



Florida Real Estate Appraisal Board
Disciplinary Activity Report
2013

NAME	CASE NUMBER	License #	VIOLATION AND DISCIPLINARY ACTION
Acosta, Armando	2012-046794	RD 5359	Tampa, FL: Respondent violated Florida Statute Section 475.624(4) by failing to comply with a final order of April 11, 2011. Respondent failed to comply with any of the terms including fines, costs, meeting attendance or education. Penalty: revocation; costs of \$163. Effective: 09-16-2013.
Bonadio, Michael	2012-042765	RD 2345	Oakland Park, FL: Voluntary Surrender for Permanent Revocation. Effective: 7-12-13.
Brown, Ronald Tracy	2013-019025	RD 3785	Oveido, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective:11-8-2013.
Causey, Rashard T.	2012-026109	RD 6409	Pembroke Pines, FL: Respondent violated Florida Statute Section 475.624(15), reasonable diligence, by developing and communicating an appraisal report which contained numerous errors including that it: did not disclose changes in MLS; did not reconcile MLS with the contract amount; the MLS was materially different than contract amount and materially different than amount indicated as the sale price in that the contract was for \$300,000 and the MLS showed a sales price of \$210,000 and Respondent did not reconcile this difference; and Respondent did not explain the difference list prices of \$100,000 in the work file and the list price on the appraisal. Penalty: revocation; administrative fine of \$1,000; costs of \$643. Effective: 09-16-2013.
Cruz, Kleimer	2013-022831	RD 5740	Miami, FL: Voluntary relinquishment of license for permanent revocation. Effective: 11-8-2013.
Flomenhoft, Mitchell A.	2013-000159	RZ 3217	Boca Raton, FL: Respondent violated Florida Statute 475.624(5) and Florida Statute 475.624(9) by being convicted of aggravated assault with a deadly weapon and for failing to timely self-report the same to the Board. Penalty: administrative fine of \$1,000; costs of \$148.50; attendance at 1 complete FREAB meeting; 12 months of probation with early termination. Effective: 12-31-2013.
Garcia, Lester Miguel	2013-017119 2013-017125	RD 4101	Palmetto Bay, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective: 11-8-2013.
Giesecke, James R	2013-017575	RZ 1962	Fort Myers, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective: 11-8-2013.
Glessner, Leonard C.	2013-014583	RI 15426	Ocklawaha, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective: 12-31-2013.
Greber, Glenn Richard	2010-040288	RD 543	Sarasota, FL: Respondent violated Section 475.624(4), Florida Statutes, which imposes discipline for violating any provision of Chapter 475 by violating Section 475.629, Florida Statutes. Section 475.629, Florida Statutes, requires an appraiser to retain, for at least five years, original or true copies of any contracts engaging the appraiser's services, appraisal reports, and supporting data used in preparation of the appraisal report. Respondent did not provide a work file to the Department. Penalty: \$1,000 fine, \$1,617 costs, one 2-day FREAB meeting. Effective: 3-11-2013.
Gomez, Mike	2012-019394	RZ 2795	Miami Lakes, FL: Respondent developed and communicated an appraisal report in Bal Harbor, Florida and valued the Subject Property at \$10.8 million. He was alleged to have committed the following errors and omissions in the appraisal report: he failed to disclose that he didn't analyze a fully executed contract, he included an elevator lobby for the Subject Property in the gross living area, failed to make location adjustments for his comparable sales, failed to adjust comparable sale two for its rooftop terrace and pool, adjusted too little for the square footage differentials between the Subject Property and comparable sales, he didn't provide support for his market trends analysis in his work file, and he used an improper designation. Respondent was charged with violating Section 475.624(15), Florida Statutes, for failing to use reasonable diligence, Rule 61J1-9.001, Florida Administrative Code, for failure to comply with Uniform Standards of Professional Appraisal Practice, and Rule 61J1-7.001, Florida Administrative Code, for using an incorrect designation. Penalty: \$1,000 fine, \$66 costs, 1 FREAB meeting and 30 hours of education. Effective: 3-12-2013.
