

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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>1/27/2012</b>
File #	<b>2012-00539</b>

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

Petitioner,

v.

DBPR CASE NO.: 2007-026077  
DOAH CASE NO.: 07-0700PL

FRED R. CATCHPOLE,

Respondent.

\_\_\_\_\_ /

FINAL ORDER VACATING PRIOR FINAL ORDER AND  
DISMISSING ADMINISTRATIVE COMPLAINT

THIS CAUSE came before the Florida Real Estate Appraisal Board (hereinafter "the Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a duly noticed public meeting on December 9, 2011, in Orlando, Florida, for consideration of Petitioner's Motion to Vacate Final Order and Dismiss the Case in the above-styled cause. At the hearing, Petitioner was represented by Allison C. McDonald, Assistant General Counsel. Respondent was present at the hearing and represented by Martin A. Pedata, Esquire. The Board was represented by Mary Ellen Clark, Assistant Attorney General.

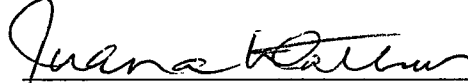
Upon consideration, it is ORDERED:

The prior Final Order entered December 22, 2010, is hereby VACATED and the Administrative Complaint in this matter is hereby DISMISSED; there shall be no further prosecution of this matter.

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

DONE AND ORDERED this 20 day of JANUARY,  
2012.

**FLORIDA REAL ESTATE APPRAISAL BOARD**



Juana Watkins, Director  
Division of Real Estate on behalf of the  
Florida Real Estate Appraisal Board

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: Fred Catchpole, 5449 Marcia Circle, Jacksonville, FL 32210; Martin A. Pedata, Esquire, 150 Wildwood Road, Deland, FL 32720; and to Linda M. Rigot, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and by interoffice mail to Jennifer L. Blakeman, Deputy 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 27<sup>th</sup> day of January, 2012.

Brendan M. Nichols

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.

DBPR CASE NO.: 2007-026077  
DOAH CASE NO.: 07-0700PL

FRED R. CATCHPOLE,

Respondent.  
\_\_\_\_\_ /

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 October 12, 2010, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, attached and incorporated herein as Exhibit A. Petitioner was represented by Robert Minarcin, Senior Attorney. Fred R. Catchpole was present and represented by Martin A. Pedata, Esquire.

Upon review of the Recommended Order, Petitioner's 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 Administrative Law Judge's finding of fact was not based upon competent substantial evidence.
2. Petitioner's Exception II was withdrawn.
3. Petitioner's Exception III is GRANTED based upon the reasons set forth in the exceptions, in that the Administrative Law Judge's finding of fact was not based upon competent substantial evidence.
4. Petitioner's Exception IV is GRANTED based upon the reasons set forth in the exceptions, in that the modification requested is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge.
5. Petitioner's Exception V is GRANTED based upon the reasons set forth in the exceptions, in that the modification requested is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge.
6. Petitioner's Exception VI is GRANTED based upon the reasons set forth in the exceptions, in that the modification requested is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge.

PRELIMINARY STATEMENT

7. Upon a complete review of the record in this case, Paragraph 20 of the Preliminary Statement of the Recommended Order is corrected to reflect Petitioner's Exhibits numbered 1, 9, 10, and 12 were admitted into evidence.

FINDINGS OF FACT

8. The findings of fact set forth in the Recommended Order are approved, excepted as noted below, and adopted and incorporated herein by reference.

9. There is competent, substantial evidence to support the findings of fact found by the Board.

10. Based upon the granting of Exception I, Paragraph 1 of the Findings of Fact of the Recommended Order shall read as follows:

Respondent Fred R. Catchpole became a licensed appraiser in the State of Florida in 1993. In September, 2009, he became a certified residential real estate appraiser in the State of Florida. He is still so licensed.

