

Julie I. Brown, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
June 7, 2021
General Meeting (via hybrid in-person/teleconference)**

Chair Janet Rabin called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:35 a.m., in Orlando, Florida, on this Monday, 7th of June, 2021.

The following Board members were present: Chair Janet Rabin, Vice-Chair Justin Recca, Members Armando del Valle (via teleconference), Herbert Jourdan, Jr., Fran Oreto (via teleconference), JoAnn Rooney (via teleconference), Dawn Warren (via teleconference) and Shawn Wilson (via teleconference). 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; Al Cheneler, Chief Attorney (via teleconference); James Fortunas and Mackenzie Medich, Deputy Chief Attorneys (via teleconference); Daniel David (via teleconference), Heather Page, Amanda Bova and Katie Pareja, Assistant General Counsels; Whitley Ward, Government Analyst II; Lori Crawford, Government Analyst I.

After introductions, Director McGinnis welcomed the Board members and participants to the Florida Real Estate Appraisal Board meeting. Director McGinnis provided a year in review of how COVID-19 impacted the national real estate appraisal industry and highlighted the professional, swift, essential and innovative actions of the Board, Attorney General's Office, Office of General Counsel and Division staff to ensure continued service to appraiser licensees and consumers. Director McGinnis also reported that the Trainee Outreach Project initiated in 2020 was very successful and therefore, the Department has recently reinstated this program.

Executive Director McDonald requested the Board's guidance relating to hybrid meetings and whether or not the Board would like to continue allowing the appearances virtually. After discussion, the Board approved hybrid (in-person or teleconference) meeting with exception of the following two categories below.

Ms. Oreto moved that individuals attending for Final Order compliance must attend in person beginning in January 2022; Ms. Rooney seconded the motion; the motion passed without dissent.

Ms. Oreto moved that individuals attending for continuing education credit may continue to attend virtually to run through December 31, 2021; Ms. Rooney seconded the motion; the motion passed without dissent.

General Session

Approval of Minutes

The minutes of the April 12, 2021, General Meeting was presented. Ms. Oreto moved, seconded by Mr. del Valle to approve the minutes as written; the motion passed 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. Cheneler stated there is one case over one year old and requested the Board approve moving forward with prosecution of the case. The Board unanimously approved continuing the prosecution of the case.

Legal Appearance Docket

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

Tab A – John P. Troyan; Case No. 2020-042665; Informal Hearing

Respondent was present; Respondent was represented by Randee S. Schatz, Esquire, present. Ms. Oreto 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. Wilson moved; Mr. Jourdan seconded; motion passed 6 to 1 to dismiss the matter.

Action Taken: Case dismissed.

Tab B – Wilmer E. Eichler; Case No. 2020-056070 – Settlement Stipulation

Respondent was present; Respondent was not represented by counsel. Ms. Rabin 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; Mr. del Valle seconded; motion passed without dissent to reject the proposed Settlement Stipulation. Ms. Oreto moved; Ms. Rooney seconded; the motion passed without dissent to propose the following counter offer:

Counter-stipulation offered: Administrative fine of \$2,000.00; investigative costs of \$1,848.00; 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”; no dismissal of Count 1 of the Administrative Complaint; probation for 6 months (with early termination).

Violation: 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 1-1(b) and (c); and 1-4(a); Section 475.624(4), Florida Statutes, by violating any lawful order or rule issued under Chapter 475 or 455, Florida Statutes, by violating Section 455.227(1)(m), Florida Statutes, by making untrue representations in the practice of a profession.

Action Taken: Counter Stipulation offered. Respondent accepted the Counter Stipulation within the offer expiry date.

Tab C – Kaycee R. Humphrey; Case No. 2020-046389 – Settlement Stipulation

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire. Mr. del Valle 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. Wilson seconded; motion passed 6 to 1 to reject the proposed Settlement Stipulation. Ms. Oreto moved; Ms. Wilson seconded; the motion passed 6 to 1 to propose the following counter offer:

Counter-stipulation offered: Administrative fine of \$1,750.00; investigative costs of \$1,625.25; education: The Appraisal Foundation corrective courses entitled “Assignment Conditions, Elements, and Results”,

“Missing Explanations”, “Sales Comparison Approach Reconciliation”, and “Ethics, Competency and Negligence”; attend 1 complete FREAB meeting.

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(a), (b) and (c); 1-2(e); 1-4(a) and (b); 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 offer expiry date.

Tab D – Floyd J. Kenyon; Case No. 2020-015634 – Settlement Stipulation

Respondent was not present; Respondent was represented by Nancy Campiglia, Esquire. Ms. Oreto and Mr. del Valle were recused due to participation on the probable cause panel.

Mr. Braaten represented the Department and presented the case to the Board. Following discussion, Ms. Wilson moved; Mr. Recca seconded; motion passed 3 to 2 to approve the proposed Settlement Stipulation.

Stipulated Settlement: Administrative fine of \$1,000.00; investigative costs of \$1,000.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping” and “Scope of Work: Appraisals and Inspections.”

Violations: Section 475.624(15), Florida Statutes, by failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report; Section 475.624(4), Florida Statutes, through a violation of Section 475.629, Florida Statutes, by failing to ensure that the work file contains original or true copies of supporting data assembled and formulated by the appraiser in preparing appraisal reports.

Action Taken: Settlement Stipulation accepted.

Tab E – Susan R. Otero; Case No. 2020-055918 – Settlement Stipulation

Respondent was present; Respondent was not represented by counsel. Ms. Rabin 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. Rooney seconded; motion passed without dissent to accept the proposed Settlement Stipulation.

