

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE APPRAISAL BOARD
June 3, 2019
General Meeting**

Chair Cristy Conolly called the meeting of the Florida Real Estate Appraisal Board to order at approximately 8:35 a.m., in Orlando, Florida, on this Monday, 3rd of June, 2019.

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

Department and Division staff present at the meeting: Amrita Singh, Deputy Director; Allison McDonald, Executive Director; Al Cheneler, Chief Attorney; Mackenzie Medich and James Fortunas, Assistant General Counsels appeared by video conference; Jocelyn Pomales, Education Coordinator; 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 April 1, 2019 Teleconference Meeting were presented, Ms. Oreto moved, seconded by Ms. Rooney to approve the minutes as presented. The motion carried without dissent.

The minutes of the April 1, 2019 General Meeting were presented. Ms. Oreto moved, seconded by Ms. Rabin to approve the minutes as amended. The motion carried without dissent.

Reports

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

The Board discussed the Education Course Approval Report to determine if it is still of interest to the Members. They thanked Education Coordinator Jocelyn Pomales for her diligent work in reviewing the courses that have been approved. They asked that the Course Approval Report continue to be part of the agenda for each meeting.

Legal Case Report

Mr. Cheneler presented the Legal Year Old Case report.

Legal Appearance Docket

The Board addressed the Legal Appearance Docket, hearing 3 docket items with the following results:

Case No. 2017-035563 Gary S. Eilen - Extension Request

Respondent was not present and was not represented by counsel. Mr. Cheneler represented the Department and presented the case to the Board.

The Board discussed the request. Following discussion, Mr. Roy moved; Mr. del Valle seconded; motion carried without dissent to impose the following:

Action Taken: Granted 6-month extension for payment of monetary penalties.

Case No. 2018-022583 Jeffrey Richard Eiring - Settlement Stipulation

Respondent was not present and was represented by Counsel, Daniel Villazon. Ms. Conolly was recused due to participation on the probable cause panel.

Ms. Medich represented the Department and presented the case to the Board. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried unanimously to reject the proposed Settlement Stipulation. Ms. Oreto moved; Mr. Roy seconded; motion carried unanimously for the following counter-offer:

Penalty Imposed: Revocation

Case No. 2018-051228 John Henry Jenson, II - Settlement Stipulation

Respondent was not present but was represented by Qualified Representative Robert Keller. Ms. Oreto was recused due to participation on the probable cause panel.

Mr. Robert Keller presented the Board with a Motion to appear as Qualified Representative for Respondent Jenson.

Ms. Loucks explained this process and the process for responding to Mr. Keller's request. The Board heard and discussed Mr. Keller's request. Mr. del Valle moved; Mr. Recca seconded; motion carried unanimously to grant the request.

Ms. Medich represented the Department and presented the case to the Board. Following discussion, Ms. Rabin moved; Mr. del Valle seconded for discussion. Following discussion, Mr. Roy moved to reject the proposed Settlement Stipulation. The motion failed for lack of a second.

The Board further discussed the case. Ms. Rabin moved; Mr. del Valle seconded; motion carried to accept the stipulated discipline as proposed, with Ms. Rooney and Mr. Roy voting nay.

Penalty imposed: Fine: \$2,000.00; costs: \$1,056.00; Education courses: 15-Hour National USPAP, Appraisal Foundation corrective courses entitled "*Appraiser Self Protection: Documentation and Record Keeping*", "*Report Certifications: What Am I Signing and Why?*", "*Residential Report Writing vs. Form filling*", and "*Scope of Work: Appraisals and Inspections*"; attend two complete FREAB meeting; probation for a period of twelve (12) months with early termination language.

Violation: Section 475.624(4), Florida Statutes by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standard Rules; Section 475.624(15), Florida Statutes, for failing or refusing to exercise reasonable diligence in developing an appraisal or preparing an appraisal report; Section 475.622(1), Florida Statutes for failing to use the proper designation when signing a report.

Summary of Applicants - New Applications

William Buttermark – The applicant was present to address the Board. Following discussion Mr. Roy moved; Ms. Oreto seconded; motion carried without dissent to approve the application.

Steven Corollo – The applicant was present and was represented by Counsel, Daniel Villazon to address the Board. Following discussion, Mr. del Valle moved; Ms. Rooney seconded; motion carried unanimously to approve the application.

Michael R. Church – The applicant was present to address the Board. Following discussion, Ms. Rabin moved; Ms. Oreto seconded; motion carried unanimously to approve the application.

Naftali Horowitz – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried unanimously to approve the application.

