

Ken Lawson, Secretary

Rick Scott, Governor

**Amended Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
August 1, 2016
General Meeting**

Chair Evalyn “Fran” Oreto called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:35 a.m., in Orlando, Florida, on this Monday, the first day of August, 2016.

The following Board members were present: Chair Fran Oreto, Vice-Chair Tamara McKee, Members Benjamin Bush, Armando del Valle, Joshua Harris, and Matthew Simmons. Members Clay Ketcham and Michael Roy 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; Denise Johnson, Deputy Director; Allison McDonald, Deputy Chief Attorney, and by teleconference, Brande Miller and Joe Helton Assistant General Counsels; Jocelyn Pomales, OMCII; Susan Bailey, Administrative Assistant II, Johanne Knudson, and Beverly Ridenauer, Government Analysts and Rachel Clark, Assistant Attorney General. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

General Session

Approval of Minutes

The minutes of the June 6, 2016 General Meeting were presented. Mr. Bush moved, seconded by Mr. Harris to approve the minutes as amended. The motion carried without dissent.

Reports

Director Watkins presented the following reports and addressed questions from the Board.

- Exam Performance Reports – June and July, 2016
- Licensee Count Report – June, 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 July 2016. The one rule on the report is 61J1-9.001, which had been opened for rulemaking, but was closed at the June 2016 meeting.

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing two docket items, with two items being withdrawn.

Item A – Case No. 2015042726, Aneka Metrell Mitchell-Saint Vil - Respondent’s Request for Informal Hearing

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

Mr. Helton represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Mr. Simmons moved; Mr. Bush seconded; motion carried unanimously to impose the following:

Penalty imposed: Revocation. **Violation:** Florida Statute 475.624(4) by having been found guilty and sentenced for uttering a forged instrument, a third degree felony, and grand theft (motor vehicle), a third degree felony in violation of Sections 812.014(2)(c)6 and 831.02, Florida Statutes.

Item B – Case No. 2015033861, Cesar Joel Vargas – Voluntary Surrender

Withdrawn

Item C – Case No. 2015047421, Stephen Earl Craig – Petitioner’s Motion for Waiver and Entry of a Final Order

Respondent was not present and was not represented by counsel. Mr. Ketcham, who was not present, participated on the probable cause panel.

Mr. Helton represented the Department and presented the case to the Board. The Board discussed the matter. Following discussion, Mr. del Valle moved; Mr. Bush seconded; motion carried unanimously to impose the following:

Penalty imposed: Revocation. **Violation:** Florida Statute 475.624(4) by failing to comply with a lawful order of the Board.

Item D – Case No. 2015030640, Salvador Oscar Perez – Petitioner’s Motion for Waiver and Entry of a Final Order

Withdrawn

General Session Continued
Petitions for Variance or Waiver

Petition for Rule Variance of Section 61J1-6.001(1)(c), Florida Administrative Code – VW 2016-164

Director Watkins presented the Petition for Variance or Waiver as received from Mr. Kurt Hartless. Mr. Hartless was not present to address the Board. The Board discussed the petition. Following discussion, Mr. del Valle moved; Mr. Simmons seconded a motion to deny the petition because the petitioner failed to demonstrate a hardship. The motion carried without dissent.

Summary of Applicants Agenda - New Applicants

- A. ARC Appraisers, LLC, Appraisal Management Company and Authorized Representative Christopher A. Baker – The applicant was not present. Following discussion, Mr. Simmons moved, Mr. del Valle seconded; motion carried by split vote to approve the application.
- B. Christopher Allen Beauchemin, Registered Trainee Appraiser – The applicant was present. Following discussion, Mr. del Valle moved, Mr. Harris seconded; motion to approve the application carried unanimously.
- C. Jay Barry Bernstein, Certified Residential Appraiser by mutual recognition (NY) – The applicant was present. Following discussion, Mr. Harris moved, Mr. Bush seconded; motion carried unanimously to approve the application.
- D. Raymond Koepsell, Certified Residential Appraiser by mutual recognition (GA) – The applicant was present and was represented by counsel, Daniel Villazon. Following discussion, Attorney Villazon verbally withdrew the application on the record at the meeting.
- E. John Murray, Certified Residential Appraiser by mutual recognition (GA) – The applicant was not present. Following discussion, Mr. del Valle moved to approve the application, Mr. Harris seconded; motion carried with one dissenting vote.
- F. Chase Taylor Smith, Registered Trainee Appraiser – The applicant was present. Following discussion, Mr. del Valle moved, Mr. Bush seconded the motion to approve the application. The motion carried unanimously.
- G. Christopher Jay Stallings, Certified General Appraiser by mutual recognition (TX) – The applicant was not present. Following discussion, Mr. Harris moved, Mr. Simmons seconded; motion to approve the application carried without dissent.
- H. Andrew Phelps Buckingham, Certified Residential Appraiser – The applicant was present. Following discussion, the applicant verbally withdrew his application on the record at the meeting.
- I. Enilda Maria Taub, Certified General Appraiser– The applicant was present. Following discussion, Mr. del Valle moved to approve the application: Mr. Simmons seconded; motion carried unanimously.

