

**Ken Lawson, Secretary**

**Rick Scott, Governor**

**Minutes of  
THE FLORIDA REAL ESTATE APPRAISAL BOARD  
February 9, 2015  
General Meeting**

Chair Matt Simmons called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:40 a.m., in Orlando, Florida, on this Monday, 9<sup>th</sup> day of February, 2015.

The following Board members were present: Chair Matthew Simmons, Vice-Chair Roy Pechillo, Members Benjamin Bush, Armando del Valle, Clay Ketcham, Tamara McKee, Evalyn "Fran" Oreto, Michael Roy, and Chris Sante. Senior Assistant Attorney General Michael Flury appeared as counsel for the Board. Director Watkins declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Andrew Fier, Chief Attorney; Allison McDonald, Deputy Chief Attorney; by teleconference, Rebecca Hays; Alison Lamont; Daniel David, Assistant General Counsels; Susan Bailey, Administrative Assistant II; Jocelyn Pomales, OMCII; Johanne Knudson, Beverly Ridenauer, Government Analysts; Jenny Tidwell, Policy Manager, Appraisal Subcommittee. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

**General Session**

**Approval of Minutes**

The minutes of the October 6, 2014 General meeting were presented. Mr. Sante moved; seconded by Mr. del Valle to approve the minutes as amended. The motion carried without dissent.

The minutes of the December 8, 2014 meeting were presented. Ms. Oreto moved; seconded by Mr. Ketcham to approve the minutes as amended. The motion carried without dissent.

**Nominations for Chair and Vice-Chair**

Chair Matt Simmons opened the floor for nomination for Chair for 2015. Ms. Oreto nominated Vice-Chair Roy Pechillo as Chair. There being no other nominations, Mr. Pechillo accepted the nomination. Ms. Oreto moved; Ms. McKee seconded; motion carried unanimously.

Chair Simmons opened the floor for nominations for Vice-Chair for 2015. There being no nominations, Board Member Clay Ketcham volunteered for the position; Member Roy seconded; motion carried unanimously.

**Reports**

**Exam Performance Report**

Director Watkins presented the Examination Performance Summary Reports for November and December 2014. She addressed questions and comments from the Board.

### **Financial Reports**

Director Watkins presented the Second Quarter Financial Reports ending December 31, 2014. She addressed questions and comments from the Board.

### **Licensee Count Report**

Ms. Watkins presented the Licensee Count Report and addressed questions and comments from the Board. She noted that the numbers have decreased slightly, but with the renewal cycle just ending, we expect that some of those numbers will come back as late renewals.

### **Legal Case Report**

Ms. McDonald presented the Year Old Case report with the Board and addressed questions and comments from the Board.

### **Legal Appearance Docket**

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

#### **Item A – Case No. 2012034857, Arthur Richard Porcelli III – Extension Request**

Arthur Richard Porcelli III was present, but was not represented by counsel. Ms. McDonald represented the Department and presented the case to the Board.

The Board entered into discussion. Following discussion, Mr. Pechillo moved; Ms. McKee seconded to grant the request; the motion carried unanimously.

**Action Taken:** Motion Granted

#### **Item B – Case No. 2014020471, Katrina Sherice Crooks - Stipulation**

Katrina Sherice Crooks was not present, but was represented by counsel, Daniel Villazon. Ms. McKee was recused due to participation on the probable cause panel.

Ms. Hays represented the Department and presented the case to the Board. The Board entered into discussion. Following Mr. Sante moved; Mr. Pechillo seconded to accept the Stipulation; the motion passed 6 to 2.

**Penalty imposed:** \$1,000.00 fine, \$1,184.70 in costs; satisfactorily complete thirty (30) hours of appraisal education within 18 months; attend one (1) day FREAB general meetings; 18 months' probation.