Stipulated Settlement: Administrative fine of \$1,000.00; investigative costs of \$1,500.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping”, “Scope of Work: Appraisals and Inspections”, “Residential Report Writing vs. Form Filing”, and “Report Certifications: What Am I Signing and Why?”.

Violation: Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Record Keeping Rule; Scope of Work Rule; Ethics Rule, Standards Rules 1-1(a) and (c); 1-4(a); and 2-1(a); Section 475.624(4), Florida Statutes, by violating any lawful order or rule issued under Chapter 475 or 455, Florida Statutes, by violating Section 455.227(1)(m), Florida Statutes, by making untrue representations in the practice of a profession.

Action Taken: Settlement Stipulation accepted.

Summary of Applicants – Agenda A

Tab A – Accelerated Appraisal Management Company LLC – The applicant was present and was represented by Jim Boatman, Esquire. Following discussion, Mr. del Valle moved; Ms. Wilson seconded; the motion passed without dissent to approve the application for Appraisal Management Company.

Tab B – Michal Joseph Conroy – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; the motion passed without dissent to approve the application for Certified General Appraiser by mutual recognition.

Tab C – John Croft Davison – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Mr. Jourdan seconded; the motion passed without dissent to approve the application for Certified General Appraiser by mutual recognition.

Tab D – Donnie Gayle Eiland – The applicant was present and was not represented by counsel. The applicant requested to withdraw his application. Ms. Wilson moved; Mr. Jourdan seconded; the motion passed without dissent to grant the withdrawal of the application for Trainee Appraiser.

Tab E – Eric Garcia – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; the motion passed without dissent to deny the application for Trainee Appraiser.

Tab F – Neal Hilston – The applicant was not present and was not represented by counsel. Ms. Deb Clark appeared in support of Mr. Hilston’s application. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; the motion passed without dissent to approve the application for Certified General Appraiser by mutual recognition.

Tab G – Michael Ryan Orr – The applicant was present and was not represented by counsel. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; the motion passed 6 to 2 to deny the application for Certified Residential Appraiser by mutual recognition.

Summary of Applicants – Agenda B

Tab A – Douglas L. Brooks – The applicant was present and was not represented by counsel. Members del Valle and Wilson were recused. Following discussion, Ms. Oreto moved; Ms. Rooney seconded; the motion passed without dissent to approve the application for Certified General Appraiser by mutual recognition.

Rules Report and Discussion

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

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

- Annual Review of Board Delegations to Division Staff

Ms. McDonald presented the 2021 Annual Review of Delegation of Authority for the Board’s review and approval. Ms. McDonald and Ms. Loucks provided a brief explanation relating to the delegation form and addressed questions from the Board. Following discussion, Ms. Oreto moved; Mr. Recca seconded the motion to approve the Delegation of Authority list as presented; the motion passed without dissent.

- Updates from Association of Appraiser Regulatory Officials – Virtual Spring Conference, May 3-5, 2021

Ms. Rabin requested any Board members and Ms. McDonald in attendance of the conference to provide a brief report. Ms. Oreto reported on the various topics discussed during the Affiliate session and Program Committee session. Ms. McDonald provided a report relating to the Attorney and Investigator sessions which were closed to the general attendees. Ms. Rabin stated that she attended as many meetings that she could and briefly reported on the various topics discussed; she added that the conference was very informative. Mr. Jourdan provided a brief report relating to the session he attended.

Ms. McDonald introduced the following items as information only for the Board's consideration.

- The Appraisal Foundation (TAF) – April, 2021, Email: Announcement – Appraisal Profession Diversity Survey Now Open
- Appraiser Qualifications Board (AQB) – Virtual Public Meeting – April 30, 2021
- The Appraisal Foundation (TAF) – April, 2021, Email: Listen to the First Episode of Appraisal Talk
- The Appraisal Foundation (TAF) – April, 2021, Email: Listen to the Third Episode of Appraisal Talk
- The Appraisal Foundation (TAF) – April, 2021, Email: Listen to the Fourth Episode of Appraisal Talk
- The Appraisal Foundation (TAF) – April, 2021, Email: USPAP Extension and 7 Hour Course Update
- The Appraisal Foundation (TAF) – May, 2021 Newsletter
- The Appraisal Foundation (TAF) – April, 2021, Email: Listen to the Sixth Episode of Appraisal Talk

Executive Director's Comments

- Ms. McDonald stated that she provided materials relating to education and the various delivery methods for discussion at a future meeting.
- Ms. McDonald shared with the Board Members of the tragic news of Policy Manager Vicky Metcalf's passing and stated that we are all heart broken and that she will be dearly missed.

Chair's Comments

Ms. Rabin thanked everyone for all their hard work and expressed she was happy to hear that the Trainee Outreach Program is continuing.

Public Comments

The Board offered but did not receive any requests for public comment.

Next Meeting Date

Monday, August 2, 2021 at 8:30 a.m. – Orlando

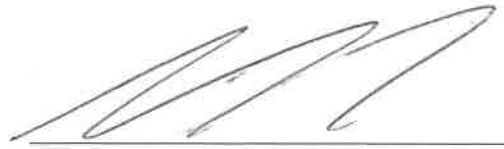
Adjournment

There being no other business, the Chair adjourned the meeting at approximately 1:15 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday, August 2, 2021, in Orlando.

ATTEST:



Janet Rabin, Chair
Florida Real Estate Appraisal Board



Allison McDonald, Executive Director
Florida Real Estate Appraisal Board