

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
August 3, 2020
General Meeting (via teleconference)**

Chair Armando del Valle called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:30 a.m., in Orlando, Florida, on this Monday, 3rd of August, 2020.

The following Board members were present: Chair Armando del Valle, Vice-Chair Janet Rabin, Members Fran Oreto, Justin Recca, JoAnn Rooney, Dawn Warren 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: Allison McDonald, Executive Director; Al Cheneler, Chief Attorney; James Fortunas, Deputy Chief Attorney, Amanda Bova, Del Braaten, Nadia Hamade, Heather Page and Mackenzie Medich, Senior Attorneys; Jocelyn Pomales, Education Coordinator; Whitley Ward, Government Analyst; Lori Crawford, Government Analyst. Magnolia Court Reporting, (407.896.1813) provided court reporter services.

General Session

Approval of Minutes

The minutes of the June 22, 2020 General Meeting were deferred to the October FREAB 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 there are no cases over 1-year old. The Board had no questions.

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 5 docket items with the following results:

Tab A – Case No. 2018051228; John Henry Jenson, II - Respondent's Request an Extension of Time

Respondent was present; Respondent was represented by Robert Keller, Qualified Representative also present.

Mr. Cheneler represented the Department and presented the request to the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; the motion passed 4 to 2 to grant an extension for 6 months.

Action taken: Extension granted.

Tab B – David Shaw; Case No. 2020-005108 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Ms. Rooney was recused due to participation on the probable cause panel.

Mr. Braaten 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; Ms. Rabin seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law.

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

Penalty imposed: Administrative fine of \$2,000.00; investigative costs of \$4,182.75; education: 7-hour CE course relating to income approach; probation for 12 months (with early termination); attend 1 complete FREAB meeting.

Violations: Section 475.624(4) through 61J1-9.001 by violating the following USPAP provisions: Record Keeping Rule, Standards Rules 1-1(c); 1-6; 2-1(a) and (b); and 2-2(a)(viii); Section 475.624(4), Florida Statutes, through a violation of Section 455.227(1)(m), Florida Statutes, by making untrue representations in or related to the practice of a profession; Section 475.624(4), Florida Statutes, through Section 475.629, Florida Statutes by failing to accurately describe the substantial assistance he was provided in preparing the Report and failing to maintain in the work file records of MLS searches conducted to prepare the Report and by failing to retain adequate data, information, or documentation to support the value of conclusion.

Tab D – Peter D. Armfield; Case No. 2019-017134 – Settlement Stipulation

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire. Ms. Rooney was recused due to participation on the probable cause panel.

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

Counter-stipulation offered: Administrative fine of \$2,000.00; investigative costs of \$2,000.00; education: 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 1 complete FREAB meeting; probation for 12 months (with early termination).

Violations: Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Record Keeping Rule, Standards Rules 1-1(b) and (c); 2-1(a) and (c); Section 475.624(15), Florida Statutes, by failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

Action Taken: Counter Stipulation offered. Respondent accepted the Counter Stipulation within the 15-day offer expiration date.

Tab E – April Marie Spears; Case No. 2020-002107 – Settlement Stipulation

Respondent was present; Respondent was represented by Ms. Elizabeth Kehoe, Gary Shendell and Matthew Tornincasa, Esquires. Ms. Rooney was recused due to participation on the probable cause panel.

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

Counter Stipulation offered: Suspension for 30 days; administrative fine of \$2,500.00; investigative costs of \$1,500.00; education: 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 12 months (with early termination).

Violation: Section 475.622(1) by failing to use the proper state certification designation; Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Scope of Work Rule, Ethics Rule, Standards Rules 2-1 and 2-3; Section 475.624(15), Florida Statutes, by failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

Action Taken: Counter Stipulation offered. Respondent accepted the Counter Stipulation within the 15-day offer expiration date.

Tab C – Esley R. Azua; Case No. 2019-060684 – Respondent’s Request for a Reconsideration of the Waiver Hearing

Respondent was present; Respondent was not represented by counsel. Mr. del Valle was recused due to participation on the probable cause panel.

The matter was presented previously during the meeting. The Respondent requested the Board reconsider the matter to allow him to address the Board and answer any questions. After discussion, Ms. Oreto moved; Mr. Recca seconded; motion passed without dissent to vacate the previous Final Order and reconsider the matter. Mr. Braaten 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. Recca seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law.

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

Penalty imposed: Revocation.

Violation: Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Competency Rule, Standards Rules 1-1(a), (b) and (c); 1-4(a) and (b); 2-1(a); Section 475.624(4), Florida Statutes, through a violation of Section 455.227(1)(m), Florida Statutes, by making untrue representations in or related to the practice of a profession; Section 475.624(15), Florida Statutes by failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

Summary of Applicants – New Applications

Tab A – Ted Daniel Brooks – The applicant was present and was not represented counsel. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; the motion passed without dissent to approve the application.