**Violation(s):** Florida Statutes 475.624(4) and Florida Administrative Code Rule 61J1-9.001, by failing to comply with the USPAP (2014-2015); Violation of Florida Statutes 475.624(15) by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report; Violation of Florida Statutes 475.623 and 475.624(4) and Florida Administrative Code Rule 61J1-7.004.

#### **Item C – Case No. 2013033389, David Jeffrey Smith – Stipulation**

David Jeffrey Smith was present and was represented by counsel, Steven Johnson. Ms. McKee was recused due to participation on the probable cause panel.

Mr. David represented the Department and presented the case to the Board. The Board entered into discussion. Following Mr. Sante moved; Mr. Ketcham seconded to accept the Stipulation; the motion passed 5 to 3

**Penalty imposed:** \$2,500.00 fine, \$1,212.75 in costs; satisfactorily complete twenty-five (25) hours of appraisal education; attend two (2) day FREAB general meetings; 12 months' probation.

**Violation(s):** Florida Statutes 475.624(2) by signing and communicating an appraisal report without disclosing the role played by Robert Von Brissenden in preparation of the report and then by Smith certifying, that no one provided him (Smith) with significant assistance in preparation of the appraisal report; Violation of Florida Statutes 475.624(11), by developing and communicating an appraisal report without disclosing the role played by Robert Von Brissenden in preparation of the report and then by Smith certifying, inter alia, that statements of fact in the report are true, and that no one provided him with significant assistance in preparation of the appraisal report; Violation of Florida Statutes 455.227(1)(m) by developing and communicating an appraisal report without disclosing the role played by Robert Von Brissenden in preparation of the report and then by Smith certifying that no one provided him with significant assistance in preparation of the appraisal report; Violation of Florida Statutes 475.624(4) by failing to comply with the USPAP (20120).

#### **Item D – Case No. 2014012454, Douglas S. Walsh - Stipulation**

Douglas S. Walsh was present and was represented by counsel, Nancy Campiglia. Ms. McKee was recused due to participation on the probable cause panel. Mr. Pechillo recused himself from the discussion.

Ms. Hays represented the Department and presented the case to the Board. The Board entered into discussion. Following Mr. del Valle moved; Mr. Sante seconded to accept the Stipulation; the motion passed unanimously.

**Penalty imposed:** \$1,500.00 fine, \$725.00 in costs; satisfactorily complete fifteen (15) hours of appraisal education within 18 months; attend one (1) day FREAB general meetings; 18 months' probation. **Violation(s)** of Florida Statutes 475.624(4) and Florida Administrative Code Rule 61J1-9.001, by failing to comply with the USPAP (2012-2013); Violation of Florida Statutes 475.624(15) by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report; Violation of Florida Statutes 475.623 and 475.624(4) and Florida Administrative Code Rule 61J1-7.001.

#### **Item E – Case No. 2014042570, Heather L. Dembinsky – Voluntary Relinquishment of License for Permanent Revocation**

Heather L. Dembinsky was not present and was not represented by counsel. All members participated in the discussion as there was no probable cause.

Ms. Lamont represented the Department and presented the case to the Board. The Board entered into discussion. Following discussion, Mr. Sante moved; Mr. Pechillo seconded; the motion passed without dissent to accept the Settlement Agreement to Relinquish License for Permanent Revocation.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

#### **Item F – Case No. 2013032708, Richard Patrick Truhan – Voluntary Relinquishment of License for Permanent Revocation**

Richard Patrick Truhan was not present, but was represented by counsel, Thomas Sommerville. Ms. Oreto and Mr. Pechillo were recused due to participation on the probable cause panel.