11. Based upon the granting of Exception III, Paragraph 8 of the Findings of Fact of the Recommended Order shall read as follows:

At all times material hereto, when Respondent has been present at one of his offices, he has maintained communication with the others.

CONCLUSIONS OF LAW

12. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 475, Part II, Florida Statutes.

13. The conclusions of law set forth in the Recommended Order are approved, excepted as noted below, and adopted and incorporated herein by reference.

14. There is competent, substantial evidence to support the conclusions of law

adopted by the Board.

15. Based upon a determination that the modification is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge Paragraph 12 of the Conclusions of Law of the Recommended Order shall read as follows:

Petitioner seeks to take disciplinary action against Respondent in this proceeding. The burden of proof, therefore, is on Petitioner, and Petitioner must prove the allegations in its Amended Administrative Complaint by clear and convincing evidence. Dep't of Banking & Finance, Division of Securities & Investor Protection v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996).

16. Based upon the granting of Exception IV, Paragraph 15 of the Conclusions of Law of the Recommended Order shall read as follows:

Petitioner has failed to prove Respondent guilty of violating Section 475.6221(1), and, therefore, Section 475.624(4), Florida Statutes, as alleged in Count One. The evidence is clear that Bowermaster's address, according to Petitioner's records, is the same as the location of one of Respondent's offices. Even if it were different, as Woods' address is different, there is no evidence as to whether Bowermaster's address or Woods' address is a business address or a mailing address. Petitioner's computer-screen print-outs admitted in evidence merely reflect an "address" for each of them, and the certifications submitted as evidence by Petitioner specifically say that the addresses given therein are mailing addresses.

17. Based upon the granting of Exception V, Rule 61J1-4.010(5), Florida Administrative Code, and upon a determination that the rejection is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge, Paragraph 18 of the Conclusions of Law of the Recommended Order is rejected in its entirety without substitution.

18. Based upon the granting of Exception VI and upon a determination that the rejection is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge, Paragraph 19 of the Conclusions of Law of the Recommended Order shall read as follows:

If Respondent had a main office with satellite offices, he would be required, pursuant to the Rule, to supervise Bowermaster and Woods in the county where his main office is located or in a contiguous county. The evidence is further uncontroverted that Respondent spends an equal amount of time at each office. In addition, Petitioner has allowed Respondent to register his trainees at the addresses used, and his trainees have been permitted to register in two of the counties where Respondent has offices.

19. Based upon a determination that the rejection is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge, Paragraph 20 of the Conclusions of Law of the Recommended Order is rejected in its entirety without substitution.

20. Based upon a determination that the modification is as reasonable or more reasonable than what had been put forth by the Administrative Law Judge Paragraph 21 of the Conclusions of Law of the Recommended Order shall read as follows:

The clear and convincing evidence in this record is that Bowermaster's address is the same as Respondent's office in Volusia County and that Woods' address is in Hillsborough County as is one of Respondent's offices. However, as Volusia and Hillsborough counties are not contiguous, Respondent cannot be in compliance with Rule 61J1-4.010(5), Florida Administrative Code, and, therefore, is in violation of Section 475.624(4), Florida Statutes, as set forth in Count Two of the Amended Administrative Complaint.

PENALTY



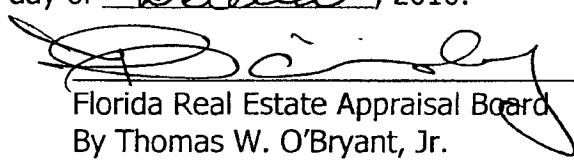
Upon a complete review of the record in this case and, based upon the granted exceptions, modifications, and/or rejections to the findings of facts and conclusions of law, the disposition recommended by the Administrative Law Judge is REJECTED. Count One of the Amended Administrative Complaint is hereby DISMISSED. The violation proven as set forth in Count Two of the Amended Administrative Complaint warrants disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. 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 within 18 months of the filing of this Final Order.
2. Respondent shall pay an administrative fine in the amount of \$2,500.00 by separate check 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 18 months of the filing of this Final Order.
3. Respondent shall complete Form DBPR-RE-2065 and ensure it is received by the 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 17 day of December, 2010.



