

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Amended Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
December 3, 2018
General Meeting**

Chair Mike Roy called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:30 a.m., in Orlando, Florida, on this Monday, the 3rd of December, 2018.

The following Board members were present: Chair Mike Roy, Vice-Chair Cristy Conolly, Members Armando del Valle, Clay Ketcham; Fran Oreto, Janet Rabin, Justin Recca, and JoAnn Rooney. Assistant Attorney General Deborah Loucks appeared as counsel for the Board. Member Dawn Warren had an excused absence. Executive Director Crawford declared a quorum present.

Department and Division staff present at the meeting: Katy McGinnis, Director; Lori Crawford, Executive Director; Al Cheneler, Chief Attorney; Allison McDonald, Deputy Chief Attorney; David Aring and Roger Maas, Assistant General Counsels appeared by video conference; Jocelyn Pomales, OMC; Whitley Ward, and Beverly Ridenauer, Government Analysts. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

General Session
Approval of Minutes

Ms. Oreto moved, seconded by Mr. del Valle to approve the minutes of the August 6, 2018, General Meeting minutes as amended. The motion carried without dissent.

Ms. Oreto moved, seconded by Mr. del Valle to approve the minutes of the October 1, 2018, General Meeting as amended. The motion carried without dissent.

General Session
Reports

The Board reviewed the Education Course, Exam Performance, and License Count reports as presented, and had no questions.

Legal Case Report

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

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 5 docket items with the following results:

Gary S. Eilen – 2017035563 – Respondent’s Request for Entry of Final Order

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

Ms. McDonald represented the Department and presented the case to the Board. Following discussion, Mr. del Valle moved; Mr. Ketcham seconded; motion carried unanimously for the following:

Penalty Imposed: Suspension for a period of thirty (30) days; administrative fine \$4,000.00; investigative costs of \$783.75; fine and costs to be paid within sixty (60) days of the final order; 15-Hour National USPAP Course along with The Appraisal Foundation corrective course entitled “Report Certifications: What Am I Signing and Why?”

Violation: Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, F.A.C., by failing to comply with the 2016-2017 Uniform Standards of Professional Appraisal Practice (USPAP) which is incorporated by reference in the rule; Section 475.624(1), Florida Statutes, by violating Section 455.277(1)(m), Florida Statutes, by making deceptive, untrue, or fraudulent representations in or related to the practice of real estate appraisal; Section 475.624(4), Florida Statutes, by violating Section 475.623, Florida Statutes, by failing to furnish in writing to the department each firm or business name and address from which he operates the performance of appraisal services; and Section 475.624(4), Florida Statutes, by violating Section 475.622, Florida Statutes and Rule 61J1-7.001, Florida Administrative Code, by failing to display and disclose his certification designation.

Richard Lee Hutchcraft – 2017011711 – Settlement Stipulation

Respondent was not present, but was represented by counsel, Daniel Villazon. Mr. del Valle and Mr. Ketcham were recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. Following discussion, Ms. Oreto moved; Ms. Conolly seconded motion to reject the proposed Stipulation; motion carried with one nay vote.

Ms. Oreto proposed a counter offer of the proposed; Ms. Rabin seconded; motion carried with one dissenting vote to offer the following counter proposal:

Action Taken: Proposed stipulation rejected; proposed counter offer of \$3,500.00 fine; investigative costs of \$948.75; complete 36 hours of education including the 15-Hour National USPAP Course, the four Appraisal Foundation corrective courses totaling 16 hours, the five-hour Data Verification Methods course from the Appraisal Institute; attend one complete FREAB meeting; twelve-month probation; all fines, education and attendance to be completed within twelve months with early termination.

Violation: Section 475.624(4), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and the Records Keeping Rule.

Armando Xavier Martinez – 2018005477 – Settlement Stipulation

Respondent was not present and was represented by counsel, Daniel Villazon. Mr. Ketcham and Ms. Rabin were recused due to participation on the probable cause panel.

Mr. Maas represented the Department and presented the case to the Board. Following discussion, Ms. Oreto moved; Mr. del Valle seconded motion to reject the proposed stipulation; motion carried unanimously to offer a counter stipulation to be accepted or rejected within thirty days as follows:

Action Taken: Settlement stipulation rejected; proposed counter offer of fine \$5,000.00; investigative costs of \$1,008.15; complete 41 hours of education including the 15-Hour National USPAP Course, 12 hours of three specified Appraisal Foundation corrective courses, the 7-hour “Better to be Safe than Sorry” and the 7-Hour

“Mortgages, Appraisers and Foreclosures” course from the Appraisal Institute; twelve-month probation; all fines and education are to be completed within twelve months with early termination.

Violation: Section 475.624(4), Florida Statutes by violating Rule 61J1-9.001, Florida Administrative Code through violations of USPAP Standards and the Records Keeping Rule, Competency Rule, and Scope of Work Rule.

James Francis Lanoue – 2018047410 – Voluntary Surrender for Permanent Revocation

Respondent was not present and was not represented by counsel. All members participated in the discussion as there was no probable cause panel.

