

Jonathan Zachem, Secretary

Rick Scott, Governor

**Amended Minutes of  
THE FLORIDA REAL ESTATE APPRAISAL BOARD  
August 6, 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 6<sup>th</sup> of August, 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, JoAnn Rooney, and Dawn Warren. Assistant Attorneys General Clark Jennings and Deborah Loucks appeared as counsels 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; Al Cheneler, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Jocelyn Pomaes, 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 June 4, 2018, General Meeting were presented. Mr. Ketcham moved, seconded by Ms. Oreto to approve the minutes as amended. The motion carried without dissent.

**Reports**

Executive Director Crawford presented the Exam Performance and the Licensee Count reports and addressed questions from the Board.

**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 9 docket items with the following results:

**Stephen Maltigliani – Case No. 2017031663 – Respondent’s Request for Informal**

Respondent was present and was represented by counsel, Daniel Villazon. Mr. del Valle was 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 informal hearing and entered into discussion. Following discussion, Ms. Oreto moved; Mr. Ketcham seconded; motion carried without dissent to impose the following:

**Penalty imposed:** \$8,000.00 fine; \$2,112.00 costs; the four Appraisal Foundation corrective courses; attend three complete FREAB meetings; probation of 12 months.

**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(15) by failing or refusing to exercise reasonable diligence.

**John Dillon Burton, Jr. – Case No. 2017025326, 2017025331, 2017025332 – Settlement Stipulation**

Respondent was not present but was represented by counsel, Daniel Villazon. Mr. Roy was recused due to participation on the probable cause panel.

Ms. McDonald represented the Department and presented the case to the Board. Following discussion, Ms. Oreto moved; Mr. del Valle seconded; motion carried with split vote to reject the proposed stipulation and offered the following:

**Action Taken:** Rejected proposed stipulation; counter-offer of \$9,000.00 fine; investigative costs of \$3,480.00; 30-day suspension; attend 60 hours of education including but not limited to a 15 hour National USPAP Course and the four Appraisal Foundation corrective courses within 24 months; attend 3 complete FREAB meetings; and probation of 24 months with early termination, to be accepted or rejected by respondent within 30 days of final order being filed.

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

**Mark James MacLaughlin – Case No. 2017027750 – Settlement Stipulation**

Respondent was present and was represented by counsel, Daniel Villazon on behalf of Steven W. Johnson. Mr. del Valle was recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. Following discussion by the Board, Ms. Oreto moved; Ms. Rooney seconded; motion carried without dissent to accept the proposed Stipulation and impose the following:

**Penalty imposed:** \$2,000.00 fine; investigative costs of \$2,000.00; attend 34 hours of education including but not limited to a 15 hour National USPAP Course and three specified corrective courses; attend 1 complete FREAB meeting; and probation of 12 months.

**Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and Ethics Conduct Rule; Section 475.624(15) by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report.

**Leonard John Millman – Case No. 2017-004090 - Settlement Stipulation**

Respondent was present and was represented by counsel, Daniel Villazon. Mr. Roy was recused due to participation on the probable cause panel.

Ms. McDonald represented the Department and presented the case to the Board. Following discussion, Ms. Rabin moved; Ms. Oreto seconded; motion carried without dissent to impose the following:

**Penalty imposed:** \$2,000.00 fine; investigative costs of \$1,133.55; attend 35 hours of education including classes in the sales comparison approach and The Appraisal Foundation Course *Residential Report Writing vs. Form Filing*; attend 1 complete FREAB; probation of 12 months.

**Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and Recordkeeping Rule and 475.624(15) by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report; 475.624(4) and Florida Administrative Code 61J1-7.001 for improper display of designation and number.

**James Frances Lanoue – Case No. 2017021729 – Petitioner’s Motion for Waiver and Entry of Final Order**

Respondent was not 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. The Board granted the informal hearing and entered into discussion. Following discussion, Mr. Ketcham moved; Ms. Rabin seconded; motion carried without dissent to impose the following:

**Penalty imposed:** \$6,000.00 fine; investigative costs of \$775.50; attend two complete FREAB meetings in addition to the discipline imposed in Final Orders filed in DBPR Case Numbers 2017-021730 and 2017-021731. Thirty-day suspension and probation of 12 months; suspension and probation are to run concurrent with the discipline imposed in Final Orders filed in DBPR Case Numbers 2017-021730 and 2017-021731.

**Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and Recordkeeping Rule; by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report.

**James Frances Lanoue – Case No. 2017021730 – Petitioner’s Motion for Waiver and Entry of Final Order**

Respondent was not 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. The Board granted the informal hearing and entered into discussion. Following discussion, Mr. del Valle moved; Mr. Ketcham seconded; motion carried without dissent to impose the following:

**Penalty imposed:** \$6,000.00 fine; investigative costs of \$877.17; attend two complete FREAB meetings in addition to the discipline imposed in Final Orders filed in DBPR Case Numbers 2017-021729 and 2017-021731. Sixty-day suspension and probation of eighteen months; suspension and probation are to run concurrent with the discipline imposed in Final Order filed in DBPR Case Numbers 2017-021729 and 2017-021731.

**Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and Recordkeeping Rule; by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report.

**James Frances Lanoue, 2017021731 – Petitioner’s Motion for Waiver and Entry of Final Order**

Respondent was not 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. The Board granted the informal hearing and entered into discussion. Following discussion, Ms. Rooney moved; Ms. Conolly seconded; motion carried without dissent to impose the following:

**Penalty imposed:** \$6,000.00 fine; investigative costs of \$864.90; attend two complete FREAB meetings in addition to the discipline imposed in Final Orders filed in DBPR Case Numbers 2017-021729 and 2017-021730. Ninety-day suspension and probation of twenty-four months; suspension and probation are to run concurrent with the discipline imposed in Final Order filed in DBPR Case Numbers 2017-021729 and 2017-021730.