General Session Continued

Real Estate Appraisal Education Courses for Approval or Denial

- A. The Valuation of Partial Acquisitions Participant Manual Course 421 – New Course (32 hours, Specialty) – Application No. 5873 – Region X of the Appraisal Institute

No representative from the organization was present in support the application. The Board discussed the matter. Following discussion Mr. del Valle moved; Mr. Harris seconded to approve the course for 20 hours of specialty education. The motion carried without dissent.

Rulemaking Workshop
Rule 61J1-2.001 Fees

Deputy Director Denise Johnson introduced the topic noting that the contracted exam provider, PearsonVUE, has increased the cost of the examination administration fees. The Board considered the matter. Following discussion, Mr. Harris moved, Mr. del Valle seconded to open the rule for development. The motion carried unanimously.

Special Agenda
Correspondence

The Board considered a communication from Mr. Luke B. Johnson regarding experience. Mr. Johnson and Mr. Kenneth Harris were present to address the Board. The Board heard Mr. Johnson's comments but took no further action at this meeting.

Board Business
Approvable Guidelines for Real Estate Appraisers

Deputy Director Denise Johnson presented a revised list of approvable misdemeanor guidelines to be used in the review of applications where there is a background issue and answered questions from the Board. Following discussion, Mr. Harris moved, Mr. del Valle seconded; motion carried unanimously to approve the revised application approvable guidelines.

The Board considered the following items to be information only and took no further action:

- *Foundation News* and updates from The Appraisal Foundation (TAF), tabled from the June meeting
- *Foundation News* and updates from The Appraisal Foundation (TAF) for July
- Appraisal Subcommittee Notice of Publication of Proposed Rulemaking for AMC Registry Fee

AMC Regulation

Director Watkins provided the Board with a Legislative update, reporting that changes to AMC regulation is one of the proposals she submitted to the Office of Legislative Affairs. There are ongoing discussions of how the proposal may move forward as it is not yet clear if the Department will sponsor a bill.

The Board discussed the topic at length, asking that the following items be included in any legislative proposal(s):

- Definitions – the definition section of the statute will need significant changes; the proposal mirrors the federal definition; based on “covered transactions”, not “federally related transactions”.
- Identify and define appraisal firms; clarify differences between AMCs, entities that use contractors and hybrid companies
- An independent study of customary and reasonable fees to be conducted by an independent source to properly define “customary and reasonable fees” as that is part of compliance with the Truth in Lending Act (TILA)

The following items were tabled due to the absence of Member Ketcham:

- Anti-Trust Presentation Questions
- FREAB Declaratory Statement DS-92-01
- House Bill 499 amending Value Adjustment Board (VAB) process

Director's Comments

Director Watkins commented on the following:

- Thanked Dr. Joshua Harris for his participation with the Instructor's Seminars. The feedback from the instructors has been very positive.
- The Fall Conference of the Association of Appraiser Regulatory Officials (AARO) will be held in Washington, D. C. on October 21st through the 24th.
- Chair Oreto reported that the 2017 Spring Conference will be held in Tampa in April 2017. Director Watkins has already requested funding to aid in having as much representation from Florida as possible at that conference.
- There is an issue with conveying the message that the supervisory appraiser and the registered trainee appraiser must be properly registered with the Department prior to completion of any appraisal assignments that may be counted toward the trainee's experience requirements. The Board briefly discussed options to address the issue.
- The meetings are live-streamed to the public for viewing only. If any member of the public wishes to comment on an agenda item, written comments should be directed to the Division of Real Estate.

Chair's Comments

The Chair deferred making comment to allow for final public comment.

Public Comments

The Board heard final comments from the audience.


Adjournment

There being no other business, the Chair adjourned the meeting at approximately 4:00 p.m. The next general meeting of the Florida Real Estate Appraisal Board will held October 3, 2016 in Orlando.

ATTEST:



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



Juana Watkins, Executive Director
Florida Real Estate Appraisal Board