

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
April 4, 2016
General Meeting**

Chair Evalyn “Fran” Oreto called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:45 a.m., in Orlando, Florida, on this Monday, the fourth day of April, 2016.

The following Board members were present: Chair Fran Oreto, Vice-Chair Tamara McKee, Members Benjamin Bush, Armando del Valle, Joshua Harris, Clay Ketcham, Michael Roy, and Matthew Simmons. Assistant Attorney General Clark Jennings appeared as counsel for the Board. Director Watkins declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Joshua Kendrick, Chief Attorney, Allison McDonald, Deputy Chief Attorney; Jocelyn Pomaes, OMCII; Susan Bailey, Administrative Assistant II, Johanne Knudson, and Beverly Ridenauer, Government Analysts. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

General Session

Approval of Minutes

The minutes of the February 9, 2016 General Meeting were presented. Mr. Ketcham moved, seconded by Mr. Roy to approve the minutes with amended language. The motion carried without dissent.

Reports

Exam Performance Report

Director Watkins presented the Examination Performance Summary Reports for January and February, 2016. 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.

Legal Case Report

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

Rules Report

Board Counsel Jennings provided the Rules Report for March 2016, noting that due to the lapse of time with no action being taken, Rule 61J1-2.0045 has been removed from the report. There are no rules pending at this time.

Legal Appearance Docket

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

Item A – Case No. 2013025429, Jason Dwight Walker – Stipulation

Withdrawn

Summary of Applicants Agenda - New Applicants

- A. Rachel M. Brooks, Registered trainee appraiser – The applicant was present. Following discussion, Mr. Harris moved, Mr. Roy seconded; motion passed without dissent to approve the application.
- B. David E. Hopkins, Certified Residential Appraiser by mutual recognition (MO) – The applicant was not present. Following discussion, Mr. Simmons moved, Mr. Roy seconded; motion passed without dissent to approve the application.
- C. Bradley E. Pullum, Certified Residential Appraiser by mutual recognition (AL) – The applicant was not present. Following discussion, Mr. del Valle moved, Mr. Ketcham seconded; motion passed to deny the application based upon the lack of the passage of time and failure to disclose the event.

A document submitted by Mr. Pullum after the meeting was called to order was read into the record and considered by the Board. After reviewing the document, the Board had no further comment and took no further action; the original vote stands.

General Session Continued

Real Estate Appraisal Education Courses for Approval or Denial

- A. AEDP Fall Educational Seminar: War Stories – New Course (7.2 hours Specialty, classroom) – Application No. 5859 – Association of Eminent Domain Professionals

No representative from the organization was present in support the application. The Board discussed the education course as submitted. Following discussion Mr. Roy moved; Mr. Ketcham seconded a motion to approve the application with the condition that all future classes have a sign-in mechanism for real estate appraisers. The motion carried without dissent.

- B. Eminent Domain 19th Annual Conference – New Course (15-hour Specialty, classroom) – Application No. 5890 – CLE International

No representative from the organization was present in support the application. The Board discussed the education course as submitted. Following discussion Mr. Roy moved; Mr. Harris seconded a motion to approve the application for six hours of appraisal related education with the condition that all future classes have a sign-in mechanism in place for real estate appraisers. The motion carried with one dissenting vote.

- C. General Appraiser Report Writing and Case Studies – New course (15-hour Qualifying Education and 14-hour Specialty, distance) – Application No. 5779 – Dynasty School

The Board discussed the education course as submitted. No representative from the organization was present in support the application. In response to questions from the Board, Ms. Pomales explained that a course by this same name course is an AQB required qualifying 30-hour education course. If the Board approves this application as it is presented and an applicant took this course for 15 hours of qualifying education, the applicant's education could not be approved because the applicant would have taken the wrong course and the education would be deficient for 15 hours of mandatory education.

Following discussion Ms. McKee moved; Mr. Simmons seconded a motion to deny the application based upon the course title and a need to update the USPAP reference to the 2016-2017 USPAP. The motion carried without dissent.

- D. *The Foreign Investment in Real Property Act* – New Course (3 hours specialty, classroom) – Application No. 5879 – L. B. Carpenter, P A

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Ms. McKee moved; Mr. Bush seconded a motion to deny the application based upon the fact the content of the course would be more appropriate for real estate licensees, rather than appraisers. The motion carried without dissent.

- E. *Appraising Small Apartment Properties* – New Course (3 hours specialty, distance) – Application No. 5884 – McKissock LP

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Mr. Harris moved; Mr. Roy seconded a motion to approve the application with the condition the provider submit a corrected answer key for the course. The answer key is a requirement by Rule. Upon vote, the motion carried without dissent.

- F. *Staying Out of Trouble* – New Course (7 hours specialty, classroom) – Application No. 5972 – Region X of the Appraisal Institute

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Mr. Roy moved; Mr. Ketcham seconded a motion to approve the application based upon the content of the course. The motion carried without dissent.

- G. *The Implications of 3D Printing for Real Estate Professionals* – New Course (2 hours specialty, classroom) – Application No. 5973 – Region X of the Appraisal Institute

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Mr. Roy moved; Mr. Bush seconded a motion to deny the application based upon the fact the content held little information for appraisers. The motion failed with a tie vote.

The Board further discussed the course material. Mr. Simmons moved; Mr. Harris seconded to approve the course. The motion failed due to a tie vote.

The Board discussed the content of the application noting the lack of materials to support the course. Following discussion, Mr. Harris moved; Mr. Bush seconded a motion to deny the course with guidance to the provider to re-submit the course with materials or slide presentation that would support the course. The motion carried with one dissenting vote.

