

Matilde Miller, Interim Secretary

Rick Scott, Governor

**Amended Minutes of  
THE FLORIDA REAL ESTATE APPRAISAL BOARD  
April 6, 2017  
General Meeting**

Chair Clay Ketcham called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:35 a.m., in Orlando, Florida, on this Thursday, the 6<sup>th</sup> of April, 2017.

The following Board members were present: Chair Clay Ketcham, Vice-Chair Michael Roy, Members Benjamin Bush, Cristy Conolly, Armando del Valle, Tamara McKee, and Fran Oreto. Members Joshua Harris and Janet Rabin had excused absences. Assistant Attorney General Rachel Clark appeared as counsel for the Board. Director Watkins declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Lori Crawford, Executive Director; Allison McDonald, Deputy Chief Attorney; Sara Kimmig, Chief, Bureau of Enforcement; Neal Lawson, Assistant General Counsel appeared by video conference; Jocelyn Pomales, 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 13, 2017 General Meeting were presented. Ms. Oreto moved, seconded by Mr. Bush to approve the minutes as presented. The motion carried without dissent.

The minutes of the March 17, 2017 Rule Workshop were presented. Ms. McKee moved, seconded by Ms. Oreto to approve the minutes as presented. The motion carried without dissent.

**Reports**

Director Watkins presented the following reports and responded to questions from the Board as follows:

- **Exam Performance** – Reduced number of exams being given and the qualifications of those who are currently sitting for the National Exam.
- **Financial Report** – the transfer of funds by the Florida Real Estate Commission (FREC) to this Board (FREAB) to cover certain operating expenses within the FREAB budget. The Board also asked for information about the decline in the number of appraisal complaints and the impact to investigations.
- **Licensee Count Report** – The number of appraisals who did not renew by the end of the last renewal cycle, November 30, 2016.

**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 Clark provided the Rules Report for April 2017.

## Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 1 docket item with the following results:

### Tab A – Case No. 2016025416, Dennis Gorga – Respondent’s Request for Informal

Withdrawn

## General Session Continued

### Summary of Applicants Agenda - New Applicants

- A. Henry K. Adamson – Certified General Appraiser by mutual recognition (KS) – Prior to the meeting, the applicant requested a continuance of appearance before the Board. Mr. Bush moved; Ms. Conolly seconded; motion carried unanimously to grant the request for continuance to the June 2017 meeting.
- B. Managed Appraisal Service, James D. Gazonas – Appraisal Management Company – The applicant was not present, however was represented by Counsel Mia L. McKown. Following discussion, Mr. del Valle moved; Ms. McKee seconded; motion carried unanimously to approve the application.

## General Session Continued

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

- A. Improving the Expert’s Expertise, Part 1 – New Course (7 hours, Specialty Education) – Association of Eminent Domain Professionals

No representative from the organization was present in support of the application. The Board discussed the matter. Following discussion, Ms. McKee moved, Ms. Oreto seconded to approve the application for 7 hours Specialty credit. The motion carried unanimously.

## Rules Discussion

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

Ms. Clark presented the proposed amendments to Rule 61J1-4.010. The Board discussed the proposed language amendments. Following discussion and further amendments to the proposed language, Ms. Oreto moved; Ms. Conolly seconded; motion carried without dissent to adopt the proposed language with verbal amendments as discussed at this meeting. The proposed amendments in this draft are:

#### **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) A supervisory appraiser must accept, acknowledge and recognize full responsibility for compliance with the Uniform Standards of Professional Appraisal Practice USPAP, Florida law or regulation for any and all research data collection, analysis, development or communication of any appraisal, appraisal review or

appraisal report prepared, or with the assistance of, a registered trainee appraiser as if the work was performed personally by the supervisory appraiser;

(b) A supervisory appraiser must be currently state-certified and have been in good standing with the certifying jurisdiction for at least (3) years and shall not have been subject to any disciplinary action in any jurisdiction within at least 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 three (3) ~~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.~~

(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, within the preceding four (4) years. 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.~~

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

(a) Accepting full and complete responsibility for any research, data collection, development, analysis or communication of any appraisal review or the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(s)(e), F.S.;

(b) No change.

(c) Personally inspecting each appraised property with the registered trainee appraiser 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., but for at least a minimum of the first six (6) ~~twelve (12)~~ months and 150 hours in sections I, II, and III of the Appraisal Experience Log for DBPR-RE-2300 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) "Personally inspecting each appraised property ~~to be appraised with~~" as stated in paragraph 61J1-4.010(2)(c), F.A.C., shall mean that the supervisory appraiser and registered trainee appraiser shall be at the property being appraised simultaneously and the occasion shall be used for teaching the registered trainee how to competently perform an inspection for valuation purposes.

(e) Once the supervisory appraiser is not required to accompany the registered trainee appraiser on each appraised property. In situations in which the supervisory appraiser is not required by paragraph 61J1-4.010(2)(e), F.A.C., to accompany the registered trainee appraiser on an inspection of the property being appraised, the supervisory appraiser shall accept complete responsibility for any data or analysis developed by a registered trainee appraiser who performed an inspection of the property being appraised without the supervisory appraiser being present.

