

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
December 6, 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, 6th of December, 2021.

The following Board members were present: Chair Janet Rabin, Vice-Chair Fran Oreto, Members Armando del Valle, Herbert Jourdan, Jr. and Shawn Wilson. Member Prakash Patel was excused and not in attendance. Member Jared Hirsch was not in attendance. 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; 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), 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 October 4, 2021, General Meeting was presented. Ms. Oreto moved, seconded by Ms. Wilson to approve the minutes as written; the motion passed without dissent.

Reports

The Board reviewed the Education Course, Exam Performance and License Count reports. Ms. McDonald and Ms. Pomales addressed questions from the Board.

Legal Case Report

Mr. Cheneler presented the Legal Year Old Case report. Mr. Cheneler stated there were no cases over one year old.

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 7 docket items with the following results:

Tab C – Betty Ann Anderson; Case No. 2021-008799 – 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; Ms. Wilson seconded; motion passed without dissent to accept the Settlement Stipulation as presented:

Stipulated settlement: Count 3 dropped; administrative fine of \$1,000.00; investigative costs of \$1,435.00; education: The Appraisal Foundation corrective courses entitled "Appraiser Self Protection: Documentation and Record Keeping", "Scope of Work: Appraisals and Inspections", "Assignment Conditions, Elements, and

Results” and “Sales Comparison Approach Reconciliation”; dismissal of Count III 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; Standards Rules 1-1(a), (b) and (c); and 1-4(a) and (b), 1-5(b), 2-1(a) and 2-2(a)(x)(3).

Action Taken: Settlement Stipulation accepted.

Tab E – Bruce Byram Connolly; Case No. 2021-025191 – Settlement Stipulation

Respondent was present; Respondent was represented by Daniel Villazon, 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. Mr. del Valle moved; Ms. Wilson seconded; motion passed without dissent approve the Settlement Stipulation as presented:

Stipulated settlement: Count 2 dismissed; administrative fine of \$750.00; investigative costs of \$1,353.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping”, and “Scope of Work: Appraisals and Inspections”.

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); 1-3(b); 1-4(a); and 2-1(a).

Action Taken: Settlement Stipulation accepted.

Tabs F and G – Charles Patrick Hamilton; Case Nos. 2021-010726 and 2021-011630 – Settlement Stipulation

Respondent was present; Respondent was represented by Daniel Villazon, 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 without dissent to accept the proposed Settlement Stipulation.

Stipulated settlement: Case No. 2021-010726 is dismissed. Case No. 2021-011360 – administrative fine of \$1,250.00; investigative costs of \$1,485.00; education: The Appraisal Foundation corrective courses entitled “Appraiser Self Protection: Documentation and Record Keeping”; “Report Certifications: What am I Signing and Why?”; “Missing Explanations”, and “Ethics, Competency and Negligence”.

Violation: Section 475.624(2), Florida Statutes, by having been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence or breach of trust in any business transaction in the state or any other state, nation or territory; Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Ethics Rule; Scope of Work Rule; Standards Rules 2-2(a)(ix); and 2-3(a).

Action Taken: Settlement Stipulation accepted.

Tab D – Jon David Burdick; Case No. 2021-012843 – Settlement Stipulation

Respondent was present; Respondent was represented by Robert Keller, Qualified Representative. Mr. del Valle was recused due to participation on the probable cause panel.

Mr. Robert Keller requested to appear as Qualified Representative for Respondent Burdick. Ms. Oreto moved; Mr. Jourdan seconded; motion passed unanimously to grant the request.

Mr. Braaten 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. Wilson seconded; the motion passed without dissent to propose the following counter offer:

Counter-stipulation offered: Count 3 dismissed; administrative fine of \$1,000.00; investigative costs of \$1,617.00; education: The Appraisal Foundation corrective course entitled “Appraiser Self Protection: Documentation and Record Keeping” and a Board-approved 2 to 4 family unit appraisal continuing/corrective education course; attend 1 FREAB meeting; probation for 12 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 and Standards Rules 1-1(a), (b) and (c); 1-4(c); 2-1(a), 2-2(a)(vi) 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 on the record.