Ms. Lamont represented the Department and presented the case to the Board. The Board entered into discussion. Following discussion, Mr. Ketcham moved; Mr. Sante seconded; the motion passed without dissent to accept the Settlement Agreement to Relinquish License for Permanent Revocation.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

### General Session Continued

#### Summary of Applicants Agenda - New Applicants

- A. **Charles H. Miller, Certified Residential Appraiser** – The applicant was not present. Following discussion, Ms. Oreto moved, Mr. Sante seconded; motion passed without dissent to deny the application.
- B. **Nelson Paul Taylor, Certified General Appraiser** –The applicant was present. Following discussion, Mr. Sante moved, Ms. Oreto seconded; motion passed without dissent to approve the application.
- C. **Dimitri M. Teddone, Certified General Appraiser** – The applicant was not present. Following discussion, Mr. Sante moved, Mr. Roy seconded; motion passed with a split vote to approve the application.

### General Session Continued

Director Watkins introduced the Rules discussion by reporting to the Board that they need to be addressed as quickly as possible based upon comments made by the Appraisal Subcommittee while conducting their Field Review.

#### Rules Report

Board Counsel Flury noted that the changes for Rule 61J1-4.010 had not yet been adopted. He explained and apologized to the Department and the Board for the delay. Mr. Flury provided a copy of the Rules Report for January 2015 and reported on the status of rules that are being moved through the approval process.

#### Rules Discussion– *Michael Flury, Board Counsel*

##### D. 61J1-2.004 Exemption of Spouses of Members of Armed Forces from Renewal Provisions

Ms. Watkins presented the rule and reminded the Board that there had been some earlier discussion about this rule due to 2015 Criteria changes with respect to reservists. The discussion centered on which rule would be best to add the reservists changes.

She provided a brief review of the changes which will allow a member of the Armed Forces, who was in the process of upgrading a credential when deployed, to continue under the 2008 Criteria. She reported that the Department has been asked to add a sentence to the language that specifies that the military spouses will not be practicing during this time.

Director Watkins explained that Rule 61J1-2.0045 has the language that is needed in Rule 61J1-2.004. She asked the Board to allow the Department to insert that exact clause into 61J1-2.004. The Board discussed the language. Following discussion, Mr. Ketcham moved; Ms. Oreto seconded to approve the proposed language as presented. The motion carried by split vote of 8 to 1.

Mr. Flury asked the Board to review the Checklist for the Statement of Estimated Regulatory Cost (SERC). Following discussion, Mr. Pechillo moved, seconded by Mr. Sante to find the proposed changes will not have an adverse impact on small business or increase regulatory costs by \$200,000.00 within a year and are mandated by a Statutory requirement to comply with the Appraisal Qualifications Board (AQB) Criteria. The motion carried without dissent.

The proposed text of the rule is:

**61J1-2.004 Exemption of Spouses of Members of Armed Forces from Renewal Provisions.**

A registered trainee appraiser who is the spouse of a member of the Armed Forces of the United States now or hereafter on active duty and who is absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from renewal provisions under the Rules of the Florida Real Estate Appraisal Board provided he or she is not engaged in his or her licensed profession or vocation in the private sector for profit. The exemption shall last during the absence from the state because of the spouse's duties with the Armed Forces and for a period of six months after returning to the state.

*Specific Authority 455.02, 475.614 FS. Law Implemented 455.02 FS. History—New 10-15-91, Formerly 21VV-2.004, Amended 12-4-06.*

E. 61J1-2.0045 Exemption of Members of Armed Forces from Renewal Provisions

Director Watkins introduced the rule, saying that the rule was placed on the agenda due to questions about the 180 days contained in the rule. She explained that since that time, we have been advised that there will be no problem with a state going beyond the 90 days indicated in the AQB Criteria. With that statement in mind, the department won't need to take any action on this rule. Ms. Watkins explained that this is a specific instance when the Appraisal Subcommittee will not take issue when a state may be more lenient than what the AQB Criteria.

The Board discussed the impact of the time difference between the AQB Criteria (90 days), Section 455.02, Florida Statutes (six months), and the language of this rule (180 days). The Board asked that this rule be tabled and brought back at the April meeting.