Robert Kirkwood – The applicant was present to address the Board. Following discussion, Ms. Rabin moved; Mr. Roy seconded; motion carried unanimously to approve the application.

Mark Rex Lamb – The applicant was present to address the Board. Following discussion, Mr. Roy moved; Ms. Rabin seconded; motion carried unanimously to approve the application.

Lisa Reagan Mann – Withdrawn

Curtis McCall – The applicant was present to address the Board. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried unanimously to approve the application.

Richard Murphy – The applicant was not present to address the Board. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to approve the application.

Kevin Smith – The applicant was not present to address the Board. Following discussion, Mr. del Valle moved; Mr. Recca seconded; motion carried, with Ms. Rabin opposed, to approve the application.

General Session Continued

Real Estate Appraisal Education Courses for Approval or Denial

A. Appraisal of Flex Industrial Facilities – New Course (7 hours distance, specialty) – application number 7498 – 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 to grant conditional approval of the course, pending receipt of the missing portions of the application; Mr. del Valle seconded; motion carried without dissent.

B. Minerals Appraisal Seminar – New Course (8 hours classroom, specialty) – application number 7471 – 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, Ms. Oreto moved to grant conditional approval of the course, pending receipt of the missing portions of the application; Mr. Roy seconded; motion carried without dissent.

C. Appraising Natural Resources– New course (8 hours classroom, specialty) – application number 7472 – 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 to grant conditional approval of the course, pending receipt of the missing portions of the application; Ms. Rooney seconded; motion carried without dissent.

D. Introduction to Cannabis Operations and Valuation– New Course (8 hours classroom, specialty) – application number 7486 – 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 to deny the application; Ms. Rabin seconded; motion carried with Mr. Roy dissenting.

E. Practical Rural Appraisal: Work Problems Using the New Methodology – New course (8 hours classroom, specialty) – application number 7491 – 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, Ms. Oreto moved to grant conditional approval of the course, pending receipt of the missing portions of the application; Mr. del Valle seconded; motion carried without dissent.

F. Farmland Drainage Tile: Valuation and Usage – New Course (8 hours classroom, specialty) – application number 7492 – 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 to grant conditional approval of the course, pending receipt of the missing portions of the application; Ms. Rooney seconded; motion carried without dissent.

G. Appraisal Institute Annual Conference Day 1 – New Course (6 hours classroom, specialty) – application number 7476 – Appraisal Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved to grant conditional approval of the course for 6 hours, pending clarification on attendance; Mr. Roy seconded; motion carried without dissent.

H. Appraisal Institute Annual Conference Day 2 – New Course (4 hours classroom, specialty) – application number 7478 – Appraisal Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved to grant conditional approval of the course for 4 hours, pending clarification on attendance for the entire day; Mr. Roy seconded; motion carried without dissent.

I. Appraisal of Manufactured Homes Featuring Next Generation Manufactured Homes – New Course (7.5 hours classroom, specialty) – application 7482 – Appraisal Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Ms. Rabin moved; Ms. Oreto seconded; motion carried without dissent to approve the course for 7 hours.

J. Online The Discounted Cash Flow Model: Concepts, Issues and Applications – New Course (5 hours distance, specialty) – application 7490 – Appraisal Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Ms. Oreto moved to grant conditional approval of the course, pending receipt of the missing portions of the application; Mr. Roy seconded; motion carried without dissent.

K. Artificial Intelligence, AVMs and Blockchain: Implications for Valuation – New Course (4 hours classroom, specialty) – application 7499 – Appraisal Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved to approve the course; Ms. Rabin seconded; motion carried without dissent.

L. The Counselors of Real Estate 2019 Midyear Meetings – New Course 13.5 hours classroom, specialty) – application 7493 – Counselors of Real Estate

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. Roy moved; Ms. Rooney seconded; motion carried without dissent to deny the course.

M. USPAP and Technology: Requirements, Responsibilities and DataMaster – New course (4 hours classroom, specialty) – application 7480 – Market Data Services LLC d/b/a Datamaster

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved; Ms. Rabin seconded; motion carried with dissenting votes from Members Conolly, Oreto and Roy to deny the course.

N. 2019 Appraisal Summit, Day 2 – reconsideration (7 hours classroom, post licensing) – application number 7429 – Corelogic Valuation Solutions DBA The Columbia Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved; Ms. Rabin seconded; motion carried without dissent to uphold the previous denial of the course.

O. 2019 Appraisal Summit, Day 1 – reconsideration (7 hours classroom, post licensing) – application number 7130 – Corelogic Valuation Solutions DBA The Columbia Institute

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. del Valle moved; Ms. Rabin seconded; motion carried without dissent to uphold the previous denial of the course.