(f) Registering the trainee appraiser ~~trainee~~ with Department through use of DBPR FREAB 14, Supervisor Designation/Termination Form as set forth in the Department's Rule 61-35.026, F.A.C. Failure to properly file form DBPR FREAB 14 shall subject both the supervisor and trainee appraiser to disciplinary action. Any experience gained by the trainee while not properly registered shall not count toward the required training for an appraiser.

(3) through (7) No change.

(8) A registered trainee appraiser may only receive compensation for appraisal services through or from his or her authorized certified Supervisory Appraiser. Compensation from an employer of the supervisory appraiser is considered payment through the supervisor to the trainee appraiser.

(9) A registered trainee appraiser who made any contribution to the development or reporting of an appraisal must be named in the appraisal report and the work performed by the registered trainee appraiser must be described in detail ~~and the time claimed in the trainee's log must also be included in the report.~~

~~(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.~~

(10)(11) No change.

*Rulemaking Authority 475.614, 475.615 FS. Law Implemented 475.611, 475.615, 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, 4-15-15, 2-2-16, \_\_\_\_\_.*

Ms. Clark asked the Board if the proposed amendment to the rule will have a negative impact on small business or a regulatory impact in excess of \$200,000 within one year of implementation of the rule. Ms. McKee moved; Ms. Oreto seconded; motion carried unanimously to find there will be no fiscal impact.

### **Special Agenda** **Legislative Update**

Director Watkins provided updates relating to Bills currently being considered by the Legislature. The Board discussed the content of the Bills. Ms. Watkins and Ms. Clark responded to questions and comments. The following were discussed:

- SB 716 and HB 927 – Real Estate Appraisers
- HB 615 – Professional Regulation

### **Board Business** **Anti-Trust Update and Senate Bill 582 – Regulatory Boards**

Board Counsel Clark provided an update on the proposed anti-trust legislation as proposed in Senate Bill 582. She explained how the proposed changes will affect board members, if the Bill becomes law.

### **Preliminary Findings of the Appraisal Subcommittee Field Review**

Director Watkins said the letter from the Appraisal Subcommittee containing the results of the recent Compliance Review had been received. Ms. Watkins took great pleasure in reporting that Florida's appraisal program had no areas of non-compliance and therefore, Florida's program has been granted the rating of Excellent.

The Director thanked the Department, the Board, Tallahassee Staff and Orlando Staff for all their hard work to bring the program to this level of accomplishment. Very few state programs have achieved this level of competency and she is pleased that Florida is now among them.

Chair Ketcham also thanked those involved, including the Division's Leadership team in moving Florida's program to this level of excellence.

### **AQB Third Exposure Draft Proposed Changes to Qualification Criteria**

Director Watkins introduced the topic. The Board discussed some of the proposed changes regarding the experience guidelines. The AQB offers the opportunity to provide feedback to the Exposure Drafts via the Appraisal Foundation website and welcomes the interaction with those who provide comment.

### **Foundation News and Updates**

Director Watkins presented the following items, which were considered by the Board to be information only, with no further action being taken:

- Appraiser Qualifications Board (AQB) Public Meeting in Tampa, FL on April 7, 2017
- Appraisal Standards Board – Summary of Action Related to USPAP Changes
- Appraisal Foundation – Q & A for February 2017

### **Director's Comments**

Director Watkins commented on the following:

- The dates and locations of the Instructor's seminars have been completed and are posted online. Registration is required as seating is limited. Registration may be completed by visiting the website at <http://www.myfloridalicense.com/dbpr/re/UpcomingEvents.html>
  - June 15, 2017 - Pinellas County Board of Realtors, 4590 Ulmerton Road, Clearwater
  - July 6, 2017 - Indian River State College, Chastain Campus, 2400 SE Salerno Road, Stuart
  - August 3, 2017 - University of North Florida, Adam W. Herbert University Center, 12000 Alumni Dr., Jacksonville
  - August 23, 2017- Seminole State College  
100 Weldon Blvd., Sanford, 32773
- The Spring Conference for the Association of Appraiser Regulatory Officials (AARO) will be held this weekend, April 7-9, 2017 in Tampa. She is pleased that it is being held in Tampa, which has allowed for travel costs to be lower, thereby providing resources for more Members and Staff to be exposed to this training opportunity.
- Ms. Watkins was a guest speaker at an expo recently held in Orlando. She reported to the Board those in the industry were very excited about the future.

### **Chair's Comments**

The Chair had no comments.

### **Public Comments**

There were no comments from the audience.

**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 11:45 a.m. The next general meeting of the Florida Real Estate Appraisal Board will held Monday June 5, 2017 in Orlando.

ATTEST:



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Clay Ketcham, Chair  
Florida Real Estate Appraisal Board



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Lori Crawford, Executive Director  
Florida Real Estate Appraisal Board