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Appraisal Subcommittee

Federal Financial Institutions Examination Council

August 5, 2005

Simone Marstiller, Secretary
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-2202

Dear Ms. Marstiller:

Thank you for the Department of Business and Professional Regulation's ("Department") August 30, 2004 letter describing the actions taken by the Department in response to our many concerns about Florida's real estate appraiser regulatory program ("Program") as detailed in our June 7th field review letter.

We are pleased that the Department appears to be making a concerted effort to address our concerns. We offer the following comments regarding your actions and/or proposed actions.

- **The Department's process for issuing initial appraiser certifications does not have a reliable means of validating qualifying education and experience claims of applicants.**

We are pleased with the efforts the Department has taken to correct this issue. Please proceed with the pending legal actions. Notify the ASC of any resulting disciplinary actions.

- **The Department does not have a reliable means of validating continuing education claims of appraisers applying to renew certified credentials.**

We are pleased that you have your electronic tracking system for continuing education implemented.

Please proceed with the pending legal actions regarding the case from the continuing education audit. Notify the ASC of any resulting disciplinary actions.

- **Florida had not adopted AQB criteria that became effective January 1, 2003.**

We are pleased that the Board adopted the necessary revised regulations on May 25, 2004. During our field review in September, we will review the findings of your investigation of applicants/appraisers who were granted initial certifications or renewals without having taken the necessary 15-hour National USPAP Course or 7-hour National USPAP Update Course.

- **Given the substantial backlog of complaint cases, Florida's complaint investigation and resolution process does not comply with ASC Policy Statement 10.**

We are pleased the Department has implemented a new process which identifies and immediately assigns all incoming appraisal complaints upon receipt. Additionally, the

Department has hired two full time attorneys dedicated to appraisal prosecution. We will review this issue further during our follow-up review and hope to see initial indications of success in reducing the backlog of old cases.

- **Florida's regulations and approval process for distance education courses are not consistent with AQB criteria.**

We appreciate the efforts of the Board and Department to assure all distance education courses received the required approval of their delivery methodology by using the International Distance Education Certification Center.

- **Temporary practice permits are not issued within five business days as prescribed by ASC Policy Statement 5.**

We appreciate your efforts to streamline action on temporary practice applications.

- **New Development – Extension of November 30, 2004, Credential Expiration Date**

We appreciate the Board and Department's efforts to correct this issue.

Again, thank you for your response and your efforts to address our concerns. We look forward to our field review on September 26 – 28th. If you have any questions, please contact us.

Sincerely,

Ben Henson
Executive Director

cc: Michael Martinez, Special Counsel, DBPR
Michael Murphy, Division of Real Estate Acting Director
Jay Small, Chairman Florida Real Estate Appraisal Board
Ashley Dashnaw, Regulatory Specialist