

Julie I. Brown, Secretary

Ron DeSantis, Governor

**Minutes of  
THE FLORIDA REAL ESTATE APPRAISAL BOARD  
October 4, 2021  
General Meeting (via hybrid in-person/virtual)**

Chair Janet Rabin called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:30 a.m., in Orlando, Florida, on this Monday, 4<sup>th</sup> of October, 2021.

The following Board members were present: Chair Janet Rabin (via videoconference), Vice-Chair Fran Oreto (via videoconference), Members Armando del Valle, Herbert Jourdan, Jr., Prakash Patel (via live-stream), JoAnn Rooney (via teleconference) and Shawn Wilson (via teleconference). Members Jared Hirsch was excused and not in attendance. Senior Assistant Attorney General Deborah Loucks appeared as counsel for the Board (via videoconference). Executive Director McDonald declared a quorum present.

Department and Division staff present at the meeting: Chris Willenbring, Deputy Director; Allison McDonald, Executive Director; Al Cheneler, Chief Attorney; James Fortunas and Mackenzie Medich, Deputy Chief Attorneys (via teleconference); Delhon Braaten (via teleconference), Daniel David (via teleconference), Heather Page, Amanda Bova and Katie Pareja, Assistant General Counsels; Whitley Ward, Government Analyst II; Jocelyn Pomales, Education Coordinator; Damon Boodram, Operation Review Specialist; Lori Crawford, Government Analyst I. Magnolia Court Reporting (407.896.1813) provided court reporter services.

**General Session**

**Approval of Minutes**

The minutes of the August 2, 2021, General Meeting was presented. Ms. Oreto moved, seconded by Mr. del Valle to approve the minutes as written; the motion passed without dissent.

The minutes of the September 2, 2021, Special Meeting was presented. Mr. del Valle moved, seconded by Ms. Oreto to approve the minutes as written; the motion passed without dissent.

**Reports**

The Board reviewed the Financial, Education Course, Exam Performance and License Count reports. The Board did not have any comments or 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 7 docket items with the following results:

**Tab C – Lora Keller; Case No. 2021-007274 – Settlement Stipulation**

Respondent was present; Respondent was represented by Nancy Campiglia, Esquire, present. Mr. del Valle was recused due to participation on the probable cause panel.

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

**Counter-stipulation offered:** Administrative fine of \$1,650.00; investigative costs of \$1,485.00; education: The Appraisal Foundation corrective courses entitled “Ethics, Competency and Negligence”, and “Report Certifications: What Am I Signing and Why?”; attend 2 FREAB meetings; dismissal of Count III of the Administrative Complaint.

**Violation:** Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Ethics Rule; Standards Rules 1-1(b) and (c); and 1-4(a); Section 475.624(4), Florida Statutes, through Section 455.22(1)(m), by making untrue representations in or related to the practice of a profession.

**Action Taken:** Counter Stipulation offered. Respondent accepted the Counter Stipulation on the record.

**Tab G – David N. Wilken: Case No. 2021-014134 – Settlement Stipulation**

Respondent was present; Respondent was represented by Jay W. Small, Esquire, present. Ms. Rabin was recused due to participation on the probable cause panel.

Mr. David represented the Department and presented the case to the Board. Following discussion, Mr. del Valle moved; Ms. Wilson seconded; motion passed without dissent to accept the proposed Settlement Stipulation.

**Stipulated Settlement:** Administrative fine of \$1,000.00; investigative costs of \$1,848.00; 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 “Assignment Conditions, Elements and Results”.

**Violation:** 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) and (c); 1-4(a); 2-1(a); 2-2(a)(iii) and (viii); 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:** Settlement Stipulation accepted.

**Tab B – Christopher Wilson; Case No. 2020-044398 – Recommended Order**

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. 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. The Board entered into discussion. Following discussion, Ms. Wilson moved; Ms. Oreto seconded; motion carried without dissent to adopt the Findings of Fact and Conclusions of Law set forth in the Recommended Order and accept the recommendation of the Administrative Law Judge dismissing the Administrative Complaint.

**Action Taken:** Recommended Order of Dismissal accepted.

Board member Wilson was unable to participate for the remainder of the meeting.

