal Foundation; attend one complete FREAB meeting; probation for a period of twelve (12) months with early termination language.

**Violation:** Section 475.624(15), Florida Statutes, for failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report; Section 475.622(1), Florida Statutes, for failing to use the proper designation when signing a report.

The Board inquired about the process of Probable Cause Panel waiver, and the process was explained and discussed.

**Case No. 2018-048572 Junior Vargas – Respondent’s Request for Informal Hearing**

Respondent was present and was represented by Gavin Nathaniel Lawson White, Esquire. Respondent waived consideration of this matter by the Probable Cause Panel and requested a hearing not involving disputed issues of material fact.

Mr. Aring represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motions carried with a vote of 7 to 1 to adopt the Findings of Fact and Conclusions of Law as amended.

Following all discussion, Ms. Oreto moved; Mr. Roy seconded; motion passed without dissent to impose the following penalty:

**Penalty imposed:** Administrative fine of \$6,000.00; investigative costs of \$307.56; Education courses: The Appraisal Foundation corrective courses entitled “*Appraiser Self Protection: Documentation and Record Keeping*”, “*Report Certifications: What Am I Signing and Why?*”, “*Residential Report Writing vs. Form filling*”, and “*Scope of Work: Appraisals and Inspections*”; attend one complete FREAB meeting; probation for a period of twelve (12) months (no early termination).

**Violation:** Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Ethics Rule; USPAP Standards Rule 2-1(a); Standard Rule 2-2(a)(vii); Standards Rule 2-3; Section 475.624(15), Florida Statutes, for failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

**Case No. 2019-006059 Scott Alan Barnhill – Respondent’s Request for Informal Hearing**

Respondent was neither present nor represented by counsel. Respondent waived consideration of this matter by the Probable Cause Panel and requested a hearing not involving disputed issues of material fact.

Mr. Aring represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. del Valle seconded: motion carried without dissent to adopt the Findings of Fact and Conclusions of Law as amended.

Following all discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried 7 to 1 to impose the following penalty:

**Penalty imposed:** Administrative fine of \$5,500.00; investigative costs of \$1,340.46; education courses: The Appraisal Foundation corrective courses entitled “*Appraiser Self Protection: Documentation and Record Keeping*”, “*Report Certifications: What Am I Signing and Why?*”, “*Residential Report Writing vs. Form filling*”, and “*Scope of Work: Appraisals and Inspections*”; probation for a period of twelve (12) months.

**Violation:** Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Record Keeping Rule; USPAP Standards Rule 1-1(a); Standards Rule 2-1(a); Standards Rule 2-3; Section 475.622(1), Florida Statutes, for failing to use the proper designation when signing a report.

#### **Case No. 2019-031542 Jamie L. Brazell – Respondent’s Request for Informal Hearing**

Respondent was neither present nor represented by counsel. Respondent waived consideration of this matter by the Probable Cause Panel and requested a hearing not involving disputed issues of material fact.

Mr. Aring represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law as amended.

Following all discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried without dissent to impose the following penalty:

**Penalty imposed:** Administrative fine of \$2,500.00; investigative costs of \$928.29; education courses: The Appraisal Foundation corrective courses entitled “*Scope of Work: Appraisals and Inspections*” and a course related to Federal Housing Administration property appraisal; probation for a period of twelve (12) months with early termination language.

**Violation:** Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Ethics Rule; USPAP Record Keeping Rule; USPAP Scope of Work Rule.

#### **Case No. 2019-004735 Edys Fernandez – Respondent’s Request for Informal Hearing**

Respondent was present; Respondent was not represented by counsel. Respondent waived consideration of this matter by the Probable Cause Panel and requested a hearing not involving disputed issues of material fact.

Mr. Aring represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Rabin moved; Mr. Roy seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law.

Following all discussion, Mr. Roy moved; Mr. del Valle seconded; motion carried without dissent to impose the following penalty:

**Penalty imposed:** Administrative fine of \$500.00; investigative costs of \$1,329.90; Education courses: The Appraisal Foundation corrective courses entitled “*Residential Report Writing vs. Form filling*” and “*Scope of Work: Appraisals and Inspections*”; probation for a period of twelve (12) months with early termination language.

