

Jonathan Zachem, Secretary

Rick Scott, Governor

**Amended Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
October 2, 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 Monday, the 2nd day of October 2017.

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

Department and Division staff present at the meeting: Paul Waters, Deputy Secretary, Denise Johnson, Deputy Director; Lori Crawford, Executive Director, Allison M Donald, Deputy Chief Attorney; Sara Kimmig, Chief Bureau of Enforcement; Neal Lawson, Alicia Bhambani, Assistant General Counsels appeared by video conference; Jocelyn Pomales, Education Coordinator; Susan Bailey, Administrative Assistant, III; 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 August 8th, 2017 Teleconference Meeting were presented. Ms. Oreto moved, seconded by Ms. Rabin to approve the minutes as presented. The motion carried without dissent.

The minutes of the August 29th, 2017 Teleconference Meeting were presented. Ms. Oreto moved, seconded by Mr. del Valle to approve the minutes as presented. The motion carried without dissent.

Reports

Executive Director Crawford presented the Exam Summary, Financial Reports and License Count Reports Ms. Crawford responded to questions from the Board.

Legal Case Report

Deputy Chief Attorney Allison McDonald presented the Legal Case Activity report.

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 6 docket items with the following results:

Tabs A & B – Case Nos. 2017001623 and 2017003704 JAMES FRANCIS LANOUE - Respondent's Request for Informal

Respondent was not present and was not represented by counsel. Mr. Del Valle and Mr. Roy were recused due to participation on the probable cause panel.

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

Penalty imposed: \$2,500.00 fine; investigative costs of \$1,329.50; attend one one-day FREAB meeting; complete the Appraisal Foundation Corrective Courses “*Scope of Work: Appraisals and Inspections*” and “*Report Certifications: What Am I Signing and Why?*”; one year probation. **Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standard Rules.

Tab C – Case No. 2016023971, DONALD PRICE - Respondent’s Request for Informal

Respondent was present, but was not represented by counsel. Mr. Del Valle and Mr. Roy were recused due to participation on the probable cause panel.

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

Penalty imposed: \$1,000.00 fine; investigative costs of \$1828.20, complete Report Writing course, attend one one-day FREAB meeting; one year probation. **Violation:** Florida Statutes 475.624(15), by failing or refusing to exercise reasonable diligence in developing or preparing the Appraisal Report.

Tab D – Case No. 201605277, GUILLERMO O. ESCOBAR– Settlement Stipulation

Guillermo O. Escobar was present and was represented by counsel, Daniel Villazon. Mr. Ketcham and Ms. McKee were recused due to participation on the probable cause panel.

Mr. Lawson represented the Department and presented the case to the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried with one nay vote to impose the following:

Penalty imposed: \$3,500.00 fine; investigative costs of \$1,221.00; Attend a 15 hour National USPAP Course along with the Appraisal Foundation corrective courses entitled “*Report Certifications: What Am I Signing and Why?*” and “*Residential Report Writing vs. Form Filling*” within 12 months; Attend 1 complete FREAB meeting within 12 months; and 18 months’ probation. **Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standard Rules and Florida Statutes 455.227(1)(m) and 475.624(4).

Tab E – Case No. 2014049496, BRYAN ALLEN NEILL – Extension Request

Bryan Allen Neill was present in the audience, but did not speak to the Board and was not represented by counsel.

Ms. Bhambhani represented the Department and presented the case to the Board.

Following discussion, Mr. Bush moved; Ms. Rabin seconded; motion carried with one nay vote to grant a 12-month extension for attendance at the two FREAB meetings.

TAB F – Case No. 2017021428, YIGAL HOFMAN – VOLUNTARY SURRENDER for Permanent Revocation

Yigal Hofman was not present, but was represented by counsel, Daniel Villazon.

Ms. McDonald represented the Department and presented the case to the Board.

Following discussion, Ms. Oreto moved; Mr. Bush seconded; motion carried unanimously to accept the voluntary surrender.

Penalty imposed: Relinquishment for Permanent Revocation

Summary of Applicants

Summary of Applicants – Reconsideration

Christian M. Gonzalez – Ms. Clark provided the background of this application noting that when the application was considered by the Board at the June 5, 2017 meeting, not all of the applicable materials were included in the file the Members reviewed.

Following a brief discussion, Mr. Bush moved, Ms. Oreto seconded, motion carried unanimously to vacate the prior Order to deny the application.

The Board then reconsidered the application and supporting documents and discussed the application. Following discussion, Mr. del Valle moved; Mr. Roy seconded; motion carried with one dissenting vote to approve the application.

