



**FLORIDA REAL ESTATE APPRAISAL BOARD
DISCIPLINARY ACTIVITY REPORT
2015**

NAME	CASE NUMBER	LICENSE NUMBER	VIOLATION AND DISCIPLINARY ACTION
Ballesteros, Abiel	2014-033436	RD 6950	Miami, FL: Respondent violated Florida Statute Section 475.624(4) for failure to follow a final order timely. Penalty: investigative costs of \$231. Effective: 05/27/2015
Begg, James A. III	2014-032030	RD 7341	Parrish, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective: 1/16/2015.
Benson, Gary	2013-047089	RD 1589	Coral Springs, FL: Respondent violated Florida Statute Sections 475.624 (15) and 475.629 by developing and communicating four appraisal reports in North Miami, Florida on the following effective dates: February 23, 2011, August 22, 2011, March 10, 2011, and January 31, 2011. As to the Appraisal Report communicated February 23, 2011, he committed the following errors and omissions in the appraisal report: failed to accurately describe the Subject Property neighborhood. As to the Appraisal Report communicated August 22, 2011, he committed the following errors and omissions in the appraisal report: data on the sales grid was incomplete or inaccurate; Comparable sale number 3 did not accurately report the correct sale price, gross living area (GLA) or site square foot area. As to the Appraisal Report communicated January 31, 2011, he failed to accurately describe the Subject Property neighborhood. As to Appraisal Reports communicated February 23, 2011, August 22, 2011, March 10, 2011, and January 31, 2011, he failed to provide the records relating to said appraisals to the Department for inspection and copying upon reasonable notice to the appraiser. Penalty: 6 months of suspension; administrative fine of \$2,000; costs of \$938.35; attendance at 1 complete meeting; 15 hours of education; 6 months of probation to follow the suspension, with early termination. Effective: 1/15/2015.
Cassidy, John Tyson	2014-021330	RD 2151	Minneola, FL: Respondent developed and communicated an appraisal on the subject property. Respondent was then provided with a re-negotiated contract showing an increased contract price. Two days after the first report, Respondent developed and communicated a second report with new comparables and a \$20,000 increase in estimated value. The second report did not disclose the first report, did not explain why the comparables used in the first report were no longer relevant, and did not explain the increased value. Based on the foregoing, Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-9.001 for failing to comply with USPAP. Respondent also violated Florida Statute Section 475.624(15) for failing to exercise reasonable diligence and Section 475.624(2) for misrepresentation. Finally, Respondent violated Florida Statute Sections 475.624(4) and 455.227(1)(m) by making deceptive or untrue statements. Penalty: revocation. Effective: 01/15/2015
Cooper, William A. II	2013-033166	RD 5357	Lake Placid, FL: Respondent neither admits nor denies that he violated 475.624(4)/2012 USPAP Ethics Rule and USPAP 1-1(b) by allegedly doing two appraisals on the exact same property in less than one year. In the second appraisal, he failed to disclose he did a prior appraisal on the same property within 3 years. In the second appraisal, he also failed to negatively adjust for a nearby YMCA athletic complex, although he did in the first. By stipulation, respondent agreed to the following penalty: \$1,000 fine; \$866.25 cost; attendance at 2 complete meetings; 14 hour report writing course; 12 months of probation. Effective: 1/15/2015
Crooks, Katrina Sherice	2014-020471	RD 5503	Jacksonville, FL: Respondent violated Florida Statutes 475.624(4), 475.624(15) and 475.623, and Florida Administrative Code Rule 61J1-9.001 by developing and communicating an appraisal report which inconsistently reported the year the subject property was built, used a sketch of a house other than the subject property, contained language that did not relate to the subject property, incorrectly reported the site size of the subject property, inconsistently reported the number of fireplaces, inconsistently reported the remaining economic life of the subject property, contained inconsistent statements regarding whether foreclosures were a factor in the market, and failed to register her business name with the Department. By stipulation, respondent agreed to the following penalty: administrative fine of \$1,000; costs of \$1,184.70; 30 hours of education; attendance at 1 complete FREAB meeting; 18 months of probation. Effective: 3/6/2015.
Dembinsky, Heather L.	2014-042570	RD 5340	New Smyrna Beach, FL: Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation. Effective: 3/06/2015.