H. The 50-Percent FEMA Rule Appraisal – New Course (2 hours specialty, classroom) – Application No. 5974 – Region X of the Appraisal Institute

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Ms. McKee moved; Mr. Roy seconded a motion to deny the application because the provider needs to resubmit the course as distance education based upon the content of the application. The motion carried without dissent.

I. Craft Beer Pours Into Commercial Real Estate – New Course (2 hours specialty, classroom) – Application No. 5975 – Region X of the Appraisal Institute

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Mr. Bush moved; Mr. Roy seconded a motion to deny the application because the application did not include course materials and the content is not appraisal related. The motion carried without dissent.

J. Ad Valorem Property Taxation – New Course (21 hours specialty, classroom) – Application No. 5953 – Robert E. Turner

The Board discussed the education course as submitted. No representative from the organization was present in support the application. Following discussion Mr. del Valle moved; Ms. McKee seconded a motion to deny the application based upon the lack of course material and the basic nature of content of the course. The motion carried without dissent.

Board Business

Chair Oreto presented the following items. The Board considered these items to be informational only, taking no further action at this meeting.

- Appraisal Qualifications Board (AQB) Meeting Notice is being held in conjunction with the Association of Appraiser Regulatory Officials (AARO) meeting in Phoenix, Arizona in April.
 - In response to questions from Member Ketcham, Deputy Director Johnson reported that Chair Oreto, Director Watkins and two staff members will attend the Spring AARO Conference.
- Appraisal Standards Board (ASB) Q & A March 2016
- The Appraisal Foundation (TAF) Seeks Candidates for Boards
- Discussion of AMC Regulation Legislative Proposals
 - Director Watkins explained that she does not have any proposals prepared at this time as the Board has been focusing on the alternate valuation standards for the past several meeting. The Director stated there is a possibility that extra meeting will need to be scheduled to do what needs to be done after the Board discusses the topic at the June meeting.

Special Agenda Continued - Board Business

Anti-Trust Presentation

Mr. Ed Tellechea, Bureau Chief of the Administrative Law Bureau of the Office of the Attorney General and Mr. Nicholas Weilhammer, Assistant Attorney General specializing in anti-trust law, presented information about anti-trust law to the Board and answered questions from the Board.

Director's Comments

Director Watkins' comments included information about the following:

The Appraisal Subcommittee Priority Contact Visit for 2016 took place on February 23rd.

- Explanation of what the Priority Contact Visit and how the process differs from the regular bi-annual full Field Review of Florida's program.
- Upcoming changes for monitoring legal cases

Legislative Update includes two Bills:

- House Bill 303 / SB 394 – Unlicensed Activity Fees – grants Department discretion to not collect the unlicensed activity fees in certain circumstances

Special Agenda Continued - Board Business

Correspondence

Correspondence from Maggie Hambleton, Chair, Appraisal Standards Board

Chair Oreto read into the record a letter from Ms. Maggie Hambleton, Chair of the Appraisal Standards Board. Ms. Hambleton's communication provided a response to a question posed by Member Roy during her presentation at the February 9, 2016 meeting of the Board. The Board considered the information, but took no action.

Correspondence from Anonymous

Director Watkins read into the record a letter sent to her attention anonymously. Members of the Board commented upon the content of the letter, but took no other action at this meeting.

General Session Continued - Rulemaking Workshop

Rule 61J1-9.001 Standards of Appraisal Practice

Chair Oreto opened the floor to industry participants who were in attendance to speak to the issue of determining if the Valuation Standards of the Appraisal Institute meet or exceed the Uniform Standards of Professional Appraisal Practice. Industry participants who gave comment included:

- Mr. Scott DiBiasio, Manager State & Industry Affairs, Appraisal Institute
- Nicholas Pilz, Appraisal Institute Member
- Jennifer Marshall, Appraisal Institute Member
- Wayne Miller, Immediate Past Chair Appraisal Qualifications Board and Appraisal Institute Member
- Wesley Sanders, Appraisal Institute Member
- Barry Shea, Former Chair of the Appraisal Standards Board
- Francois (Frank) K. Gregoire Certified Residential Appraiser, St. Petersburg

Director Watkins commented that the first step to rulemaking for any board is to determine if there is rulemaking authority before beginning the process. The discussion included the need to compare components of the "standard" to the "alternate" to determine "meet or exceed" threshold.

During the discussion, Member McKee moved to have the Board move forward with a comparison between the two sets of standards at this meeting. The motion failed for lack of a second.

Following further discussion of the topic, Mr. Bush moved; Mr. Ketcham seconded to close rulemaking for Rule 61J1-9.001 based upon the fact this Board does not have rulemaking authority for this issue. The motion failed with a split vote of 3 Yay votes to 5 Nay votes.

Following further discussion, Mr. Ketcham moved; Ms. McKee seconded to find that as presented the Appraisal Institute Standards of Valuation Practice and Code of Professional Ethics do not meet or exceed the Uniform Standards of Professional Appraisal Practice. Upon vote, the motion failed due to a tie vote with 4 Yay and 4 Nay. The Board tabled the topic to the June 2016 meeting.

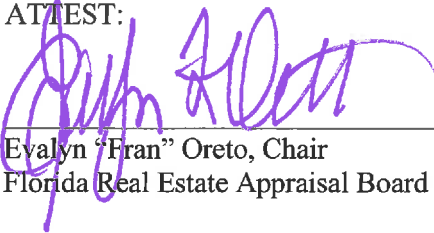
Public Comments

There were no public comments.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 5:15 pm. The next general meeting of the Florida Real Estate Appraisal Board will be held June 6, 2016 in Orlando.

ATTEST:



Evalyn "Fran" Oreto, Chair
Florida Real Estate Appraisal Board



Juana Watkins, Executive Director
Florida Real Estate Appraisal Board