F. 61J1-4.009 Post Licensing Education for Registered Trainee Appraisers

Ms. Watkins introduced the rule and explained that during the process of the Field Review, the ASC has clarified the requirement that all licensees must have the 7-Hour National USPAP Update during each renewal cycle. The post licensing rule as it is, allows the registered trainee appraiser to choose whether to take the post licensing education in either the first or the second renewal cycle. The year when they take the post licensing education they will take the 15-Hour National USPAP Course, not the 7-Hour National USPAP Update. The two courses are very different and the 15-Hour Course cannot be substituted for the 7-Hour Course.

The department is asking that the post licensing components be revised to remove the 15-Hour National USPAP Course and replace it with the 7-Hour National USPAP Update Course. The Board discussed the text of the rule in detail. Following discussion, Ms. Oreto moved; Mr. Pechillo seconded; motion carried to approve the language of the rule as amended.

Mr. Flury asked the Board to review the Checklist for the Statement of Estimated Regulatory Cost (SERC). After the discussion, Ms. Oreto moved, seconded by Mr. Sante to find the proposed changes will not have an adverse impact on small business or increase regulatory costs by \$200,000.00 within a year and are mandated by a Statutory requirement to comply with the Appraisal Qualifications Board (AQB) Criteria. The motion carried without dissent.

The proposed text of the rule is:

#### **61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.**

(1) All post-licensing education for registered trainee appraisers shall, unless otherwise provided for in this subsection, conform to the standards for continuing education provided in Rules 61J1-4.003 and 61J1-4.005, F.A.C. Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, F.S.

~~(a) All registered trainee appraisers must satisfactorily complete one or more Board approved courses which must total at least 40 45 classroom hours, without duplication of material, inclusive of examination in subjects including: influences on real estate value, legal considerations in appraisal, types of value, economic principles, real estate markets and analysis, valuation process, property description, highest and best use analysis, appraisal statistical concepts, sales comparison approach, site value, cost approach, income approach, valuation of partial interests, and appraisal standards and ethics. All post-licensing courses shall consist of a minimum of 15 classroom hours. Post-licensing education shall consist of at least 30 hours of pre-certification education, a 7-hour National USPAP update course or its equivalent which must be taught by an AQB certified instructor, and a 3-hour Florida Laws and Rules Course.~~ A classroom hour is defined as 50 minutes of each 60-minute segment. The examination may not be open book, and must be administered by a permitted instructor.

~~(b) 15 classroom hours of the 45-hour post-licensing requirement must be the 15-hour National USPAP course or its equivalent inclusive of examination, and must be taught by an AQB certified USPAP instructor.~~

~~(2) In addition to the 45-hour requirement all registered trainee appraisers must satisfactorily complete a minimum of 3 hours strictly dedicated to an update of the Florida Real Estate Appraisal License Law and Board Rules. All required hours must be completed within the same renewal period. Post-licensing licensure education must be taken during a single renewal period and all other continuing education for licensure renewal must be taken during other renewal periods.~~

(3) No change.

(4) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations. The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with "course approval criteria" as follows:

(a) A grade of 75% or higher on the Board prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. Examinations must test the material. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. A course that is 30 hours or less, that does not include the 7-hour National USPAP update, shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference.

(4) (b)-(e) No change.

~~(f) All post-licensing education courses may be completed through in-person classroom instruction or distance education. All courses taken for purpose of post-licensing credit must be taken completely within a classroom and may not be taken through distance education unless the licensee cannot, due to hardship, as defined by subsection (5) of this section, complete the course within a classroom. Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.~~

(g) The Board shall allow an additional 6-month period after the second renewal following initial licensure for registered trainees who cannot, due to hardship, as defined by subsection (5) of this section, complete the course or courses within the required time. ~~Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship.~~ The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

(5) Hardship, for purposes of this rule Chapter 61J1-4, F.A.C., shall be defined as an inability, due to the licensee's own physical disability, to complete the post-licensing education requirements. ~~to attend the place where classes are conducted.~~