Summary of Applicants – New Applications

Brandon Sierra – The applicant was present to address the Board. Following discussion, Ms. McKee moved; Mr. Bush seconded; motion carried with two dissenting votes to approve the application.

Herman E. Tharpe – The applicant was present via teleconference to address the Board. Following discussion, Mr. Roy moved; Mr. Bush seconded; motion carried unanimously to approve the application.

Real Estate Appraisal Education Courses for Approval or Denial – Jocelyn Pomales, Education Coordinator

Uniform Appraisal Standards for Federal Land Acquisitions – New Course (21 hours classroom, specialty) – application number 6790 – American Society of Farm Managers & Rural Appraisers

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved; Mr. Bush seconded; motion carried unanimously to approve the course for 20 hours of credit.

Appraising Energy Efficient Residential Properties – New Course (8 hours distance, specialty) – application number 6700 – Calypso Continuing Education

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. Roy moved; Mr. del Valle seconded; motion carried unanimously to deny the application and return it to the expert for consideration of specified items and create two examinations.

Central Florida Real Estate Forum – New Course (8 hours classroom, specialty) – application number 6794 – Region X of the Appraisal Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. Roy moved; Ms. Oreto seconded; motion carried unanimously to approve the application.

General Session Continued

Rules Report and Rules Discussion – Rachel Clark, Board Counsel

Rules Report

Board Counsel Clark presented the Rules Report for October 2017. There are currently six rules moving through the rulemaking process. Ms. Clark provided the status of each of the rules in the report.

Rule Discussion

Rule 61J1-4.008 Continuing Education for School Instructors

Counsel Clark introduced the rule and noted that the changes as proposed by the department are included in the version provided in the meeting materials for discussion by the Board.

Deputy Director Denise Johnson reported that due to Hurricane Irma, the September meeting of the Florida Real Estate Commission (FREC) had been cancelled. She asked that the Board table discussion of this rule until its December meeting so the FREC will have an opportunity to consider the proposed text. Revisions, if proposed, will then be brought to this Board for discussion. The hope is to have consistency across both boards for instructors who teach for both professions.

Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to continue the discussion of Rule 61J1-4.008 until the December 4th meeting of this Board.

2017-2018 Annual Regulatory Plan

Ms. Clark presented the 2017-2018 Annual Regulatory Plan, which is required by statute and must be posted to the Board's website. The document she presented included the rules that may need to be modified as a result of changes to statutes earlier in the year. Ms. Clark asked for any suggestions or recommendations the Board may have.

Following a brief discussion, Ms. Oreto moved; Mr. Bush seconded; motion carried unanimously to ratify the 2017-2018 Annual Regulatory Plan as presented.

Special Agenda

Board Business

2018 Proposed Calendar and Probable Cause Panel Schedule – Executive Director, Lori Crawford

The Board reviewed, amended and adopted the proposed 2018 yearly calendar and established the panels for the probable cause meetings. The meeting dates will be posted to the Internet website for the Division of Real Estate.

The following items were presented to the Board as information only, with no action being taken at this meeting:

- Implementation for House Bill 927 Update
- Appraisal Subcommittee Letter and Proposed Policy Statements
- The Appraisal Foundation Notice of upcoming Appraisal Standards Board (ASB) Meeting

Executive Director's Comments

Board Training

Ms. Crawford introduced the topic by asking for suggestions of dates to present the training. Chair Ketcham commented that he would like to see board member training that could be completed as time allowed for board members who are new to the board or members who felt they needed additional information. He suggested a video produced by the department that could be viewed as needed without taking up the time allotted for the board meetings or the time of the more experienced board members.

Following the discussion, Ms. Crawford said the request would be taken under consideration for follow up at the December meeting.

Chair's Comments

Chair Ketcham withdrew many of his comments as they had already been discussed earlier in the meeting. He commented on the following with the Board taking no action:

- Teleconference meetings for the Summary of Applicants agenda
- Alternate standards

Recognition of Former Director Juana Watkins

Mr. Ketcham read into the record a Resolution of the Board recognizing the considerable time and efforts put forth by Ms. Watkins in both the State of Florida and at the national level during her seven year tenure as the Director of the Division of Real Estate.

Public Comments

The Board heard comments from the audience recognizing the many talents and accomplishments of Director Watkins.

Next Meeting Date

Monday, December 4, 2017 at 8:30 a.m. – Orlando

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 12:50 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday December 4, 2017 in Orlando.

ATTEST:



Clay Ketcham, Chair
Florida Real Estate Appraisal Board



Lori Crawford, Executive Director
Florida Real Estate Appraisal Board