Duran, Michael	2014-024249	RD 2928	Miami, FL: Respondent violated Florida Statute Sections 475.624(15) and 475.624(4), and Florida Administrative Code Rule 61J1-9.001 by failing to exercise reasonable diligence and failing to comply with USPAP. Respondent used flawed methodology to adjust the comparable sales for lack of an additional area similar to the subject property's, which lacked interior access. Respondent reduced the comparable sales GLA before ever inputting the numbers into the sales comparison grid, then made additional adjustments for differences in GLA, and further applied a positive adjustment for lack of an additional area. Penalty: administrative fine of \$500; investigative costs of \$610.50. Effective: 5/29/2015.
Session, Johnny Frank Jr.	2014-033440	RD 5924	Tallahassee, FL: Respondent violated Florida Statute Section 475.624(4) for failure to follow a final order. Penalty: administrative fine of \$2,500; investigative costs of \$363; 6 months of probation with early termination. Effective: 05/27/2015.
Smith, David Jeffrey	2013-033389	RZ 2883	Tampa, FL: Respondent neither admits nor denies that he violated Florida Statutes 475.624(2), 475.624(11), 455.227(1)(m), and the USPAP Ethics Rule by allegedly not disclosing the assistance provided by another person in the preparation of an appraisal report. By stipulation, respondent agreed to the following penalty: administrative fine of \$2,500; costs of \$1,212.75; attendance at 2 complete FREAB meetings; 25 hours of education; one year of probation, no early termination. Effective: 3/6/2015.
Truhan, Richard Patrick	2013-032708	RD 5422	Longwood, FL: Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation. Effective: 3/6/2015.
Tucci, John	2013-038562	RD 4846	North Hollywood, CA: Respondent violated Florida Statute Section 475.624(5), by, on or about October 5, 2011, pleading nolo contedere to one felony count of grand theft in the State of California. Respondent violated Florida Statute Sections 475.624(4) and 455.227(1)(t), by failing to timely self-report this criminal plea to the Department within thirty days of sentencing. Respondent violated Florida Statute Section 475.624(6), when his California appraisal application was denied on or about March 19, 2012. Respondent violated Florida Statute Sections 475.624(4) and 455.227(1)(m), by making deceptive, fraudulent, or untrue statement(s) related to the profession, specifically, relating to assistance received and the disclosure thereof in an appraisal. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-9.001, again relating to assistance received and the disclosure thereof in an appraisal. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-7.001, for failing to employ a proper designation on an appraisal. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-7.004, by failing to properly register a firm name. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-7.008, by failing to timely update his address of record. Penalty: revocation and costs of \$1,386. Effective: 01/16/2015.
Tucci, John	2014-007439	RD 4846	North Hollywood, CA: Respondent violated Florida Statute Sections 475.629 and 475.624(4), by failing to provide his work file to the Department's investigator upon request. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code 61J1-9.001, relating to USPAP rules 1-1(b), 1-1(c), 1-2(e)(i), 1-4(b), and 1-6(b), in the following ways: misreporting a one story home as two, and later inconsistently correcting the error, misreporting the GLA, and later inconsistently correcting the error, failing to reconcile the cost approach and utilizing an misleading photograph. Penalty: revocation and costs of \$627. Effective: 01/16/2015.
Tucci, John	2013-042840	RD 4846	North Hollywood, CA: Respondent violated Florida Statute Sections 475.624(4) and 455.227(1)(m), by making deceptive, fraudulent, or untrue statement(s) related to the profession, specifically, relating to assistance received and the disclosure thereof in an appraisal. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-9.001, relating to USPAP rules 1-1(a), 1-1(b), 2-1(a), and 2-2(b)(vii), relating to assistance received and the disclosure thereof on an appraisal. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-7.001, by failing to employ a proper designation on an appraisal report. Penalty: revocation and costs of \$1,140.15. Effective: 1/16/2015.
Walker, Jason Dwight	2013-049701	RD 3588	Panacea, FL: Respondent violated Florida Statute Sections 475.624(4) and 475.624(5) by failing to timely self-report a criminal conviction to the Florida Real Estate Appraisal Board. On or about August 9, 2012, Respondent pled Nolo Contendere to violating 212.15(2)(c), Florida Statutes, for failing to remit state sales taxes, a second degree felony. He did not report this crime to the Board within the 30-day deadline. Penalty: administrative fine of \$3,000; costs of \$696.30; attendance at 2 complete meetings; a specified business practice and ethics course; 12 months of probation. Effective: 01/16/2015.

Walsh, Douglas S.	2014-012454	RD 5978	Naples, FL: Respondent neither admits nor denies that he violated Florida Statutes 475.624(4), 475.624(15) and 475.623, and Florida Administrative Code Rule 61J1-9.001 by allegedly developing and communicating an appraisal report in which he incorrectly reported the number of bedrooms of the subject property, failed to make floor level adjustments, failed to make view adjustments, incorrectly labeled the subject property and comparable sales as having a residential location when they were waterfront, failed to disclose or analyze the impact of comparable sale four being a penthouse unit, failed to adjust comparable sale four for bedroom count, failed to disclose or adjust the subject property was being sold furnished, failed to adjust comparable sale five for being sold without furnishings, failed to analyze the listing of the subject property which was current as of the effective date of the appraisal, and failed to register his business with the Department. By stipulation, respondent agreed to the following penalty: administrative fine of \$1,500; costs of \$725.00; 15 hours of education; 1 complete FREAB meeting; 18 months of probation. Effective: 3/6/2015.
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