Tab B – Marisley Suarez – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; the motion passed without dissent to approve the application.

Tab C – Jacob Thomas Van Bever – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; the motion passed without dissent to approve the application.

Tab D – Tanya K. Batten – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; the motion passed without dissent to approve the application.

Real Estate Appraisal Education Courses for Approval or Denial

A. *National Appraising for the Supervisor and Trainee* – New Course (3 hours Supervisor/Trainee course, distance) – application number 8153 – Hondros College, Inc., dba Hondros College of Business

There was no appearance in support of the application. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; the motion passed unanimously to approve the course with conditions.

Last, Ms. Pomales reported that she received a copy of the video course entitled, *Learning Home Measurement – Video Series* that the Board considered in June. She stated she watched the video pursuant to the Board’s direction and was able to approve the course.

Rules Report and Discussion

Board Counsel Loucks provided the Rules Report. The Board had no questions.

Rules – 2020-2021 Annual Regulatory Plan

Board Counsel Loucks presented the Board members with the completed Annual Regulatory Plan for Fiscal Year 2020-2021 and provided a brief explanation relating to the process. Ms. Loucks requested the Board ratify the plan as presented. Ms. Oreto moved; Ms. Rabin seconded; the motion passed without dissent to approve the 2020-2021 Annual Regulatory Plan.

JAPC Letter

Ms. Loucks reported that she received a letter from the Joint Administrative Procedures Committee (JAPC) raising questions and concerns relating to Rule 61J1-7, Florida Administrative Code, which the Board proposed amending. Ms. Loucks provided a brief explanation as to the process and requested that the Board allow her to respond to Ms. Holladay. The Board directed Ms. Loucks to proceed accordingly.

Special Agenda - Board Business – Allison McDonald, Executive Director

Ms. McDonald introduced the following items for the Board’s consideration and action:

Appraiser Identification, Best Practices

Ms. Oreto wanted to address best practices relating to showing identification when conducting appraisals. Ms. Oreto stated that best practices are not under the scope of the Florida Real Estate Appraisal Board nor are they governed under Chapter 475 Florida Statutes or Administrative Code Rule 61J1; however, she feels as professionals all appraisers in the state of Florida should have a form of identification or business card to present to individuals for safety issues as well as providing contact information if needed. Mr. del Valle thanked Ms. Oreto for her input.

Resolution for Board Member Cristy Conolly

Ms. McDonald read the Resolution of Recognition for Former Member Cristy Conolly.

Proposed 2021 Yearly Calendar

Ms. McDonald presented the proposed yearly calendar for 2021 to the Board for consideration. The Board discussed dates for the general meetings and probable cause panels. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion passed without dissent to adopt the proposed calendar.

Information Only Items

Ms. McDonald introduced the following items as information only for the Board's consideration. The Board had no questions.

- The Appraisal Foundation (TAF) – Annual Report
- The Appraisal Subcommittee (ASC) – Annual Report
- The Appraisal Foundation (TAF) – Announcement: Seeking Candidates for AQB and ASB Boards
- The Appraisal Standards Board (ASB) – Virtual ASB Public Meeting
- The Appraisal Qualifications Board (AQB) – AQB Forum: The Future of Distance Education Webinar
- The Appraisal Subcommittee (ASC) – Memo from Jim Park re Clarification on Continuing Education Delivery
- The Appraisal Subcommittee (ASC) – Notice of Funding Availability Revised
- The Appraisal Subcommittee (ASC) – ASC Webpage Regarding Grants Information
- The Appraisal Subcommittee (ASC) – State Grant Notice of Funding Availability
- The Appraisal Subcommittee (ASC) - Press Release regarding State Grants Notice of Funding Availability
- The Appraisal Foundation (TAF) – Announcement: National Real Estate Appraiser Job Analysis Study Reopened

Executive Director's Comments

- Association of Appraiser Regulatory Officials (AARO) – Ms. McDonald reported that the April Spring 2020 Conference was cancelled. The October Fall Conference is cancelled for in person however, the Association is proposing a possible virtual conference meeting; she will keep the Board informed.
- Trainee David Velez addressed the Board requesting if they would consider allowing his experience for this past year and presented the circumstances leading up to his request. After discussion, the Board denied the request based the AQB requirements.

Chair's Comments

Mr. del Valle stated that this teleconference meeting went very smoothly and thanked Division staff for all their hard work in putting this meeting together.

Ms. McDonald commended the Board for their service.

Public Comments

The Board offered but did not receive any public comments.

Next Meeting Date

Monday, October 5, 2020 at 8:30 a.m. – Orlando

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 12:05 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday, October 5, 2020 in Orlando.

ATTEST:



Armando del Valle, Chair
Florida Real Estate Appraisal Board



Allison McDonald, Executive Director
Florida Real Estate Appraisal Board