**Violation:** Florida Statutes 475.624(4) by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standards and Recordkeeping Rule; by failing or refusing to exercise reasonable diligence in developing or preparing an appraisal report.

**General Session Continued**  
**Petition for Variance or Waiver**

Petition VW 2018-037 from Mr. Steven Vockell for Rule Variance of Section 61J1-4.010 (2) (c), Florida Administrative Code

Executive Director Crawford introduced the Petition for Variance or Waiver. Ms. Loucks reminded the Board of the statutory guidelines. Mr. Vockell was present to address the Board.

The Board heard comments from Mr. Vockell and discussed the petition. Following discussion, Mr. Ketcham moved; Ms. Conolly seconded; motion carried with a split vote to grant the petition for this particular situation.

**Summary of Applicants**

Debora J. Lozano – The applicant was present to address the Board. Following discussion, Ms. Oreto moved; Ms. Rooney seconded; motion carried without dissent to approve the application.

Robert B. Serna – The applicant was present to address the Board. The Board reviewed and discussed the manner in which the supervisory appraiser reported the significance of the applicant's contribution to each of the sample reports submitted for the experience audit with the applicant and Staff. Following discussion, Mr. del Valle moved; Ms. Oreto seconded; motion carried unanimously to approve the application.

Cynthia Thibodeaux – Withdrawn

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

Personal Property Auditing, Basic to Advanced IAAO 501 – New Course (20 hours classroom, specialty) – application number 7098 – International Association of Assessing Officers

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

How to Raise Appraisal Quality and Minimize Risk – New Course (7 hours distance, specialty) – application number 6999 – OREP Education Network

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Mr. del Valle moved to deny the course due to lack of course material; Ms. Rabin seconded; motion carried without dissent.

Appraising Energy Efficient Residential Property – Reconsideration (8 hours distance, marked 3-hour Florida Law Update on application) – application number 7153 – American Continuing Education Institute d/b/a Calypso Continuing Education

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Following discussion, Mr. Ketcham moved to grant conditional approval of the course and to allow Ms. Pomales to grant final approval of the course upon review of the supplemental materials if received and reviewed within thirty days; Mr. del Valle seconded; motion carried without dissent.

The Board entered into a discussion regarding the merits of the Division evaluating courses that are not complex. The Board discussed the positive aspects of the change to the business process. Following discussion Mr. Ketcham moved to delegate authority to the Division's Operations and Management Consultant, Education Coordinator to approve non-complex courses for appraiser continuing education for ratification by the Board. Ms. Rabin seconded and the motion carried without dissent.

**Rules Report and Rules Discussion** – *Clark Jennings, Board Counsel*

**Rules Report**

Board Counsel Clark Jennings presented the Rules Report for August 2018. There are currently six rules moving through the rulemaking process. Mr. Jennings provided the status of each of the rules in the report. Discussion of Rules 61J1-6.001 and 61J1-10.003 were tabled until the next meeting, to be held on Monday, October 1, 2018.

**Rules Discussion**

**Rule 61J1-9.001 Standards of Appraisal Practice and Evaluations**

Chair Mike Roy introduced the topic and asked those who wish to participate to remain professional and, due to time constraints, remain on topic. Board Counsel Clark Jennings provided procedural guidance for the discussion.

Several industry stakeholders and organization representatives were present to speak to the issue and express opinions about the positive and negative components of evaluations. Those who addressed the Board included the following persons:

Ms. Joni Herndon, Florida certified residential appraiser  
Mr. John Brenan, Director of Appraisal Issues, The Appraisal Foundation  
Ms. Jennifer Marshall, a Florida certified residential appraiser  
Mr. Wes Sanders, Florida certified general appraiser  
Mr. Scott DiBiasio, Manager, State & Industry Affairs Appraisal Institute  
Mr. Howard Klahr, Florida certified general appraiser  
Mr. Francois (Frank) Gregoire, Florida certified residential appraiser

Following the discussion, the Board questioned the possibility of having committees of industry stakeholders to come together to formulate a recommendation that could be presented to the full Board. The Board took no further action at this meeting.

**Special Agenda – Board Business**

Executive Director Lori Crawford addressed the topic. She reported to the Board that the Appraisal Management Company (AMC) Forms and Rules are in the process of being updated.

Completion of this task is part of Florida's ongoing efforts for full compliance with the Inter Agency Final Rules prior to the extension date of August 10, 2019. The one-year extension was approved by the Federal Financial Institutions Examination Council (FFIEC) at its meeting held on June 26, 2018.

**Executive Director's Comments**

Ms. Crawford provided information about the upcoming Fall Conference of the Association of Appraiser Regulatory Officials (AARO). The Board discussed the benefits of attending the conference and appointed members to attend.

**Chair's Comments**

Chair Roy thanked everyone for their professionalism and courtesy shown at today's meeting. He also thanked Staff for their support and the Board for their time spent in preparing for this meeting.

**Public Comments**

There were no other comments from those in attendance.

**Next Meeting Date**

Monday, October 1, 2018 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, October 1, 2018 in Orlando.

ATTEST:

  
Michael Roy, Chair  
Florida Real Estate Appraisal Board

  
Lori Crawford, Executive Director  
Florida Real Estate Appraisal Board