**Violation:** Section 475.624(4), Florida Statutes by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Record Keeping Rule; USPAP Standards Rule 1-1(a); Standards Rule 2-1(a).

**Case No. 2018-046512 William P. Smith – Respondent’s Request for Informal Hearing**

Respondent was present; Respondent was not represented by counsel. Respondent waived consideration of this matter by the Probable Cause Panel and requested a hearing not involving disputed issues of material fact.

Ms. Medich represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motions carried with a vote of 6 to 1 to adopt the Findings of Fact and Conclusions of Law as amended.

Following all discussion, Ms. Oreto moved; Mr. del Valle seconded; motion passed without dissent to impose the following penalty:

**Penalty imposed:** Administrative fine of \$2,000.00; investigative costs of \$2,016.63; education courses: The Appraisal Foundation corrective courses entitled “*Residential Report Writing vs. Form filling*”, and 4 hours of education in the area of highest and best use; probation for a period of twelve (12) months with early termination language.

**Violation:** Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Competency Rule; USPAP Standards Rule 1-3(b); Section 475.624(15), Florida Statutes, for failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

**Case No. 2019-023012 Lawrence H. Zegers – Respondent’s Request for Informal Hearing**

Respondent was neither present nor represented by counsel. Respondent waived consideration of this matter by the Probable Cause Panel and requested a hearing not involving disputed issues of material fact.

Mr. Aring represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. Roy seconded: the motions carried without dissent to adopt the Findings of Fact and Conclusions of Law as amended.

Following all discussion, Ms. Oreto moved; Mr. Roy seconded; motion passed without dissent to impose the following penalty:

**Penalty imposed:** Administrative fine of \$2,000.00; investigative costs of \$1,419.00; education courses: The Appraisal Foundation corrective courses entitled “*Appraiser Self Protection: Documentation and Record Keeping*”, “*Report Certifications: What Am I Signing and Why?*”, “*Residential Report Writing vs. Form filling*”, and “*Scope of Work: Appraisals and Inspections*”; Appraisal Institute corrective course entitled “*Residential report Writing – Florida version*”; probation for a period of twelve (12) months with early termination language.

**Violation:** Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Record Keeping Rule; USPAP Competency Rule; USPAP Scope of Work Rule; USPAP Standards Rules 1-1(c) and 2-1(c).

**Case No. 2018-061018 Craig Butterfield – Motion for Waiver Hearing**

Respondent was neither present nor represented by counsel. Mr. del Valle and Ms. Rabin were recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. The Board granted the waiver hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law.

Following all discussion, Ms. Oreto moved; Ms. Rooney seconded; motion carried unanimously to impose the following penalty:

**Penalty imposed:** Revocation.

**Violation:** Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Ethics Rule; USPAP Competency Rule; USPAP Scope of Work Rule; USPAP Standards Rule 1-1(a), (b) and (c); Standard Rule 1-5(b); Standards Rule 2-1(a), 2-1(b) and/or (c); Section 475.624(4), Florida Statutes, by violating Section 475.623, Florida Statutes, by failing to furnish in writing to the department each firm or business name and address from which he operated in the performance of appraisal service; Section 475.624(4), Florida Statutes, by violating Rule 61J1-7.001, Florida Administrative Code, by failing to include the appropriate designation and number in his Internet advertising.

### **Summary of Applicants - New Applications**

Juan Luis Marcano – The applicant was present and was represented by Daniel Villazon, Esquire. Following discussion, Mr. Villazon requested to continue the application and waived 90 days.

Daile Edith Padin Ortiz – The applicant was present to address the Board. Following discussion, the applicant withdrew the application.

Talani Maria Casariego – The applicant was not present to address the Board. Following discussion, Mr. del Valle moved; Ms. Rooney seconded; motion carried unanimously to deny the application.

