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DIVISION OF
ADMINISTRATIVE
HEARINGS

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BOARD**

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF REAL ESTATE**

Final Order No. BPR-2002-00052 Date: 1-8-02
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Petitioner

AP
By: Brandon M. Nichols

vs.

CASE NO. 9983505
DOAH NO. 01-1086PL PHM-Clas

DALE SMALLEY

Respondent

FINAL ORDER

On December 4, 2001, pursuant to Sections 120.569 and 120.57(1) of the Florida Statutes, the Florida Real Estate Appraisal Board heard this case to issue a Final Order.

Administrative Law Judge Patricia Hart Malono of the Division of Administrative Hearings presided over a formal hearing in this matter, on May 21, 2001, and issued a Recommended Order on August 31, 2001. The Board adopts the Recommended Order as to all Findings of Fact, but modifies the Conclusions of Law and Penalty pursuant to Petitioner's timely filed Exceptions to the Recommended Order. A copy of the Recommended Order is attached hereto as Exhibit A and made a part hereof. The Exceptions are attached hereto as Exhibit B and made a part hereof.

The Board adopts Petitioner's Exception 1, which addresses paragraph 31 of the Conclusions of Law in the Recommended Order. The Board finds that the Respondent failed to maintain a signed copy of any appraisal report sent to the client in the workfile, in violation of a provision of the Uniform Standards of Professional Appraisal Practice and, therefore, in violation of Section 475.624(14), Florida Statutes.

The Board rejects Petitioner's Exception No. 2, which addresses paragraph 37 and 38 of the Conclusions of Law in the Recommended Order.

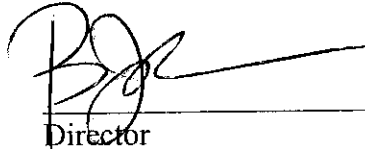
The Board finds that Respondent violated Section 475.624(14) of the Florida Statutes, and therefore, is guilty of failing to maintain a signed copy of an appraisal report in the workfile.

WHEREFORE the Board ORDERS Respondent be placed on probation for a period of six months and attend one Board meeting during the probation period.

This Final Order shall be effective thirty days from date of filing with the Clerk of the Department of Business and Professional Regulation. However, any party affected by this Order has the right to seek judicial review, pursuant to Section 120.68 of the Florida Statutes, and to Section 9.110 of the Florida Rules of Appellate Procedure.

Within thirty days of the filing date of this Final Order, review proceedings may be instituted by filing a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation at Suite 309, North Tower, 400 West Robinson Street, Orlando, Florida 32801. At the same time, a copy of the Notice of Appeal with applicable filing fees must be filed with the appropriate District Court of Appeal.

DONE AND ORDERED this 4th day of December, 2001 in Orlando, Florida.



Director
Division of Real Estate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by U.S. Certified Mail to: Harold Braxton, Esquire, Qualified Representative, 9132 SW 78 Place, Miami, Florida 33156; the Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and a copy provided to Rania A. Soliman, Esquire, DBPR, Post Office Box 1900, Orlando, FL 32802, this 8th day of January 2002.