Ms. McDonald represented the Department and presented the case to the Board. The Board entered into discussion. Following discussion, Mr. del Valle moved; Ms. Rabin seconded; motion carried unanimously to impose the following:

Action Taken: Accepted voluntary relinquishment of the license for permanent revocation.

Peter S. Remie – 2018022763 – Motion for Waiver and Entry of Final Order

Respondent was not present and was not represented by counsel. Mr. Ketcham and Ms. Rabin were recused due to participation on the probable cause panel.

Mr. Maas represented the Department and presented the case to the Board. The Board granted the Waiver. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried unanimously for the following:

Penalty: Revocation.

Violation: Section 475.624(4), Florida Statutes by violating Section 455, Florida Statutes by failing to follow a final order of the Board.

General Session Continued
Petitions

Petition for Rule Variance or Waiver received from Elie A. Edmondson VW-2018-238

Board Counsel Deborah Loucks presented the Petition. Ms. Loucks reminded the Board of the statutory guidelines. Mr. Edmondson was present to address the Board.

The Board heard comments from Mr. Edmondson. The Board discussed the petition. Following discussion, Mr. Ketcham moved; Ms. Rabin seconded motion to grant the petition; motion carried with one dissenting vote.

Summary of Applicants
New Applications

Steven J. Batista – The applicant was not present, but was represented by Counsel David Batista who addressed the Board. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried to approve the application.

Charles Bielejeski – The applicant was present to address the Board. The Board discussed the acceptance of restricted use reports being used as qualifying experience. Following the discussion the applicant withdrew the application.

Richard Danner – The applicant was present with counsel, Daniel Villazon to address the Board. Following discussion, Ms. Oreto moved; Ms. Conolly seconded; motion carried unanimously to approve the application.

Libby Kavoulakis – The applicant was present to address the Board. Following discussion, Ms. Rabin moved; Ms. Conolly seconded; motion carried unanimously to grant Chair Roy authority to review the education courses the applicant has completed, which includes a recent 15-Hour National USPAP Course for equivalency with the AQB Criteria. The experience element of the application process remains to be completed.

Michelle Nolin-Love – The applicant was present to address the Board. Following discussion, Mr. del Valle moved; Ms. Conolly seconded; motion carried with one nay vote to approve the application.

Tim P. Schmidt – The applicant was not present to address the Board. Following discussion, Mr. del Valle moved; Ms. Rabin seconded; motion carried unanimously to deny the application.

Roberta Paola-Vargas – The applicant was present to address the Board. Following discussion, Ms. Rabin moved; Mr. Recca seconded; motion carried unanimously to approve the application.

Larry D. Waits – The applicant was not present to address the Board. Following discussion, Ms. Conolly moved; Mr. del Valle seconded; motion carried unanimously to approve the application.

Appraisal Management Company Renewal Applications

Frisco Lender Services, LLC – The applicant was represented by Counsel Chris Riley, who addressed the Board. Following discussion, Ms. Conolly moved; Ms. Oreto seconded; motion carried unanimously to approve the renewal application.

MCS Valuations, LLC – The applicant was represented by Counsel Chris Riley, who addressed the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to approve the renewal application.

Novo Appraisal Management Corporation – The applicant was represented by Counsel Chris Riley, who addressed the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried without dissent to approve the renewal application.

DartAppraisal.com, Inc. – The applicant was represented by Tracey Volltrauer, who addressed the Board. Following discussion, Mr. del Valle moved; Ms. Rooney seconded; motion carried to approve the renewal application with one abstention. Member Rabin recused herself from the discussion and abstained from the vote.

RERC, LLC – The applicant was represented by Counsel Jennifer Bridges, who addressed the Board. Following discussion, Ms. Oreto moved; Ms. Conolly seconded; motion carried without dissent to approve the renewal application.

Xome Valuation Services, LLC – The applicant was represented by Counsel Katherine Hoeck, who addressed the Board. Following discussion, Ms. Conolly moved; Ms. Oreto seconded; motion carried to approve the renewal application. Member Rabin recused herself from the discussion and abstained from the vote.

Xome Settlement Services, LLC – The applicant was represented by Counsel Katherine Hoeck, who addressed the Board. Following discussion, Ms. Oreto moved; Ms. Conolly seconded; motion carried to approve the renewal application. Member Rabin recused herself from the discussion and abstained from the vote.

Appraisal Logistic Solutions, LLC – The applicant was represented by Frank Danna, who addressed the Board. Following discussion, Ms. Rabin moved; Ms. Conolly seconded; motion carried with one dissenting vote to approve the renewal application.

Clarocity Valuation Services, LLC – The applicant was represented by William Waltenbaugh, who addressed the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to approve the renewal application.

Inhouse USA, Inc. – The applicant was represented by Al Yeargin, who addressed the Board. Chair Roy recused himself from the discussion. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; motion carried unanimously to approve the renewal application.