**Tab E – William L. Spinnler; Case No. 2021-024719 – Settlement Stipulation**

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Mr. Jourdan was recused due to participation on the probable cause panel.

Mr. Braaten represented the Department and presented the case to the Board. Ms. Oreto moved; Ms. Rooney seconded; motion passed 3 to 1 to reject the Settlement Stipulation as presented and propose the following counter offer:

**Counter-stipulation offered:** Suspension for 30 days; administrative fine of \$2,000.00; investigative costs of \$2,178.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping”; “Report Certifications: What Am I Signing and Why?”; “Scope of Work: Appraisals and Inspections”; “Ethics, Competency and Negligence”; attend 1 FREAB meeting.

**Violation:** Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Ethics Rule; Record Keeping Rule; Scope of Work Rule; Standards Rules 1-1(a) and (c); and 1-4(a); 2-1(1) and (c); 2-3 (a) and (d); 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 – Mark A. Merchant; Case No. 2021-014142 – Settlement Stipulation**

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

Mr. David represented the Department and presented the case to the Board. Following discussion, Mr. del Valle moved; Mr. Jourdan seconded; motion passed without dissent to approve the proposed Settlement Stipulation.

**Stipulated Settlement:** Administrative fine of \$2,250.00; investigative costs of \$1,394.25; 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 “Assignment Conditions, Elements, and Results”, probation for 9 months with eligibility for early termination.

**Violations:** Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Recording Keeping Rule, Scope of Work Rule and Standards Rules 1-1(a) and (c); 1-4(a); 2-1(a); 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:** Settlement Stipulation accepted.

**Tab F – Heather G. Vazquez; Case No. 2021-006602 – Settlement Stipulation**

Respondent was present; Respondent was represented by Nancy Campiglia, Esquire, present. Mr. del Valle was recused due to participation on the probable cause panel.

Mr. Braaten represented the Department and presented the case to the Board. Ms. Oreto moved; Ms. Rooney seconded; motion passed unanimously to reject the Settlement Stipulation as presented and propose the following counter offer:

**Stipulated Settlement:** Suspension for 15 days; administrative fine of \$2,000.00; investigative costs of \$2,409.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping”; “Report Certifications: What Am I Signing and Why?”; “Scope of Work: Appraisals and Inspections”; “Ethics, Competency and Negligence”; attend 2 FREAB meetings; dismissal of Count IV of the Administrative Complaint.

**Violation:** Section 475.622(1), Florida Statutes, by failing to use the proper state certification designation on an appraisal; 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; Standards Rules 1-1(a)

and (c); 1-4(a); 2-1(a); 2-2(a)(ix); and 2-3(a); 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 A – Derrick L. Key; Case No. 2021-010732; Petitioner’s Motion for Informal Hearing**

Respondent was present; Respondent was not represented by counsel. 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. Ms. Oreto moved; Ms. Rooney seconded; motions carried unanimously that there were no material facts in dispute and granted the informal hearing. Following discussion, Ms. Oreto moved; Mr. Patel seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law. Following all discussion, Ms. Oreto moved; Mr. Patel seconded; motion passed without dissent to impose the following penalty:

**Penalty imposed:** Administrative fine of \$2,000.00; investigative costs of \$1,782.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping”, “Scope of Work: Appraisals and Inspections”, and “Residential Report Writing vs. Form Filling”, and “Ethics, Competency, and Negligence”; attend 1 FREAB meeting.

**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, Standards Rules 1-1(a) and (b); 1-4(a) and (b); 1-5(a); 2-1(a); and 2-2(a)(viii); Section 475.624(15), Florida Statutes, by failing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report.

**Summary of Applicants – Agenda A**

**Tab D – David Raymond Mauriello** – The applicant was present and was represented by Daniel Villazon, Esquire, present. Following discussion, Ms. Oreto moved; Ms. Rooney seconded; the motion passed without dissent to approve the application for Registered Trainee Appraiser.

**Tab A – Melissa Correijer** – The applicant was present and was not represented by counsel. Following discussion, the applicant requested to withdraw the application. Ms. Oreto moved; Mr. del Valle seconded; the motion passed without dissent to accept the request to withdraw the application.