~~(6) Distance Education courses, containing the same subject matter and requiring substantially the same assignment work, will be prescribed by the Board for any person who by reason of hardship cannot attend the place for classroom instruction for continuing education or post-licensing education. The scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation.~~

~~(7)(a) Any registered trainee appraiser, licensed after July 1, 2003, must complete the 45-hour post-licensure education, and the 3-hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following the trainee's most recent licensure as a trainee, and shall be exempt from the continuing education of that renewal period.~~

~~(b) Any registered trainee appraiser, licensed after July 1, 2003, who does not complete these Board prescribed post-licensure educational requirements and the 3-hour Florida Real Estate Appraisal Law update prior to the second renewal following initial registration and who does not prove that he or she failed to complete the post-licensure education requirements as a result of a hardship, as defined by subsection (5) of this section, is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser.~~

~~(8)(a) Any registered trainee appraiser, licensed before July 1, 2003, must complete the 45-hour post-licensure education, and the 3-hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following July 1, 2003, and shall be exempt from the continuing education requirements of that renewal period.~~

~~(6)(b) Any registered trainee appraiser, licensed before July 1, 2003, who does not complete these Board prescribed post-licensing licensure educational requirements and the 3-hour Florida Real Estate Appraisal Law update prior to the end of the second renewal following initial registration July 1, 2003, and who does not prove that he or she failed to complete the post-licensure education requirements as a result of a hardship, as defined by subsection (5) of this section, is void without further administrative action. Any registered trainee appraiser ~~Such person whose license is null and void pursuant to s. 475.6175(2), F.S.~~ may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser.~~

~~(7) (9) Registered trainee appraisers may not satisfy any requirement of this rule with any course they have instructed.~~

~~Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History—New 2-16-04, Amended 10-27-05, 12-4-06,~~

#### G. 61J1-4.010 Supervision and Training of Registered Trainee Appraisers

Director Watkins reminded the Board that this rule had been work shopped at an earlier time. This version includes all the changes made by the Board previously and some new text that addresses the Supervisory Course that is now required for each certified appraiser who wishes to supervise registered trainee appraisers.

Mr. Flury presented the amended text and answered questions from the Board. Following discussion, Mr. Sante moved; Mr. Pechillo seconded to approve the rule as amended. The motion carried without dissent.

Board Counsel Flury asked the Board to review the Checklist for the Statement of Estimated Regulatory Cost (SERC). After the discussion, Mr. Pechillo moved, seconded by Ms. Oreto to find the proposed changes will not have an adverse impact on small business or increase regulatory costs by \$200,000.00 within a year and are mandated by a Statutory requirement to comply with the Appraisal Qualifications Board (AQB) Criteria. The motion carried without dissent.

The proposed text of the rule is:

**61J1-4.010 Supervision and Training of Registered Trainee Appraisers.**

(1) All registered trainee appraisers shall be subject to direct supervision by a supervisory appraiser. In order to qualify as a supervisory appraiser and be responsible for the direct supervision of registered trainee appraisers, not to exceed three (3), the following conditions must be met:

(a) No change;

(b) A supervisory appraiser must be a current certified general or certified residential appraiser in good standing with the Board and shall not have been subject to any disciplinary action in any jurisdiction within the last three (3) years that affects the supervisory appraiser's legal eligibility to engage in appraisal practice. In addition, an appraiser who is currently under probation may not act as a supervisory appraiser.

(c) Supervisory appraisers shall have been state-certified for a minimum of four (4) years prior to being eligible to become a supervisory appraiser. Supervisory appraisers shall be in good standing in the same jurisdiction in which the trainee appraiser practices for a minimum of four (4) years. Effective December 10, 2010, a supervisory appraiser must have been certified as a residential or general appraiser for at least 48 months;