Hormes, Ronald C.	2009-007125	RZ 1337	Clearwater, FL: Respondent violated Sections 475.622(1) and 475.624(15), Florida Statutes, and Rule 61J1-7.001(2), Florida Administrative Code. Respondent failed to use the proper designation on his appraisal report. Respondent further failed to exercise reasonable diligence in developing and communicating his appraisal report. Specifically, the Administrative Complaint charged that Respondent misstated the housing trend, misstated the zoning, misstated property characteristics of several of the comparable sales, and failed to properly adjust and reconcile. Penalty: Four year suspension, two years of probation, \$5,000 fine. Effective: 6/26/2013.
Jarnutowski, Paul Henry	2013-001778	RD 4790	Jacksonville, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective: 11-8-2013.
Leon, Anthony	2011-051383 2012-019095	RD 6807	Miami, FL: Respondent was charged with three counts of violating Section 475.629, Florida Statutes for failing to maintain workfiles for the subject appraisal reports in cases 2011-051383 and 2012-019095, and for failing to retain any work files prior to September 2010. Penalty: \$2,000 fine; \$1,056 in combined costs; 60 day suspension; 50 hours of education; two 2-day FREAB meetings; 18 months probation. Effective: 06-03-2013
Lichtenfels, Ryan M	2012-019934	RD 3361	Tampa, FL: Respondent was charged with a violation of 475.624(4), Florida Statutes, and 455.227(1)(m), Florida Statutes, for making a deceptive, untrue, or fraudulent representation in or related to the practice of the profession. Respondent failed to disclose two listings of the subject property, incorrectly stated MLS was the verification source for comparable 3, falsely stated that comparable 3 had no prior sales, and failed to disclose the prior sale of comparable 3. Penalty: 1 year probation, \$1,500 fine, \$752.40 costs, two entire FREAB Meetings, 45 hours of education. Effective: 7-12-13

Lewis, David Raymond	2011-046470	RZ 833	Panama City, FL: Respondent was alleged to have violated Section 475.624(4), Florida Statutes, by failing to comply with the 2006 USPAP by failing to include all data, information, and documentation necessary to support his opinions and conclusions and by failing to identify the the extraordinary assumptions necessary in the assignment. Additionally, Respondent was alleged to have violated Section 475.624(4), Florida Statutes, by failing to disclose his proper designation. As part of a settlement stipulation, Respondent agreed to the following: An administrative fine of \$250 plus costs of \$250 and 30 hours of education. Effective: 3-12-2013.
Lichtenwalter, Jama Dawn	2012-005636	RD7649	Jacksonville, FL: Voluntary Relinquishment for Permanent Revocation. Effective: 5-16-2013
Lichtenwalter, James E.	2012-005635	RD4767	Orange Park, FL: Respondent failed to report a prior sale of the Subject Property, disclosed in error that the Subject Property was connected to a sanitary sewer system when it had a septic system, incorrectly analyzed and reported views, misstated one of the comparable sales' ages, had inconsistent bedroom adjustments, used comparable sales from outside the neighborhood boundaries as defined in his Report, failed to correctly analyze the gated community location of one of the comparables, failed to correctly analyze different market neighborhoods, and misstated garage types. Respondent therefore violated Section 455.227(1)(m), Florida Statutes, by making untrue representations. Respondent also violated 475.624(15), Florida Statutes, by failing to act with reasonable diligence. Respondent also failed to maintain a copy of one of the appraisal reports and make same available to Department, thereby violating Section 475.629, Florida Statutes, and therefore, Section 475.624(4), Florida Statutes. Penalty: \$500 fine; \$1,336 costs; 25 hours of education; one 2-day FREAB meeting; 12 months probation with early termination. Effective 5-20-2013
Manso, Julio	2010-038472	RI 23257	Tampa, FL: Respondent violated Florida Statutes Sections 475.624(4) and 475.6221(1) by failing to be directly supervised when developing and communicating appraisals from August to September 2009. Respondent also violated Florida Statutes Sections 475.624(4) and 475.6221(2) by receiving compensation from someone other than his direct supervisor. Finally, Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-4.010 by failing to maintain an appraisal experience log. Penalty: administrative fine of \$1500; costs of \$1122; attendance at 2 complete meetings; 75 hours of education; 18 months of probation. Effective: 11-19-2013.