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: Fred Catchpole, 5449 Marcia Circle, Jacksonville, FL 32210; Martin A. Pedata, Esquire, 150 Wildwood Road, Deland, FL 32720; and to Linda M. Rigot, 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 22<sup>nd</sup> day of December, 2010.

Brandon M. Nichols

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF BUSINESS AND )  
PROFESSIONAL REGULATION, )  
DIVISION OF REAL ESTATE, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 09-0700PL  
 )  
FRED R. CATCHPOLE )  
 )  
Respondent. )  
 )  
\_\_\_\_\_ )

RECOMMENDED ORDER

Pursuant to notice, this cause was heard by Linda M. Rigot, the assigned Administrative Law Judge of the Division of Administrative Hearings, on February 17, 2010, by video teleconference with sites in Jacksonville and in Tallahassee, Florida.

APPEARANCES

For Petitioner: Robert Minarcin, Esquire  
Department of Business and  
Professional Regulation  
400 West Robinson Street, Suite N801  
Orlando, Florida 32801-1757

For Respondent: Martin A. Pedata, Esquire  
Martin Pedata, P.A.  
150 Wildwood Road  
Deland, Florida 32720

STATEMENT OF THE ISSUE

The issue presented is whether Respondent Fred R. Catchpole is guilty of the allegations contained in the Amended Administrative Complaint filed against him, and, if so, what disciplinary action should be taken against him, if any.

PRELIMINARY STATEMENT

On January 8, 2008, Petitioner Florida Department of Business and Professional Regulation, Division of Real Estate, issued an Administrative Complaint against Respondent Fred R. Catchpole, alleging that Respondent had violated statutes and rules regulating his conduct as a licensed real estate appraiser. Respondent timely requested an administrative hearing regarding those allegations, and this cause was transferred to the Division of Administrative Hearings on February 11, 2009, to conduct the evidentiary proceeding.

Three continuances of the scheduled final hearing were granted, two of them on an emergency basis. By Order entered November 17, 2009, Petitioner's Motion to Amend Administrative Complaint, filed August 17, 2009, was granted. Accordingly, the Amended Administrative Complaint filed August 17, 2009, stands as and for the charging document in this cause. At the commencement of the final hearing, Petitioner voluntarily dismissed Paragraph numbered six in the Amended Administrative Complaint.

Petitioner presented the testimony of Benjamin L. Clanton and Francois K. Gregoire, and Respondent testified on his own behalf. Additionally, Petitioner's Exhibits numbered 1, 9, 10, and 11 were admitted in evidence. Petitioner's request for official recognition of the two-page map of the counties in Florida, which was filed post-hearing, was granted.

#### FINDINGS OF FACT

1. Respondent Fred R. Catchpole became a licensed appraiser in the State of Florida in 1993. In 2006 he became a certified residential appraiser in the State of Florida. He is still so licensed.

2. Since 1994 he has maintained offices at 5449 Marcia Court, in Jacksonville, Duval County, and at Unit 202, 533 Seabreeze Boulevard, in Daytona Beach, Volusia County. In 1995 he added an office at 303 Hermitage in Valrico, Hillsborough County. He has maintained all three offices continuously from then through the date of the final hearing in this cause.

3. Since opening these offices, he has provided the addresses for all three offices to Petitioner, and Petitioner's employees have visited all three offices. When the law changed, Respondent registered his corporation Worldwide Appraisal Service, Inc., with Petitioner and specifically registered his corporation at all three addresses.

4. Each of the three offices is a stand-alone operation, with its own separate bank accounts and separate accounting systems. Respondent has, historically, worked two days a week at each of the three offices. He considers each of those offices to be his "primary" office since they operate separately and he spends an equal amount of time in each of them.