(d) Prior to registering as a supervisor to any registered trainee appraiser, a certified appraiser shall complete a board approved supervisory course of a minimum of three (3) hours. The course must comply with the course content adopted by the Appraiser Qualifications Board of the Appraisal Foundation on December 9, 2011 pursuant to Section 475.615(2), F.S. Trainee appraisers who took the course to qualify for the trainee appraiser registration will not be required to complete the course once certified in order to supervise. A supervisory appraiser must not have had a registration or certification, suspended by the Board or have been disciplined by the Board in two (2) or more disciplinary cases in the past five (5) years; and

(e) A supervisory appraiser's registration, certification, or license must not be currently subjected to discipline or practice restrictions by the Board. A supervisory appraiser who is currently subjected to discipline may not act as a supervisory appraiser until he or she successfully completes all disciplinary terms and conditions.

(2) The supervisory appraiser shall be responsible for the training and direct supervision of the registered trainee appraiser trainee by:

(a) through (b) No change.

(c) Personally inspecting each appraised property with the registered trainee appraiser trainee for a minimum of the first twelve (12) months of the registered trainee's initial registration, and thereafter until the registered trainee appraiser is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as required by Rule 61J1-9.001, F.A.C. This provision shall not be construed to require that the registered trainee appraiser attend all inspections.

(d) through (f) No change.

(3) through (4) No change.

(5) An appraisal experience log shall be maintained jointly by the supervisory appraiser and the registered trainee appraiser. It is the responsibility of both the supervisory appraiser and the registered trainee appraiser to ensure the experience log is accurate, current and complies with the requirements of the registered trainee appraiser's credentialing jurisdiction. Separate appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser through use of DBPR Form RE-2300, entitled Appraisal Experience Log, effective 1-14-10, hereby incorporated by reference and available at <http://www.myfloridalicense.com/dbpr/re/documents/RE-23002-Page.pdf>.

(6) A supervisory appraiser may not be employed by a registered trainee appraiser or by a corporation, partnership, firm, or group in which the registered trainee appraiser has a controlling interest.

(7) through (9) No change.



(10) A registered trainee appraiser may not sign an appraisal certification within the first twelve (12) months of his or her registration as a trainee appraiser.

(11) A supervisory appraiser must include the following statement in any report in which a registered trainee appraiser contributed to the development of the appraisal or the writing of the appraisal report.

“I, the supervisory appraiser of a registered trainee appraiser ~~trainee~~ who contributed to the development or communication of this appraisal, hereby accepts full and complete responsibility for any work performed by the registered trainee appraiser trainee named in this report as if it were my own work.”

Rulemaking Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, 11-25-07, 5-3-10, 12-11-11; 6-3-13,\_\_\_\_\_.

### **Real Estate Appraisal Continuing Education Course for Approval or Denial**

Tab L – Appraisal of Single Family Residential New Construction – Alltera Group, LLC, Karen Connolly –New Course (7-hour Specialty Distance CE), Application No. 5345

The Board discussed the course. Following discussion, Mr. Sante moved; Ms. Oreto seconded; motion carried unanimously to approve the course as presented.

Tab M – Basic Charts and Graphs – Alltera Group, LLC, Karen Connolly – New Course (5-hour Specialty Distance CE), Application No. 5472

The Board discussed the course. Following discussion, Ms. Oreto moved; Mr. Sante seconded; motion carried unanimously to approve the course as presented.

Tab N – Unraveling the Mystery of Fannie Mae Appraisal Guidelines – Synchronous – Appraisal Institute, Dan Doepke – New Course (4-hour Specialty Distance CE), Application No. 5313

The Board discussed the course. Following discussion, Ms. Oreto moved; Mr. Pechillo seconded; motion carried unanimously to deny the course as presented.

Tab O – Eminent Domain – CLE International, Mark Rackley – New Course (12-hour Combination CE) Application No. 5458

The Board discussed the course. Following discussion, Mr. Ketcham moved; Mr. Roy seconded; motion carried unanimously to approve the course for six hours of continuing education credit.