McCann, Ashley Law	2013-006216	RD 5332	Naples, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. Effective: 12-27-2013.
Melcolm, Albert Edward Jr.	2013-006214	RD 2986	Jacksonville, FL: Settlement agreement to voluntarily relinquish license for permanent revocation. The Administrative Complaint alleged Mr. Melcolm failed to comply with a Final Order issued in a prior case. Effective: 01-06-2014.
Moliterno, Michael T.	2012-006744	RD 6315	St. Petersburg, FL: Respondent neither admits nor denies violating Florida Statute 475.629 and Florida Statute 475.624(4) by having failed to retain certain work files pursuant to the statutory five year retention requirement. By stipulation, Respondent agreed to the following penalty: administrative fine of \$2,000; costs of \$801.90; attendance at 1 complete FREAB meeting; 30 hours of education. Effective: 01-06-2014.
Oesch, Douglas Leroy	2012-025557	RD 5654	Wellington, FL: Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-9.001 by violating various USPAP Rules when he failed to adjust comparable 1 for a significantly larger site size, verify the number of bedrooms and bathrooms in comparable 2, and reconcile the subject property's previous sale price with the appraised value. Respondent also violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-7.008 by failing to update his address of record. Penalty: Revocation. Effective: 09-17-2013.
Papajohn, Gregory	2012-049206 2012-044637	RD 5986	Gulf Breeze, FL: In each case Respondent violated Florida Statute Section 475.624(2) by misrepresenting he had personally inspected the subject property when in fact an unlicensed person performed the inspection and by falsely certifying he performed the inspection. In each case Respondent also violated Florida Statute Section 475.624(15) by failing to exercise reasonable diligence when he sent an unlicensed person to do the inspection of the subject property and failing to personally inspect. In each case Respondent also violated Florida Statutes 475.624(4) and 455.227(1)(j) by aiding or assisting unlicensed activity when he sent an unlicensed person to measure and inspect the subject property. Finally, in both cases, Respondent violated Florida Statute 475.624(4) and Florida Administrative Code Rule 61J1-9.001 by committing various violations of USPAP including the Ethics Rule, Scope of Work Rule, Disclosure Obligations, Rule 1-1(a), Rule 1-1(b), Rule 2-1(a), and Rule 2-2(b)(vii). Penalty: administrative fine of \$15,000; combined costs of \$4,012.8; attendance at 4 complete meeting(s); 40 hours of education; 18 months of probation with early termination. Effective: 09-17-2013.
Perez, Carlos Alberto	2012-038163	RD 5750	Miami, FL: Respondent violated Florida Statute Section 475.624(4) by failing to comply with final order entered July 6, 2011 in that Respondent failed to pay fines, pay costs, attend a meeting and complete education. Penalty: Revocation. Effective: 09-16-2013.
Perez, Salvador Oscar	2012-005888	RD 5649	Miami, FL: Respondent violated Florida Statute Section 475.624(15), reasonable diligence, when he failed to verify comparable sales data supplied by developer with an independent source, used comparable sales that were not representative of the declining market trends, failed to consider available comparable sales data from the Multiple Listing Service, used a comparable sale that did not close until after the report's effective date, failed to verify sales data for one of the comparable sales, and did not sufficiently describe renovations to the Subject Property; Respondent failed to provide the Department with a copy of his work file, thereby violating Section 475.629 and Section 475.624(4), Florida Statutes. Respondent incorrectly reported one of the comparable sales' gross living area, thereby violating Section 455.227(1)(m) and Section 475.624(4), Florida Statutes. By stipulation respondent agreed to the following penalty: suspended for 30 months; administrative fine of \$1,000; costs of \$387.75; attendance at 1 complete meeting; 30 hours of education; 18 months probation. Effective: 09-16-2013.