Rules Report and Discussion

Board Counsel Loucks provided the Rules Report for June 2019 then opened the discussion of the following rules.

Rules Discussion

Rule 61J1-4.008 Continuing Education for School Instructors

Ms. Loucks presented the proposed language of the rule as amended to clarify the number of instruction hours that may be given credit toward continuing education for instructors who also hold another appraiser credential. The Board reviewed and discussed the changes. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried unanimously to approve the language as amended and open the rule for development. Ms. Loucks 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. del Valle moved; Ms. Oreto seconded; motion carried unanimously to find there will be no fiscal impact.

Ms. Loucks asked the Board to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Ms. Rabin moved; Ms. Oreto 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.

Rule 61J1-9.001 Standards of Appraisal Practice

Ms. Loucks introduced the topic and reminded the Board that they had voted to adopt a change to the title of the rule in April 2018 so it would include the words "and Evaluations". She expressed concern for future rule changes when it becomes necessary to update the version of Uniform Standards of Professional Appraisal Practice (USPAP) that is addressed in the text as USPAP changes every two years. Having the language for both the USPAP and Evaluations in the same subsection of the rule may create procedural challenges during the rule update which is necessary to keep USPAP current.

The Board discussed the topic. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; motion to rescind the prior vote that had changed the title of the rule to Rule 61J1-9.001 Standards of Appraisal Practice and Evaluations. The motion carried without dissent.

Ms. Loucks asked the Board to consider the proposed language of Rule 61J1-9.001 as presented, noting that the change will amend the text to update USPAP to the 2020-2021 version, effective date of January 1, 2020. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried unanimously to adopt the proposed language.

Ms. Loucks 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. del Valle moved; Ms. Oreto seconded; motion carried unanimously to find there will be no fiscal impact.

Ms. Loucks asked the Board to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Mr. del Valle 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.

Discussion of Evaluations and Proposed New Rule

Ms. Conolly opened the floor to those in the audience who registered to speak to the subject. The Board heard comments from individuals and representatives of various industry groups then discussed in depth a proposal by Member Roy. With a show of hands, but no vote, the Board chose to do some independent research for consideration at the August 2019 meeting, and continue to work with the language submitted by Mr. Roy.

**Rule 61J1-9.002 Standards of Professional Practice for Appraisal Management Companies:
Development and Communications of Real Estate Appraisal**

Ms. Loucks reminded the Board this rule had been discussed during the April meeting and asked the Board to consider changes to the language previously voted upon. Ms. McDonald explained the circumstances that led to this rule bringing back this month.

The proposed changes were discussed. Following discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried unanimously to approve the language of the rule as discussed at this meeting.

Ms. Loucks 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. del Valle moved; Ms. Oreto seconded; motion carried unanimously to find there will be no fiscal impact.

Ms. Loucks asked the Board to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Ms. Rabin moved; Mr. del Valle 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

Petition

Petition for Declaratory Statement received from Accurate Title Group, LLC (aka Accurate Group, LLC)

Board Counsel Loucks presented the Petition. Ms. Loucks reminded the Board of the statutory guidelines. No representative of the company attended the meeting.

The Board heard comments from Board Counsel and discussed the petition. Following discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried unanimously to decline to opine on this Petition.

Approvable Guidelines for Appraisal Management Companies

Ms. McDonald presented the proposed approvable guidelines for Appraisal Management Companies. The Board discussed the items as provided. Following discussion, Ms. Oreto moved; Mr. Roy seconded; motion carried unanimously to adopt the guidelines as discussed.

The Appraisal Foundation Newsletter

Executive Director McDonald commented that the newsletter was being presented as information only and no action was taken by the Board.

Executive Director's Comments

Ms. McDonald thanked the Board and Staff for all their work on this meeting.

Chair's Comments

Chair Conolly reiterated Ms. McDonald's comments and thanked Member Roy for his contribution to the discussion of Evaluations.

Public Comments

The Board heard comments from audience members.

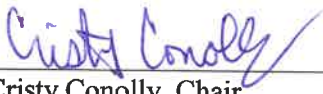
Next Meeting Date

Monday, August 5, 2019 at 8:30 a.m. – Orlando

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 4:30 p.m. The next general meeting of the Florida Real Estate Appraisal Board will be held Monday, August 5, 2019 in Orlando.

ATTEST:



Cristy Conolly, Chair
Florida Real Estate Appraisal Board



Allison McDonald, Executive Director
Florida Real Estate Appraisal Board