Tab P – Real Estate Appraisals I- Principles & Procedures – Dynasty School, Steven Fung – New Course (60-hour Trainee QE) – Application No. 5399

The Board discussed the course. Following discussion, Mr. Sante moved; Ms. McKee seconded; motion carried unanimously to deny the course as presented.

Tab Q – How to Critique an Appraisal Outline – Florida Department of Revenue / Property Tax Oversight Program, Meghan Miller – New Course (7.5-hour Specialty CE ) –Application No. 5336

The Board discussed the course. Following discussion, Mr. Sante; Mr. Pechillo seconded; motion carried unanimously to deny the course as presented.

Tab R – Appraisal of Fast Food Facilities - McKissock, LP, Jackie Vincent – New Course (7-hour Specialty Distance CE), Application No. 5314

The Board discussed the course. Following discussion, Mr. Ketcham moved; Mr. Roy seconded; motion carried unanimously to approve the course as presented.

Tab S – *Bullet Proof Work file* – Robert E. Keller, Inc., Robert E. Keller – (3-hour Specialty Distance CE – Live Streaming), Application No. 5467

Mr. Keller was present. The Board entered into discussion. Following discussion, Mr. Keller verbally waived the 90-day processing time and agreed to table the course application until the April 2014 meeting during which time the Department will research certain issues of the live-streaming process.

Tab T – *FREAB Complaints and Your License* – Robert E. Keller, Inc., Robert E. Keller – (4-hour Specialty Distance CE – Live Streaming), Application No. 5468

Mr. Keller was present. The Board entered into discussion. Following discussion, Mr. Keller verbally waived the 90-day processing time and agreed to table the course application until the April 2014 meeting during which time the Department will research certain issues of the live-streaming process.

### Special Agenda

### Correspondence

#### G. Communication from Heather MacGibbon-Waye

Director Watkins presented the communication to the Board and reported reactivation education was the topic of the communication. Education Coordinator Jocelyn Pomaes provided the Board with a brief background about other conversations Ms. MacGibbon-Waye has had with Department staff. Director Watkins explained the various levels of reactivation education required to update a credential prior to it becoming Null and Void.

The Board discussed the details of the letter and acknowledged that the Department had provided sufficient information regarding the requirements of reactivation, but took no further action.

#### H. Communication from Herman Tharp

Director Watkins introduced the communication from Mr. Tharp, who was present. Mr. Tharp requested assistance from the Board on how to comply with the existing experience criteria when he has not been in the appraisal industry since 2004. The Board discussed the matter and asked the Department to work with Mr. Tharp to determine if the experience he has will meet the current criteria. Director Watkins agreed to do so.

### Board Business

Director Watkins presented the following and answered questions from the Board for the following topics:

- A. Appraiser Qualifications Board (AQB) – Fifth Exposure Draft Guide Note 9 (GN-9)
- B. Appraiser Qualifications Board (AQB) – Meeting Notice, March 20, 2015
- C. Appraiser Qualifications Board (AQB) – Q & A December 2014
- D. The Appraisal Foundation (TAF): *Board of Trustees Members Sought*
- E. The Appraisal Foundation (TAF) – *Seeks Candidates for Appraisal Practices Board (APB)*
- F. The Appraisal Foundation (TAF) – David Bunton Editorial

These items were considered by the Board to be informational only, taking no further action at this meeting.

## Director's Comments

Director Watkins comments included the following:

- Legislative update and report on proposed changes to amend language of the following Florida Statutes:
  - Section 475.631 Nonresident license and registrations
  - Section 475.629 Retention of records
  - Section 475.6295 Authority to Inspect
- A request from former Board members to participate with the Probable Cause Panels. The Board agreed to changes to the existing schedule. Staff will work with the past members and current members to update the schedule and forward it to all participants.
- Asked the Board for authority to include certain minor license law violations which have been resolved by the issuance of a Citation. The Board asked that the current version of the approvable guidelines for minor violations be included on the April 2015 agenda for review.