Rapid Appraisal Management System, Inc. – The applicant was represented by Ben Travis, who addressed the Board. Following discussion, Mr. del Valle moved; Ms. Conolly seconded; motion carried unanimously to approve the renewal application.

SettlementOne Valuation Corporation – The applicant was represented by Counsel Alan Faigin and Patty Cooper, Senior Vice-President, both of whom addressed the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to approve the withdrawal of the renewal application for license MC84, which was recently cancelled. A new entity, SettlementOne, LLC was recently issued license number MC352.

Speedy Title & Appraisal Review Services, LLC – The applicant was represented by Marlon Groen, who addressed the Board. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried unanimously to approve the renewal application.

Springhouse Appraisal Management, LLC – The applicant was represented by Phil Huff, who addressed the Board. Following discussion, Ms. Rabin moved; Ms. Rooney seconded; motion carried unanimously to approve the renewal application.

Core Valuations Management, Inc. – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried without dissent to approve the renewal application.

Evaluation Zone, Inc. – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried with one dissenting vote to approve the renewal application.

First American Mortgage Solutions, LLC – The applicant was not present to address the Board. Member Rabin recused herself from the discussion. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; motion carried unanimously to approve the renewal application.

Lincoln Appraisal & Settlement Service, LLC – The applicant was not present to address the Board. Following discussion, Ms. Rabin moved; Ms. Conolly seconded; motion carried unanimously to approve the renewal application.

LRES Corporation – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Ms. Rooney seconded; motion carried unanimously to approve the renewal application.

Pendo Management, LLC– The applicant was not present to address the Board. Following discussion, Mr. del Valle moved; Mr. Recca seconded; motion carried without dissent to approve the renewal application.

Appraisal Nation, LLC – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Ms. Conolly seconded; motion carried without dissent to approve the renewal application.

U S Real Estate Services, Inc. – The applicant was not present to address the Board. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; motion carried without dissent to deny the renewal application for failing or refusing to provide complete information for the corporation.

General Session Continued

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

FHA Appraisal Standards – New Course (7 hours distance, specialty) – application number 7292– OREP Education Network

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Ms. Oreto moved to deny the course because the exam does not meet requirements of model; Mr. del Valle seconded; motion carried without dissent.

Rules Report and Rules Discussion – *Deborah Loucks, Board Counsel*

Rules Report

Board Counsel Loucks presented the Rules Report for November 2018 and noted that there are two rules on the report from her predecessor that require some background information so she will know how to proceed, while the remainder of the rules have been discussed by the Board.

Rules Discussion

Rule 61J1- 6.001 Experience Requirements

Ms. Loucks presented the proposed amendments to Rule 61J1-6.001. The Board discussed and heard public comment about the various elements that should be considered when drafting language. Ms. Loucks asked the members to consider substantive issues that may be used to update the rule. Chair Roy asked Members to provide suggestions to staff for consideration at the next meeting. No other action was taken at this meeting.

Rule 61J1-10.003 Certified Residential Appraiser

Counsel Loucks introduce the rule and noted that the amended language is consistent with the changes adopted by the Appraiser Qualifications Board in May 2018. The Board briefly discussed the rule, but took no further action to adopt the proposed language at this meeting.

Special Agenda – Board Business

FDIC Proposed Changes

Chair Roy introduced the topic as information only at this time. He expressed his concern regarding proposed changes to the 2020-2021 USPAP and how the proposed changes to Standard Rule 2 will create challenges to State regulatory agencies regarding the verification of the experience requirement. The Board briefly discussed the topic. No action was taken at this meeting.

Executive Director's Comments

Ms. Crawford comments included the following:

- Thanked Ms. Vicki Kenon, Regulatory Program Administrator of the Bureau of Central Intake and Licensure in Tallahassee for her thorough and much appreciated assistance with the processing of the Appraisal Management Company renewal applications. We are very grateful for her efforts.
- The Division has received the notification of the upcoming Appraisal Subcommittee 2019 Field Review. It will take place from February 4th to 8th, 2019.
- Thank you to the Division Staff who helped to organize the special holiday luncheon today.
- Welcome to Ms. Amrita Singh, Deputy Director of the Division of Real Estate.
- She wished all a Merry Christmas, Happy Holidays and safe travels.

Chair's Comments

Chair Roy commented as followed:

- Thanked Board Staff for their efforts in working on this particular agenda.
- Thanked Legal Staff and the Bureau of Investigations Team for all the excellent work that is done.
- Thanked those in attendance and expressed his hope that attending the meeting will help those in the profession understand a little better what is involved in the Board's efforts to do what is best for the public and in the regulation of the industry.
- Welcomed Deputy Director Singh and said he looks forward to working with her.

Public Comments

There were no comments from the audience.

Next Meeting Date

Monday, February 4, 2019 at 8:30 a.m. – Orlando

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 be held Monday, February 4, 2019 in Orlando.

ATTEST:



Michael Roy, Chair
Florida Real Estate Appraisal Board



Lori Crawford, Executive Director
Florida Real Estate Appraisal Board