### **General Session Continued**

#### **Real Estate Appraisal Education Courses for Approval or Denial**

A. *Mold A Growing Concern*– New Course (3.5 hours distance, specialty) – application number 7578– American Continuing Education Institute

Following discussion, Mr. del Valle moved; Mr. Roy seconded; motion carried unanimously to approve the course for 3 hours.

B. *Marketing for the Appraiser* – New Course (4 hours classroom, specialty) – application number 7628 – Gold Coast Professional Schools Inc.

Following discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried unanimously to deny the application.

### **Rules Report and Discussion**

Board Counsel Loucks provided the Rules Report for September 2019 then opened the discussion of the following rules.

#### **Rules - Annual Regulatory Plan 2019-2020**

Board Counsel Loucks presented the Board members with the completed Annual Regulatory Plan for Fiscal Year 2019-2020 for their information and provided a brief explanation relating to the process.

### **Rules Discussion**

#### **Rule 61J1-10.003 Certified Residential Appraiser**

Ms. Loucks presented the topic and asked the Board to consider the proposed language of Rule 61J1-10.003 as presented. Following discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried unanimously to adopt the proposed language.

Ms. Loucks asked the Board if the proposed amendment to the rule will not have a negative impact on small business or a regulatory impact in excess of \$200,000 within one year of implementation of the rule. Mr. del Valle moved; Mr. Roy seconded; motion carried unanimously to find there will be no fiscal impact.

Ms. Loucks asked the Board to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

#### **Rule 61J1-4.005 – Notice of Satisfactory Course Completion**

Ms. Loucks asked the Board to consider the proposed language of Rule 61J1-4.005 as presented. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried unanimously to adopt the proposed language.

Ms. Loucks asked the Board if the proposed amendment to the rule will not have a negative impact on small business or a regulatory impact in excess of \$200,000 within one year of implementation of the rule. Mr. del Valle moved; Ms. Oreto seconded; motion carried unanimously to find there will be no fiscal impact.

Ms. Loucks asked the Board to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

#### **Rule 61J1-9.0011 Evaluations**

Ms. Loucks presented the topic. She commented that information provided includes the materials presented in June, August as well as new information for this meeting. The Chair opened the floor those in attendance and heard comments from several industry participants. After much discussion, by a general consensus of the Board, the topic was tabled until the December 9<sup>th</sup> meeting, so that they may consider any information resulting from the AARO taking place on October 18, 2019.

#### **Special Agenda - Board Business** – Allison McDonald, Executive Director

##### **Information Only Items**

Ms. McDonald introduced the following items as information only for the Board's consideration and responded to questions about the topics. The Board took no action on any item.

- Appraiser Qualifications Board (AQB) Second Exposure Draft of a Proposed Change to the Real Property Appraiser Qualification Criteria
- Appraiser Standards Board (ASB) Concept Paper – Evaluation Standards in USPAP
- Appraiser Standards Board (ASB) Evaluations – October 18, 2019, Public Meeting, Livestream

##### **Executive Director's Comments**

Ms. McDonald provided an update of Florida's AMC Program.

Ms. McDonald provided an update relating to the Appraisal Subcommittee priority contact visit, which is coming up in February 2020.

##### **Chair's Comments**

Chair Conolly did not provide any additional comments.

##### **Public Comments**

The Board received comments from Scott DiBiasio.

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Chair Conolly did not provide any additional comments.

**Public Comments**

The Board received comments from Scott DiBiasio.

**Next Meeting Date**

Monday, December 9, 2019 at 8:30 a.m. – Orlando

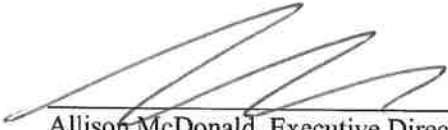
**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 4:20 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday, December 9, 2019 in Orlando.

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ATTEST:

  
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Cristy Conolly, Chair  
Florida Real Estate Appraisal Board

  
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Allison McDonald, Executive Director  
Florida Real Estate Appraisal Board