

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
December 4, 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 4th day of December 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, and Janet Rabin. 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: Katy McGinnis, 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, Education Coordinator; Susan Bailey, Administrative Assistant, III; Johanne Knudson, Whitley Ward, 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 7, 2017 General Meeting were presented. Ms. Oreto moved, seconded by Mr. Roy approve the minutes as amended. The motion carried without dissent.

The minutes of the October 2, 2017 General Meeting were presented. Mr. Bush moved, seconded by Ms. Oreto to approve the minutes as amended. The motion carried without dissent.

Reports

Executive Director Crawford presented the Exam Summary and License Count Reports. Ms. Crawford responded to comments 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 2 docket items with the following results:

Tab A – Case No. 2016054812, RHONDA P. RABETSKY - 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.

Mr. Lawson represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Mr. Bush moved; Ms. Oreto seconded; motion carried without dissent to impose the following:

Penalty imposed: Revocation. Violation: Florida Statutes 475.624(6) by having her registration, license, or certification as an appraiser acted against by Maine and Massachusetts.

Tab B – Case No. 20176052451, SUSAN HOFMAN - Settlement Stipulation

Susan Hofman was not present and was represented by counsel, Daniel Villazon. Mr. Roy and Mr. Bush were recused due to participation on the probable cause panel.

Ms. McDonald represented the Department and presented the case to the Board. Following discussion, Ms. McKee moved; Ms. Oreto seconded; motion carried by split vote to reject the proposed Settlement Stipulation and propose the following, which was verbally accepted by Respondent's Counsel at the meeting:

Penalty imposed: \$3,500.00 fine; investigative costs of \$1,146.00; Attend 30 hours of education including but not limited to 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 24months' probation. Violation: Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and Ethics Conduct Rule; Florida Statutes 455.227(1)(m) and 475.624(4); and Florida Statutes 475.624(4) by violating Florida Administrative Code Rule 4.010(5).

Summary of Applicants

Summary of Applicants – Informal Hearing

Gilbert B. Klein – Request for Informal Haring withdrawn

Summary of Applicants – New Applications

Ann Marie Fear – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Mr. Bush seconded; motion carried unanimously to approve the application.

Gerald Pirritano – The applicant was present to address the Board. Following discussion, Ms. McKee moved; Ms. Rabin seconded; motion carried with three dissenting votes to approve the application.

Jason P. Ward – The applicant was not present to address the Board. Following discussion, Mr. Bush moved; Mr. del Valle seconded; motion carried unanimously to deny the application.

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

2017 International Appraisers Conference – New Course (15 hours classroom, specialty) – application number 6828 – American Society of Appraisers

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried with one dissenting vote to approve the course with certain conditions to be completed no later than December 31, 2017.

Practical Applications in Appraising Green Commercial Properties – New Course (15 hours classroom, specialty) – application number 6839 – Appraisal Institute

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

Real Estate Appraisal Principles and Procedures – New Course (60 hours distance, pre-licensing) – application number 6858 – Dynasty School

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

Neighborhood and Market Analysis – New Course (8 hours classroom, pre-licensing) – application number 6799 – Gold Coast Professional Schools, Inc.

Ms. Barbara Minyard attended the meeting to address the Board in support of the application. The Board discussed the course. Following discussion, Ms. McKee moved; Ms. Oreto seconded; motion carried unanimously to approve the course for 8 hours of credit.

General Session Continued

Rules Report and Rules Discussion – Rachel Clark, Board Counsel

Rules Report

Board Counsel Clark presented the Rules Report for December 2017. There are currently six rules moving through the rulemaking process. Ms. Clark provided the status of each of the rules in the report, noting that four of the six rules became effective in early October.

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.

Following discussion of the proposed language, Mr. Bush moved; Ms. Oreto seconded; motion carried without dissent to approve the language as presented.

Ms. Clark asked the Board if the proposed amendment to the rule will not have a negative impact on small business or a regulatory impact in excess of \$200,000 within one year of implementation of the rule. Mr. Bush moved; Ms. Oreto seconded; motion carried unanimously to find there will be no fiscal impact.

Ms. Clark asked the Board to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Mr. Bush moved; Mr. Roy seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

Special Agenda
Board Business

House Bill 927 Implementation

Ms. Crawford provided reported on the current status of changes to technology, business processes and rule changes for the implementation of House Bill 927, which became law on October 1, 2017.

Board 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 would like to review the information periodically.

Executive Director Crawford offered a plan that would include training in a prepared format followed up by a brief discussion period at the next meeting where any question may be answered.

The Appraisal Foundation Notices and Updates

Ms. Crawford commented briefly on the notices and updates from The Appraisal Foundation, which were provided to the Board as information only.

Recognition of Member Benjamin Bush

Mr. Ketcham read into the record a Resolution of the Board recognizing the considerable time and efforts put forth by Member Ben Bush during his three-year tenure with the Board. Mr. Bush was also presented with a plaque for his service to the State of Florida.

Executive Director's Comments

Executive Director Crawford thanked Mr. Bush for his service to this Board and the State of Florida. She also reported that the Appraisal Subcommittee will conduct a biennial Priority Contact Visit in February. This is generally a one-day meeting to inform the Staff of any upcoming changes, review certain records maintained by the department and to discuss any issues the State may have. A report will be provided following that meeting.

Chair's Comments

The Chair had no comments.

Public Comments

The Board heard comments from Mr. Scott DiBiasio and Mr. Wes Sanders regarding evaluations. The Board took no action for the topic, asking that it be placed on the February 2018 agenda.

The Board also heard comments from Mr. Phil Spool about the value of mentoring programs to bring new appraisers into the industry.

Next Meeting Date

Monday, February 5, 2018 in Orlando

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 11:50 a.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday February 5, 2018 in Orlando.

ATTEST:



Clay Ketcham, Chair
Florida Real Estate Appraisal Board



Lori Crawford, Executive Director
Florida Real Estate Appraisal Board