

Jonathan Zachem, Secretary

Rick Scott, Governor

**Amended Minutes of  
THE FLORIDA REAL ESTATE APPRAISAL BOARD  
October 1, 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 1<sup>st</sup> of October, 2018.

The following Board members were present: Chair Mike Roy, Vice-Chair Cristy Conolly, Members Armando del Valle, Fran Oreto, Janet Rabin, Justin Recca, and JoAnn Rooney. Assistant Attorney General Deborah Loucks appeared as counsel for the Board. Members Clay Ketcham and Dawn Warren had excused absences. 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 Pomales, OMC; Whitley Ward, and Beverly Ridenauer, Government Analysts. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

**General Session  
Reports**

Education Coordinator Jocelyn Pomales presented the Education Course Approval Report. Executive Director Crawford Exam Performance Report, Fourth Quarter Financial Report and the Licensee Count Report, then 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 7 docket items with the following results:

**John Dillon Burton, Jr. – 2017025326, 2017025331, 2017025332 – Respondent’s Request for Informal Hearing**

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 cases to the Board. The Board granted the informal hearing and entered into discussion. Following discussion, Mr. del Valle moved; Ms. Rabin seconded; motion carried unanimously to impose the following:

**Penalty Imposed:** \$9,000.00 fine; investigative costs of \$3,480.00 to be paid within thirty-six months; attend 16 hours of education including the four Appraisal Foundation corrective courses; attend three complete FREAB meetings within twenty-four 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 Standards and the Records Keeping Rule.

**Bernard Wayne Caton – 2017060900 – Respondent’s Request for Informal Hearing**

Respondent was not present but was represented by counsel, Mr. James Davis. Ms. Oreto was recused due to participation on the probable cause panel.

Mr. Aring 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; Ms. Conolly seconded; motion carried with one nay vote to impose the following:

**Penalty Imposed:** Investigative costs of \$816.75; 4-hour Fannie Mae form writing course to be completed within 90 days; twelve months probation to pay costs.

**Violation:** Section 475.624(15), Florida Statutes, by violating Rule 61J1-9.001, Florida Administrative Code, and through violations of USPAP Standards and the Records Keeping Rule, Competency Rule, and Scope of Work Rule and Section 475.623, Florida Statutes for failure to properly register business name and address with the Department.

**Peter Alan Kellner – 2017056151 – Respondent’s Request for Informal Hearing**

Respondent was present and was represented by counsel, Rickey Strong. Ms. Oreto was recused due to participation on the probable cause panel.

Mr. Aring 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; Ms. Rabin seconded; motion carried unanimously to impose the following:

**Penalty Imposed:** \$3,000.00 fine; investigative costs of \$585.70; complete a 7-hour Business Practice and Ethics Course; attend 2 complete FREAB meetings within twelve months; twelve months probation. Respondent accepted verbally at the meeting.

**Violation:** Section 455.227(1) (t) Florida Statutes as the Respondent did not inform the commission in writing within 30 days after being adjudicated guilty of a crime, Section 475.624(9) Florida Statutes as the Respondent did not inform the commission in writing within 30 days after being adjudicated guilty of a felony, Section 475.624(5) Florida Statutes, as the Respondent was adjudicated guilty of a crime involving fraudulent or dishonest dealing.

**Luis M. Caballero – 2017044283 – Settlement Stipulation**

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

Mr. Aring represented the Department and presented the case to the Board. Following discussion, Ms. Rabin moved; Ms. Conolly seconded; motion carried with split vote to adopt the proposed stipulation and impose the following:

**Penalty Imposed:** \$1,000.00 fine; investigative costs of \$1,000.00; 15-Hour National USPAP Course along with The Appraisal Foundation corrective course entitled “Appraiser Self Protection:

Documentation and Record Keeping – 4 hours”; attend one FREAB meeting; twelve months probation. Respondent will also be allowed to maintain his status as a Supervising Appraiser.

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

### **Joseph W. Saunders – 2017014045 – Settlement Stipulation**

Respondent was present but was represented by counsel, Nancy Campiglia. Ms. Oreto was recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. Following discussion, Ms. Conolly moved; Mr. Recca seconded motion to accept proposed Stipulation. Upon vote, motion failed with tie vote of three yea and three nay votes.

After further discussion, Ms. Rabin moved; Mr. del Valle seconded; motion carried with split vote of four yea and two nay votes to reject the proposed stipulation. Ms. Rabin moved; Ms. Rooney seconded; motion carried with a split vote of four yea and two nay votes for the following counteroffer:

**Action Taken: Rejected Stipulation – Proposed Penalty:** \$2500.00 fine, investigative costs of \$635.25, complete 15-Hour National USPAP Course along with The Appraisal Foundation corrective courses entitled “Report Certifications: What Am I Signing and Why?,” “Residential Report Writing vs. Form Filling,” and “Scope of Work: Appraisals and Inspections”; and attend two FREAB meetings within six (6) months; twelve month probation. The proposal was accepted verbally by the Respondent at the meeting.