## Chair's Comments

Chair Simmons commented that the Interagency Rules have not yet been published, but he is still diligently searching for any updates that may be forthcoming.

## Appraisal Subcommittee 2015 Field Review Preliminary Findings Report

In reporting Florida's preliminary findings of the 2015 Field Review, Ms. Tidwell reported on each of the seven areas of review. The findings of which are as follows:

### 1. Statutes, Regulations, Policies and Procedures – In Substantial Compliance

- There is one technical violation in statute that violates the reciprocity policy. The proposed legislation that Director Watkins discussed has a sponsor and hopefully will pass. If so, it will clear up the violation. In practice however, the program does follow the guidelines for reciprocity and is in compliance.

There are some rules that still need to be updated and Section 475.615 provides authorization for the Board to update the rules for conform with AQB requirements. With the revision of the 7-Hour National USPAP Update at this meeting this item will not be reported as a violation, but as an Area of Concern.

### 2. Temporary Practice – In Compliance

- The previous review found one item of concern. The issue was immediately resolved and the process is in full compliance.

### 3. National Registry – In Compliance in all areas of the National Registry

- Reporting of disciplinary actions, licensing updates and invoice payments are completed timely.

### 4. Application Processing – In Substantial Compliance

- Experience Review - The Staff who complete the reviews of the work experience of applicants have received USPAP training and there is expert support to assist with complicated reviews.

- Application Review - The Staff does an excellent job of reviewing in detail each component for the various types of applications; reciprocal applications, upgrade applications, trainee applications, education course applications, renewal applications, and initial applications for each component of the education and experience criteria.
  - Reciprocity – In practice, the program is operating in compliance with AQB Criteria
  - Education – In Compliance – Supporting documentation shows all information needed to demonstrate compliance has been tracked since last review when supporting documentation was not included in all files. IDECC Certifications, CAP approval information with identification of expiration dates is all being recorded in great detail.
5. Enforcement – In Compliance in all areas; all complaints are well documented and timely.
- Outstanding Cases – While there has been a decrease in the number of complaints received, the numbers from 2009 to 2015 show dedication and hard work have been put into the area of case resolution. The decrease in the number of open cases, from 603 in 2009 to 103 in 2013 shows great strides have been made to expedite the process. The number of cases open more than 365 days from date received has dropped from 218 in 2009 to 3 in 2015, each with documented special circumstances. She will be reporting that there are zero open cases over one year old that are not documented. This report shows the effort put forth by the Complaint Intake Team, the Investigations Team, the Legal Staff and the Probable Cause Panels.

Ms. Tidwell concluded her report by saying she will write her Preliminary Report for the Appraisal Subcommittee. They will in turn send Florida a letter with the findings and grant 60 days to respond. Any items that can be cleared within the 60 days can count toward bringing the item into compliance. The Appraisal Subcommittee makes the final decision about her review report and where Florida's program will fall on the review scale. Florida will receive a copy of the final review rating, which will be a public record.

She then answered questions from the Board and reported that because of ASC requirements of changing Policy Managers every four years, Florida will receive a new Policy Manager at the end of this year.

Chair Simmons thanked Ms. Tidwell for her report and commended the Department and Staff for the tremendous effort put forth in resolving the case backlog.

### Public Comments


Director Watkins briefly reported that the Association of Appraiser Regulatory Officials conference will be held May 1<sup>st</sup> through the 3<sup>rd</sup> in Nashville, Tennessee. She asked the Board to consider who will go as representatives of the Board. Three members asked for consideration to attend. Ms. Watkins said she will be in touch with each before the April meeting.

### Adjournment

There being no other business, the Chair adjourned the meeting at approximately 3:40 p.m. The next meeting of the Florida Real Estate Appraisal Board will held Tuesday, April 7, 2015 in Orlando.

ATTEST:

  
 Roy Pechillo, Chair  
 Florida Real Estate Appraisal Board

  
 Juana Watkins, Executive Director  
 Florida Real Estate Appraisal Board