Tab A – Harold Phillip Hines; Case No. 2021-018324; Petitioner’s Motion for Informal Hearing

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

Ms. Medich represented the Department and presented the case to the Board. Mr. del Valle moved; Ms. Wilson seconded; motions carried unanimously that there were no material facts in dispute and granted the informal hearing. Following discussion, Mr. Jourdan moved; Ms. Rabin seconded; motions carried without dissent to adopt the Findings of Fact and Conclusions of Law. Following all discussion, Ms. Wilson moved; Mr. del Valle seconded; motion passed without dissent to impose the following penalty:

Penalty imposed: Investigative costs of \$2,145.00; education: The Appraisal Foundation corrective courses entitled “Report Certifications: What Am I Signing and Why?”, “Scope of Work: Appraisals and Inspections”, and “Assignment Conditions, Elements, and Results”; attend 2 FREAB meetings; probation for 1 year (with eligibility for early termination).

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), (b) and (c); 1-4(a); and 2-1(a); Section 475.622(1), Florida Statutes, by failing to use the proper state certification designation on an appraisal.

Tab B – Alejandro J. Turro; Case No. 2021-030642; Respondent’s Request for Informal

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

Mr. David represented the Department and presented the case to the Board. The Board granted the informal hearing. Mr. del Valle moved; Mr. Jourdan seconded; motion passed without dissent to adopt the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint.

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

Penalty imposed: Administrative fine of \$3,000.00; investigative costs of \$1,443.75; education: The Appraisal Foundation corrective courses entitled “Scope of Work: Appraisals and Inspections”, “Assignment Conditions, Elements, and Results” and “Sales Comparison Approach Reconciliation”; and any Board-approved 2 to 4 family unit appraisal continuing/corrective education course; attend 2 FREAB meetings; probation for 12 months.

Violation: Section 475.624(4), Florida Statutes, through Rule 61J1-9.001, Florida Administrative Code, by violating the following USPAP provisions: Record Keeping Rule and Standards Rules 1-1(a), (b) and (c); 1-4(c); and 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.

Special Agenda B

Tab A – William Lewis Spinner; Case No. 2021-024719; Emergency Motion to Modify Final Order

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present.

Mr. Villazon appeared before the Board on a Motion to Modify Final Order. After consideration of the motion and argument, Mr. del Valle moved; Ms. Oreto seconded; motion passed without dissent to modify the Final Order to reflect a suspension date of November 19, 2021.

Action taken: Final Order modified.

Discussion Regarding Practical Applications of Real Estate Appraisal (PAREA) Program

Ms. McDonald presented this topic item for the Board’s discussion in light that the Appraisal Qualifications Board (AQB) criteria was amended to add PAREA. Several documents have been provided to the Board members and can be found under General Session Tab G.

Chair Rabin welcomed Mark Lewis, Chair of the AQB. Mr. Lewis explained that he was appearing before the Board to provide a summary of the concept behind the PAREA programs available through the AQB. Mr. Lewis further provided details of what participants can expect from the programs. He stated wanted to appear before the Board to encourage the Board to consider the PAREA program and answer any questions the Board may have. Mr. Lewis addressed questions from the Board members.

The Board received comments relating to the PAREA discussion from Frank Gregoire, Robert Keller, Bill Temple and Phil Spool.

Following discussion, the Board requested to schedule this topic for a future meeting and to notify industry stakeholders in advance.

Summary of Applicants – Agenda A

Tab A – Kevin Angel – 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 of Texas.

Tab B – Timothy Edward Ballew – The applicant was not present and was not represented by counsel. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; the motion passed without dissent to deny the application for Certified Residential Appraiser by mutual recognition of Georgia.

Tab C – Mary Lobrutto – The applicant was present and was not represented by counsel. Following discussion, Ms. Wilson moved; Ms. Oreto seconded; the motion passed without dissent to approve the application for Certified Residential Appraiser by mutual recognition of New York.

Tab D – Francis O. Omorodion – The applicant was present and was not represented by counsel. Following discussion, Ms. Oreto moved; Ms. Rooney seconded; the motion passed without dissent to approve the application for Certified General Appraiser by mutual recognition of Virginia.