Phillips, Curtis	2012-019089	RZ 2085	Indialantic, FL: Respondent was alleged to have failed to report to the Board, within 30 days, a conviction, guilty verdict, entry of nolo contender plea or guilty plea, regardless of adjudication, a crime in any jurisdiction in violation of Section 455.227(1)(t), Florida Statutes. As part of a settlement stipulation, Respondent agreed to the following: an administrative fine of \$500 fine plus \$488.40 in costs. Effective: 3-11-2013.
Piscopo, Anthony Vincent	2013-013341	RD 4769	Jupiter, FL: Respondent violated Florida Statute 475.624 by removing personal property from a vacant REO property without authorization. By stipulation, Respondent agreed to the following penalty: costs of \$387; attendance at 1 complete meeting; 12 months probation with early termination. Effective: 11-8-2013.
Pomerantz, Seph	2012-040657	RD 1484	Margate, FL: Respondent violated Florida Statute Sections 475.624 (2) and (16) by fraud and dishonest conduct in that Respondent failed to communicate and deliver the appraisal report or refund the payment for same. Penalty: suspended 6 months; administrative fine of \$2,000; costs of \$924; attendance at 2 complete meetings; 15 hours of education; 18 months of probation (concurrent with the suspension). Effective: 09-16-2013.

Porcelli, Arthur Richard III	2012-034857	RD 5293	Neptune Beach, FL: Respondent violated Florida Statute Section 475.624(2) by sending an unlicensed person to do an interior inspection and measure the subject property and falsely certifying that he personally completed the interior inspection. Respondent violated Florida Statute Section 475.624(4) and Florida Administrative Code Rule 61J1-9.001 by failing to comply with USPAP, and Florida Statute 475.624(15) by failing to exercise reasonable diligence, when he failed to personally inspect the subject property and falsely certified that he had inspected. Finally, Respondent violated Florida Statute Sections 475.624(4) and 455.227(1)(j) by aiding and assisting unlicensed activity by sending an unlicensed person to perform an interior inspection and measure the subject property. By stipulation, respondent agreed to the following penalty: administrative fine of \$5000; costs of \$500; attendance at 1 complete meeting; 30 hours of education; 24 months of probation; Respondent will also attend 5 basic appraisal classes to give prospective appraisers a presentation on how he violated Florida Statutes and the consequences thereof. Effective: 11-13-2013.
Russe-Garcia, Enio	2012-025528	RZ 3058	Orlando, FL: Respondent violated Florida Statute Section 475.624(2) by misrepresenting the scope of his inspection. Respondent, though present at the subject property along with his trainee, failed to do an interior inspection. By stipulation, respondent agreed to the following penalty: administrative fine of \$2,000; costs of \$468.8; attendance at 1 complete meeting; 15 hours of education; 18 months of probation with early termination. Effective: 09-17-2013.
Scanlon, Daniel Patrick	2011-048418	RD 3467	Bellevue, Washington: Respondent failed retain a copy of his work file and failed to make his work file available for inspection. Penalty: Revocation. Effective: 3-11-2013.
Siefker, David W.	2013-019183	RD 3399	St. Augustine, FL: Voluntary surrender for permanent revocation. Effective: 09-18-2013.
Taylor, Owen Mahony	2013-022837	RD 4781	Miami, FL: Voluntary relinquishment of license for permanent revocation. Effective: 11-8-2013.
Toney, R Douglas Jr.	2012-025949	RZ1890	Land O' Lakes, FL: Action filed due to Respondent violating Fla. Stat. 475.624 (4) and 475.629 relating to appraisal report developed and communicated February 27, 2007. Respondent failed provide work file pursuant to an official investigation. Respondent also: utilized an unregistered business affiliation; utilized an address not registered with the department; and signed an appraisal report with an improper designation. Penalty: Revocation. Effective: 7-12-2013.
Torres, Maritza	2012-009327	RD 5842	Miami, FL: The three count Administrative Complaint charged Torres with violating: (1) Section 475.624(15) for failure to provide a listing history of the property appraised, (2) USPAP 1-1(c) and 1-2(e)(i) for committing a series of errors and failure to identify characteristics of the property in terms of lot size, and (3) Section 475.629 for failure to retain a true copy of the work file for five years. Penalty: 18 months of probation subject to early termination; \$2,000 administrative fine, \$346.50 costs, 35 hours of education, two entire FREAB meetings. Effective date: 7-10-13.