**Tab B – Lawrence Joseph Dellegratto, Sr.** – The applicant was present and was not represented by counsel. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; the motion passed without dissent to approve the application for Certified Residential Appraiser by mutual recognition of Pennsylvania.

**Tab C – Mark Kitchen** – The applicant was present and was not represented by counsel. 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 of Connecticut.

**Tab E – Joshua A. Phillips** – 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 Registered Trainee Appraiser.

**Tab F – David Brent Pitts** – The applicant was present and was not represented by counsel. Following discussion, Mr. del Valle moved; Ms. Rooney seconded; the motion passed without dissent to approve the application for Certified General Appraiser by mutual recognition of Texas.

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

A. Residential Sales Comparison and Income Approaches – New Course (30 hours pre-licensure, classroom) – application number 8551 – McKissock LP

There was no appearance in support of the application. Following discussion, Mr. del Valle moved; Mr. Patel seconded; the motion passed unanimously to approve the course with conditions.

B. American Society of Farm Managers & Rural Appraisers – New Course (12 hours specialty, classroom) – application number 8702 – American Society of Farm Managers & Rural Appraisers

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

## **General Session Continued**

### **Rules Report and Discussion**

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

### **Special Agenda – Board Business**

#### **AMC National Registry Approvable Guidelines**

Ms. McDonald provided a previously updated listing of legal infractions that may be disclosed by applicants as background issues. She requested the Board consider allowing staff to use the updated guidelines for appraisal management companies to be placed on the ASC National Registry. After consideration and discussion Ms. Oreto moved; Mr. del Valle seconded; motion carried unanimously to allow staff to approve using the guidelines as submitted.

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

- The Appraisal Foundation (TAF) – August, 2021 Newsletter
- The Appraisal Foundation (TAF) – September, 2021 Newsletter
- The Appraisal Foundation (TAF) – Listen to the Appraisal Talk Episodes
- The Appraisal Foundation (TAF) – August 6, 2021, Email: Join the Business Valuation Resource Panel
- The Appraisal Foundation (TAF) – August 9, 2021, Email: AQB/ASB Deadline for Candidates
- The Appraisal Foundation (TAF) – August 18, 2021, Email: New USPAP 1<sup>st</sup> Exposure Draft
- The Appraisal Foundation (TAF) – August 24, 2021, Email: Breaking: AQB Adopts Changes to Real Property Appraiser Qualification Criteria

### **Executive Director’s Comments**

- Association of Appraiser Regulatory Officials (AARO), Fall Conference 2021 – the conference will be held in person and is scheduled for October 15-18, 2021, in Washington D.C. Ms. McDonald reported the Division has requested for authority for four persons to travel and the request is in transit.
- In February 2021, the Appraisal Subcommittee conducted Florida’s off-site virtually. The Department received the ASC’s report and Ms. McDonald was pleased to report that no issues were brought to the Department’s attention relating to the Florida Real Estate Appraiser program. The ASC outlined one item for the AMC program relating to its interpretation of one of Florida’s statutes, however, after discussion with the Office of General Counsel and Policy Manager Kristi Klamet the matter has been cleared up to the satisfaction of the ASC.

**Chair's Comments**

Ms. Rabin requested that the Board members brainstorm ways to bring awareness to certified appraisers and trainees of being mindful of the accuracy of their appraisal reports for discussion at a future meeting.

Ms. Rabin thanked Board members and staff for a great meeting.

**Public Comments**

The Board received written comments from Scott DiBasio, Appraisal Institute, following up to comments provided in August relating to Qualifying Education courses.

**Next Meeting Date**

Monday, December 6, 2021 at 8:30 a.m. – Orlando

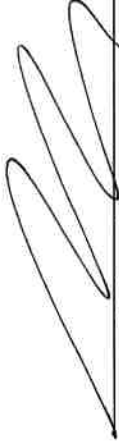
**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 2:10 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday, December 6, 2021, in Orlando.

ATTEST:



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Janet Rabin, Chair  
Florida Real Estate Appraisal Board



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Allison McDonald, Executive Director  
Florida Real Estate Appraisal Board