Tab E – Kenneth John Reda – The applicant was present and was not represented by counsel. Following discussion, the applicant requested to continue the application and waived the 90-day requirement.

Real Estate Appraisal Education Courses for Approval or Denial

A. Appraising Pre-Foreclosures, Short Sales & REOs – New Course (4 hours Specialty, Distance) – application number 8811 – Corelogic Valuation Solutions dba The Columbia Institute

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

B. Real Estate Economics and Market Trends – New Course (2 hours specialty, Distance) – application number 8813 – Corelogic Valuation Solutions dba The Columbia Institute

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

C. Determining Market Value and How to Adjust for Concessions – New Course (4 hours specialty, Distance) – application number 8802 – OREP Education Network

There was no appearance in support of the application. Following discussion, Ms. Wilson moved; Ms. Oreto seconded; the motion passed unanimously to deny the course.

General Session Continued

Rules Report and Discussion

Board Counsel Loucks provided the Rules Report and addressed questions from the Board.

Rule 4.010 – Supervision and Training of Registered Trainee Appraisers

Ms. McDonald stated that this topic was placed this on the agenda while the Board was talking about trainees. She further stated that the Board was provided information from the AQB as well as information from a few other states relating to this topic. Ms. McDonald commented that this topic was discussed at the October 2021 AARO. Ms. McDonald addressed questions and comments from the Board.

Special Agenda – Board Business

Resolution for Board Member JoAnn Rooney

Chair Rabin read the Resolutions of Recognition for former member JoAnn Rooney.

Disciplinary Final Order Compliance

Ms. McDonald requested the Board’s guidance relating to Hybrid or In Person Appearance for Final Order compliance requiring attendance to FREAB meetings now that the State building is open to the public. Following discussion, Ms. Oreto moved that effective January 3, 2022, any person required to attend a FREAB for disciplinary compliance must attend in person, when public access is permitted; seconded by Mr. del Valle. The motion passed 4 to 1.

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

- The Appraisal Foundation (TAF) – October, 2021 Newsletter
- The Appraisal Foundation (TAF) – November, 2021 Newsletter
- Upcoming Events from The Appraisal Foundation’s Webpage
- Appraisal Standards Board (ASB) – October 28, 2021, Public Meeting Notice
- Appraisal Subcommittee (ASC) – September, 2021, Roundtable Video Presentation Link
- Appraisal Subcommittee (ASC) – November 9, 2021, Roundtable Notice

- Appraiser Qualifications Board (AOB) – November 19, 2021, Public Meeting Notice

Executive Director's Comments

- Ms. McDonald reported that the Department authorized Vice-Chair Oretto, Director McGinnis, Whitley Ward and her to travel and attend the Association of Appraiser Regulatory Officials (AARO), Fall Conference 2021 held in Washington D.C. Ms. McDonald reported it was very well attended and included many informational sessions relating to issues taking place within the appraisal industry. She further reported that The Appraisal Foundation offered a Regulator session which also well attended and that the session will be offered again at a future conference.
- Ms. Oretto reported that she attended the session for Appraisal Management Companies (AMCs) and provided a brief summary of the various issues discussed relating to AMCs. Following discussion, the Board received comments from Bill Temple, AmRock Appraisal Management Company and Cristy Conolly, Pendo Management LLC. The Board thanked them for their comments.
- Ms. McDonald reported that the Appraisal Subcommittee will conduct its Priority Contact in February 2022, and that she will keep the Board informed as to the Policy Manager's visit next month during the FREAB General and PC meetings.
- Ms. McDonald provided a brief report relating to the ongoing Trainee Outreach Project.

Chair's Comments

Ms. Rabin wished everyone happy and safe holidays. Ms. Rabin also thanked Board members and staff for all their hard work this past year and thanked everyone for attending.

Public Comments

The Board offered but did not receive any public comments.

Next Meeting Date

Monday, February 7, 2022 at 8:30 a.m. – Orlando

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 2:40 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday, February 7, 2022, in Orlando.

ATTEST:



Janet Rabin, Chair
Florida Real Estate Appraisal Board



Allison McDonald, Executive Director
Florida Real Estate Appraisal Board