Truhan, Richard Patrick	2009-064909 2009-060796	RD 6298	Longwood, FL: Respondent developed and communicated two separate appraisal reports, and was alleged to have committed the following errors and omissions: failing to turn over work files, utilizing comparable sales that were not locationally, physically and functionally similar to the Subject Properties, failing to adjust for differences in bedroom count, failing to use the income approach when appropriate, failing to verify comparable sales used, misstating that condominium documents were unavailable when they were, failing to disclose that homeowners association was controlled by the developer, misstating gross living area for comparable sales, stating the cost approach supported the value conclusion when none was developed, misstating Subject Property's listing history, misstating the sales price of comparable sales, failing to disclose seller concessions, misstating units sold in the development. Effective 3-11-2013.
Truhan, Richard Patrick	Continued		Respondent was charged with violating section 475.624(15), Florida Statutes, for failure to use reasonable diligence, Section 475.624(2), Florida Statutes, for committing misrepresentation, concealment or breach of trust in any business transaction, Section 475.629, Florida Statutes, for failure to retain records for at least five years, section 475.626(1)(f), Florida Statutes, for obstructing or hindering the enforcement of Chapters 455 or 475, Florida Statutes. Penalty: \$1,500 fine, \$2,000 costs. Effective 3-11-2013.
Truhan, Richard Patrick	2009-061194 2009-061118 2009-060865 2009-060831 2009-061131 2011-054210	RD 6298	Longwood, FL: Respondent developed and communicated six separate appraisal reports, and was alleged to have committed the following errors and omissions: misstating the sales history for the comparable sales and Subject Properties, utilizing unqualified sales as comparable sales, choosing comparable sales that were not locationally, physically and functionally similar to the Subject Property, stating the cost approach supported the value of Subject Properties, but did not perform the cost approach, listing MLS as a data source for several comparable sales when they were not listed in MLS, misstating the gross living area of some comparable sales, failing to ensure comparable sales used were arms length transactions, making conflicting statements about the effective age of comparables, contract prices for Subject Properties and marketing time, stating that condominium documents were not available when they were available, misstating the construction of comparable sales and Subject Properties, failing to turn over work files, failing to verify comparable sales used, using properties that don't exist as comparable sales, misstating comparable sales' homeowners association fees, misstating zoning,
Truhan, Richard Patrick	Continued		and failing to reconcile for effective age differentials. Consequently, respondent was charged with violating Section 475.624(15), Florida Statutes, for failing to use reasonable diligence, Section 475.629, Florida Statutes, for failure to retain records for at least five years, Section 475.626(1)(f), Florida Statutes, for obstructing or hindering the enforcement of Chapters 455 or 475, Florida Statutes, and Section 475.624(2), Florida Statutes, for committing misrepresentation, concealment or breach of trust in any business transaction. Penalty: \$4,500 fine, \$2,000 costs, two 2-day FREAB meetings, complete the Real Estate Appraiser Reactivation Course. Effective: 3-12-2013
White, Marcus	2012-046962 2012-032926	RD 6822	Jacksonville, FL: Respondent violated Florida Statute Section 475.624(12) by obtaining a license by means of knowingly making a false statement when he failed to disclose on his application for licensure that his Georgia appraisal license had been previously revoked. Respondent also violated Florida Statute Section 475.624(6) for having had a license acted against. Respondent also violated Florida Statutes 475.624(4) and 475.623 by failing to update the address from which he operates. Respondent also violated Florida Statute 475.624(4) and Florida Administrative Code Rule 61J1-7.008 by failing to update his address of record. Penalty: Revocation. Effective: 09-17-2013.
Wolking, Sally	2012-026055	RD 2233	The Villages, FL: N/A, Penalty: Voluntary Relinquishment for Permanent Revocation. Effective: 3-11-2013.
Zappulla, Paul	2011-051383	RD 1769	Orange Park, FL: Voluntary Surrender for Permanent Revocation. Effective: 5-20-2013