

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
December 9, 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, 9th of December, 2019.

The following Board members were present: Chair Cristy Conolly, Vice-Chair Armando del Valle, Members Fran Oreto, Justin Recca, Dawn Warren, Janet Rabin and Michael Roy. Senior Assistant Attorney General Deborah Loucks appeared as counsel for the Board. Member JoAnn Rooney was excused and not present. Executive Director McDonald declared a quorum present.

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

General Session
Approval of Minutes

The minutes of the October 7, 2019 General Meeting were deferred to the February 2020 General meeting.

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. Cheneler stated that there is one case to report that is more than 1-year old (Mark H. Adler, Case No. 2018060610) and requested that he be able to continue to proceed with prosecution of the case. Ms. Oreto moved; Mr. Roy seconded to continue the prosecution of Case No. 2018060610, Mark H. Adler; the motion carried without dissent.

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 4 docket items with the following results:

Case No. 2019-012661 Yoon Jung Donelan – Settlement Stipulation

Respondent was not present but was represented by Qualified Representative Robert Keller. Ms. Conolly was recused due to participation on the probable cause panel.

Mr. Robert Keller presented the Board with a Motion to appear as Qualified Representative for Respondent Donelan. Ms. Loucks explained this process and the process for responding to Mr. Keller's request. The Board heard and discussed Mr. Keller's request. Ms. Rabin moved; Ms. Oreto seconded; motion carried unanimously to grant the request.

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 and propose the following:

Penalty imposed: Administrative fine of \$1,250.00; investigative costs of \$1,547.37; 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”, and a Fannie Mae update guideline course; attend two complete FREAB meetings; 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, Scope of Work Rule; Standards Rules 1-1(a), (b) and (c); Standards Rule 1-4(a); Standards Rule 2-1(a); Standards Rule 2-2(a)(iii).

Action Taken: Counter Stipulation offered and accepted.

Case No. 2019-017203 James Felix Kramer – Settlement Stipulation

Respondent was not present but was represented by Nancy Campiglia, Esquire. Ms. Rooney served on the probable cause panel. Ms. Rooney was excused and not in attendance at the meeting.

Mr. Aring represented the Department and presented the case to the Board. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; motion carried without dissent to reject the proposed Settlement Stipulation. Mr. Roy moved; Mr. del Valle 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: 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 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, Scope of Work Rule; Standards Rules 1-1(a), (b) and (c); Standards Rules 1-2(a) and (h); Standards Rule 1-3(b); Standards Rules 2-1(a) and (b); Standards Rule 2-2, 2-2(b)(v), (b)(vii), (b)(viii), (b)(ix), (b)(x) and (b)(xii); Standards Rule 2-3.

Action Taken: Counter Stipulation offered and accepted.

Case No. 2017-027750 Mark James MacLaughlin - Extension Request

Respondent was not present and was not represented by counsel. Mr. Aring represented the Department and presented the case to the Board. Ms. Conolly was recused due to participation on the probable cause panel.

The Board discussed the request. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried without dissent to grant an extension to complete the required meeting attendance and that today's attendance count toward the requirement.

Action Taken: Granted extension to complete the required meeting attendance.

Case No. 2018-060610 Mark H. Adler – Motion for Informal Hearing

Respondent was not present and was not represented by counsel.

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. Roy seconded; the motion carried without dissent to adopt the Findings of Fact and Conclusions of Law.

Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried 5 to 1 to impose the following penalty:

Penalty imposed: Administrative fine of \$3,000.00; investigative costs of \$1,841.01; 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*” and a continuing education course entitled: “Highest and Best Use” (8-hour course); 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 1-4(a); Section 475.624(15), Florida Statutes, for failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

Summary of Applicants - New Applications

Jeffrey Jenkins – Certified Residential Appraiser by Mutual Recognition (PA)

The applicant was not present. Following discussion, Mr. Roy moved; Ms. Oreto seconded; motion carried unanimously to approve the application.

General Session Continued

Real Estate Appraisal Education Courses for Approval or Denial

A. *eTech Solution: Next Generation Appraisal Workflow and Forums Software* – New Course (16 hours classroom, specialty) – application number 7608– Corelogic Valuation Solutions dba the Columbia Institute

Following discussion, Mr. Roy moved; Ms. Oreto seconded; motion carried unanimously to deny the course.

B. *Supervisor Trainee Appraiser* – New Course (4 hours distance, specialty) – application number 7657 – OnCourse Learning Real Estate

Following discussion, Mr. Roy moved; Ms. Oreto seconded; motion carried unanimously to deny the application.

Rules Report and Discussion

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

Rules Discussion

Rule 61J1-4.010 – Supervision and Training of Registered Trainee Appraisers

Ms. McDonald stated that the purpose of presenting this rule was so that the Board could see what changes the AQB has taken in regard to the criteria and to see whether the Board wants to make or not make any changes to this rule as a result. The general consensus was to make no changes.

Rule 61J1-9.0011 Evaluations

Ms. Conolly requested to table this discussion until the February meeting to allow all Board members to participate in the discussion of the proposed text and have the opportunity to review comments resulting from the AARO meeting.

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) Update – November 2019
- Appraiser Standards Board (ASB) News – New Q&As USPAP – November 2019
- Final Directive to Agencies – November 11, 2019 (presented by Ms. Loucks)

Executive Director's Comments

- A. Ms. McDonald provided an update of Florida's AMC Program.
- B. Ms. McDonald provided an update relating to the Appraisal Subcommittee priority contact visit, which is typically in February.
- C. Ms. McDonald reported that the Division received the New 2020/2021 USPAP Books and will be distributed to the members at the next meeting. Additionally, she reported that Rule 9.001, Florida Administrative, is currently moving through the rule making process to incorporate the new version of USPAP.

Chair's Comments

Chair Conolly provided an overview of the information she received at the AARO meeting in October.

Public Comments

The Board received comments from Frank Gregoire.

Next Meeting Date

Monday, February 10, 2020 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, February 10, 2020 in Orlando.

ATTEST:



Cristy Conolly, Chair
Florida Real Estate Appraisal Board



Allison McDonald, Executive Director
Florida Real Estate Appraisal Board