**Violation:** Section 475.624(4), Florida Statutes by violating Rule 61J1-9.001, Florida Administrative Code, through violations of USPAP Standard Rule 2-3.

### **General Session Continued**

#### **Petitions**

Petition for Rule Variance or Waiver received from Kathleen M. Worth – VW 2018-201

Board Counsel Deborah Loucks presented the Petition. Ms. Loucks reminded the Board of the statutory guidelines. Ms. Worth and her attorney, Rickey L. Strong, were present to address the Board.

The Board heard comments from Mr. Strong and Mrs. Worth. The Board discussed the petition. Following discussion, Ms. Conolly moved; Mr. del Valle seconded motion to grant the petition; motion carried unanimously.

#### **Summary of Applicants**

##### **New Applications**

Charles Bielejeski – Continued to December 3, 2018

Libby Kavoulakis – The applicant was present to address the Board and request a continuance to the December 3, 2018 meeting. The Board provided information about the education and experience requirements. Following discussion, Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to grant the continuance.

Matthew C. Caulfield – The applicant was present to address the Board. Following discussion, Ms. Rabin moved; Ms. Conolly seconded; motion carried to approve the application with Chair Roy abstaining from the vote.

## **General Session Continued**

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

Online Basic Appraisal Procedures – New Course (28 hours distance, specialty) – application number 7178– 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 for twenty hours of continuing education; Ms. Rabin seconded; motion carried without dissent.

Marshall & Swift Cost Approach to Value – New Course (8 hours distance, specialty) – application number 7124 – 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 to deny the course for lack of course material; Ms. Oreto seconded; motion carried unanimously.

Appraisers Economic Forum and Festival (Appraiser Fest) – New Course (11 hours classroom, specialty) – application number – A Noble Education

No representative of the provider attended the meeting in support of the application. The Board discussed the course. Ms. Rabin moved to approve the course eleven hours of credit with particular attention paid to attendance time records; Ms. Oreto seconded; motion carried without dissent.

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

#### **Rules Report**

Board Counsel Loucks presented the Rules Report for October 2018. There are currently seven rules moving through the rulemaking process. Ms. Loucks provided the status of each of the rules in the report.

#### **Annual Regulatory Plan**

Ms. Loucks provided background for the Annual Regulatory Plan. She asked the Board to ratify the Plan as presented. Ms. Oreto moved; Ms. Rabin seconded; motion carried unanimously to ratify the Annual Regulatory Plan for 2019 as presented.

#### **Rules Discussion**

##### **Rule 61J1-10.003 Certified Residential Appraiser**

Ms. Loucks presented the proposed amendments to Rule 61J1-10.003. The Board discussed the proposed language amendments. Following discussion Ms. Loucks reported that she will prepare a draft version for discussion at the December 3, 2018 meeting.

##### **Rule 61J1- 6.001 Experience Requirements**

Ms. Loucks presented the proposed amendments to Rule 61J1-6.001. The Board discussed the proposed language amendments and heard public comment before asking Ms. Loucks to prepare a draft version of the changes for discussion at the December 3, 2018 meeting.

**Special Agenda – Board Business**  
**Evaluations Task Force**

Executive Director Crawford addressed the topic. She explained that there are scheduling conflicts with the Office of Attorney General and with the Fall Conference of the Association of Regulatory Officials which will be held later in October.

**The Appraisal Foundation News**

Ms. Crawford commented that the Appraisal Standards Board (ASB) of The Appraisal Foundation (TAF) has recently published the Second Exposure Draft of the proposed changes for the 2020-2021 Uniform Standards of Professional Appraisal Practice (USPAP). Comments may be submitted until October 10, 2018.

**Executive Director's Comments**

Ms. Crawford commented on the following:

- Forms Rule Update
- Association of Appraiser Regulatory Officials Fall Conference
- Recognition of Staff – Ms. Crawford thanked Staff Member Beverly Ridenauer, who was then recognized as the Division of Real Estate Employee of the Month for September.

**Chair's Comments**

Chair Roy also thanked Board Staff and the Bureau of Investigations Team for all the work that is done. He also expressed 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.

**Public Comments**

The Board heard comments from the audience.

**Next Meeting Date**

Monday, December 3, 2018 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, December 3, 2018 in Orlando.

ATTEST:

  
Michael Roy, Chair  
Florida Real Estate Appraisal Board

  
Lori Crawford, Executive Director  
Florida Real Estate Appraisal Board