

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date **10/30/2009**  
File # **2009-09027**

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

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

Petitioner,  
v.

DEBORAH M. HALL,  
Respondent.

DBPR CASE NO.: 2007036883  
DOAH CASE NO.: 08-6260PL  
LICENSE NO.: RD 4615

**FILED**  
2009 NOV -2 A 11:00  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

FINAL ORDER

THIS CAUSE came before the FLORIDA REAL ESTATE APPRAISAL BOARD (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at a duly noticed public meeting on June 1, 2009, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Petitioner's Exceptions to the Recommended Order, and Respondent's Response to Petitioner's Exceptions to the Recommended Order. Petitioner was represented by Robert Minarcin, Senior Attorney. Respondent was present and represented by David P. Rankin, Esquire.

Upon review of the Recommended Order, the Exceptions, the Response to Exceptions, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

## RULING ON EXCEPTIONS

The Board reviewed and considered the Petitioner's Exceptions to the Recommended Order and ruled as follows:

1. Petitioner's Exception I is GRANTED based upon the reasons set forth in the exceptions, in that the substituted conclusion of law is as reasonable or more reasonable than that of the Administrative Law Judge. Paragraph 23 of the

Recommended Order shall read as follows:

The evidence presented by the Department's witnesses was indeed clear and convincing as to the errors that appeared in Appraisal 1, which Hall had initially prepared. Both the investigator and the expert called by the Department provided an excellent description of the facts.

2. Petitioner's Exception II is GRANTED based upon the reasons set forth in the exceptions, in that the substituted conclusion of law is as reasonable or more reasonable than that of the Administrative Law Judge. Paragraph 25 of the

Recommended Order shall read as follows:

Clearly, there was never any intent on Hall's part to do anything improper or fraudulent. Nor were Smith's actions – for which Hall was responsible – intentional or meant to harm, defraud or otherwise harm a client.

Further, for the same reasons, Paragraph 26 of the Recommended Order shall read as follows:

The Department proved by clear and convincing evidence that Respondent committed the violations set forth in the Administrative Complaint as follows: Count II, by having violated Section 475.624(15), Florida Statutes, by being guilty of failing to exercise reasonable diligence in developing an appraisal report; Count III, by having violated Section 475.629, Florida Statutes, by failing to retain records for at least five years of any contracts engaging the appraiser's services, appraisal reports, and supporting data assembled and formulated by

the appraiser in preparing the appraisal report; Count VII, by being guilty of violating Section 475.624(14), Florida Statutes, by violating the Conduct Section of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice (2006); Count VIII, by being guilty of violating Section 475.624(14), Florida Statutes, by violating the Record Keeping Section of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice (2006); Count IX, by being guilty of violating Section 475.624(14), Florida Statutes, by violating Standards Rule 1-1(a), (b) and (c) of the Uniform Standards of Professional Appraisal Practice (2006); Count X, by being guilty of violating Section 475.624(14), Florida Statutes, by violating Standards Rule 1-2(d) of the Uniform Standards of Professional Appraisal Practice (2006); Count XI, by being guilty of violating Section 475.624(14), Florida Statutes, by violating Standards Rule 1-4(a) of the Uniform Standards of Professional Appraisal Practice (2006); Count XII, by being guilty of violating Section 475.624(14), Florida Statutes, by violating Standards Rule 2-1(a) and (b) of the Uniform Standards of Professional Appraisal Practice (2006); and Count XIII, by being guilty of violating Section 475.624(14), Florida Statutes, by violating Standards Rule 2-2(b)(vi) and (viii) of the Uniform Standards of Professional Appraisal Practice (2006).

#### FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent, substantial evidence to support the findings of fact found by the Board.

#### CONCLUSIONS OF LAW

3. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 475, Part II, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order, as amended by the granting of the exceptions to paragraphs 23, 25, and 26, are approved and adopted and incorporated herein by reference.
3. There is competent, substantial evidence to support the conclusions of law

adopted by the Board.

PENALTY

Upon a complete review of the record in this case, and based upon the granted exceptions to the conclusions of law, the Board determined that the disposition recommended by the Administrative Law Judge be REJECTED. The Board instead determined that the disposition be the following:

1. Respondent's license to practice as Florida state certified residential real estate appraiser shall be placed on PROBATION for a period of one (1) year, which probation may NOT be terminated early. While on probation, Respondent shall attend two complete two day Florida Real Estate Appraisal Board meetings from the commencement of the meetings until 5:00 p.m. on both meeting days. Further, Respondent shall provide original evidence of satisfactory completion of 30 hours of continuing education appraisal courses. Neither attendance at these meetings nor completion of the penalty continuing education requirements shall count towards Respondent's regular continuing education or licensure renewal requirements.

2. Respondent shall pay an administrative fine in the amount of \$1,000.00 and costs in the amount of \$1,560.90. Respondent shall pay the fine and costs by separate checks payable to Florida Department of Business and Professional Regulation, Division of Real Estate, Real Estate Appraisal Board at 400 West Robinson Street, Suite 801N, Orlando, Florida 32801-1757, within 30 days of the filing of this Final Order.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 25 day of October, 2009.



Florida Real Estate Appraisal Board  
By Thomas W. O'Bryant, Jr.  
Director, Division of Real Estate

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Deborah M. Hall**, 10321 Huckleberry Drive, Port Richey, FL 34668; **David P. Rankin, Esquire**, 18540 North Dale Mabry Highway, Lutz, FL 33548; and to **R. Bruce McKibben, Administrative Law Judge**, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and by interoffice mail to **James Harwood, Chief Attorney**, Division of Real Estate, 400 West Robinson Street, Suite 801N, Orlando, Florida 32801, and to **Mary Ellen Clark**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; this 30<sup>th</sup> day of October, 2009.

Brandon M. Nichols

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(End) David Rankin, Esquire  
(Fnc) 18540 North Dale Mabry Highway  
Lutz, Florida 33548

To: FO (Hall-2007036883) RM

Sent:

Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

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(Endor) Deborah H. Hall  
(Endor) 10321 Huckleberry Drive  
Port Richey, Florida 34668

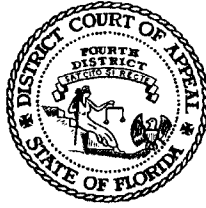
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FILED

2009 NOV -2 A 10:55

Fourth District Court of Appeal  
1525 Palm Beach Lakes Blvd.  
West Palm Beach, Florida 33401  
(561)-242-2000

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**ACKNOWLEDGMENT OF NEW CASE**

DATE: October 28, 2009

STYLE: ADAM J. CLIFTON v. DEPARTMENT OF REVENUE  
o/b/o AMY M. MILLER

4DCA#: 4D09-4388

The Fourth District Court of Appeal has received the Notice of Appeal reflecting a filing date of 10/27/09 from the Department of Revenue.

The county of origin is Palm Beach.

The lower tribunal case number provided is 09-4778, 500900005193CA, 1295321190

The filing fee is Paid In Full - \$300.

Case Type: Administrative Other

The Fourth District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Please review and comply with any handouts enclosed with this acknowledgment.

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RECEIPT

ADAM J. CLIFTON v. DEPARTMENT OF REVENUE  
o/b/o AMY M. MILLER

4DCA#: 4D09-4388

Receipt # R2009-1016267

Method of Payment: CK Check # 611 PAYER: Adam J. Clifton

Filing Fee: \$300.00

Total: \$300.00

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cc: Adam J. Clifton

Department Of Revenue

Department Of  
Administrative