5. Over the years Respondent has supervised a number of trainee appraisers, among them Fred C. Bowermaster and William E. Woods. He has supervised Bowermaster from January 24, 1995, through the time of the final hearing except for one four-month time period. He has supervised Woods from August 28, 1995, through the time of the final hearing. It is noted that Petitioner's records reflect that Respondent's supervision of Woods started both in 1995 and in 1998.

6. Bowermaster works in Volusia County at Respondent's Seabreeze Boulevard address. Bowermaster is 71 years old and is described by Respondent as "the oldest living trainee." For a while, Woods worked in Duval County and then moved to Hillsborough County. Respondent describes him as "the second oldest trainee." At all times, all required paperwork and notices of address and changes of address were filed by Respondent, Bowermaster, and Woods.

7. When a licensee has more than one business address, Petitioner requires that the licensee register all addresses.

At all times, Respondent has complied with that requirement. There is no prohibition against a licensee having more than one office or more than one business address.

8. At all times material hereto, when Respondent has been present at one of his offices, he has maintained communication with the others. He has also had other certified appraisers assisting him in the training and supervision of his trainees.

9. Duval County is not contiguous to Volusia County or Hillsborough County, and Hillsborough and Volusia Counties are not contiguous to each other.

10. Petitioner has never taken any disciplinary action against Respondent, Bowermaster, or Woods.

#### CONCLUSIONS OF LAW

11. The Division of Administrative Hearings has jurisdiction over the subject matter hereof and the parties hereto. §§ 120.569 and 120.57(1), Fla. Stat.

12. Petitioner seeks to take disciplinary action against Respondent in this proceeding. The burden of proof, therefore, is on Petitioner, and Petitioner must prove the allegations in its Amended Administrative Complaint by clear and convincing evidence. Dep't of Banking & Finance, Division of Securities & Investor Protection v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996). Petitioner has not met its burden.



13. The Amended Administrative Complaint contains two counts. Count One alleges that Respondent is guilty of failing to have the same business address as the registered trainee real estate appraiser being supervised, in violation of Section 475.6221(1), Florida Statutes, and, therefore, in violation of Section 475.624(4), Florida Statutes.

14. Section 475.6221(1) provides, in part, as follows:

A registered trainee real estate appraiser must perform appraisal services under the direct supervision of a licensed or certified appraiser who is designated as the primary supervisory appraiser. The primary supervisory appraiser may also designate additional licensed or certified appraisers as secondary supervisory appraisers. A secondary supervisory appraiser must be affiliated with the same firm or business as the primary supervisory appraiser and the primary or secondary supervisory appraiser must have the same business address as the registered trainee real estate appraiser. [Emphasis added.]

15. Petitioner has failed to prove Respondent guilty of violating Section 475.6221(1), and, therefore, Section 475.624(4), Florida Statutes, as alleged in Count One. The evidence is clear that Bowermaster's address, according to Petitioner's records, is the same as the location of one of Respondent's offices. Even if it were different, as Woods' address is different, there is no evidence as to whether Bowermaster's address or Woods' address is a business address or a mailing address. Petitioner's computer-screen print-outs

admitted in evidence merely reflect an "address" for each of them, and the certifications submitted as evidence by Petitioner specifically say that the addresses given therein are mailing addresses. Lastly, there is no evidence to show that those trainees did not share a business address with Respondent or with a secondary supervisory appraiser.

16. Count Two of the Amended Administrative Complaint alleges that Respondent is guilty of failing to supervise a trainee real estate appraiser in the county where the supervising appraiser's primary business address is located and registered with the Department, or in any county contiguous to the county where the supervising appraiser's primary business address is located and registered with the Department, in violation of Florida Administrative Code Rule 61J1-4.010(5) and, therefore, in violation of Section 475.624(4), Florida Statutes.

17. Florida Administrative Code Rule 61J1-4.010(5) provides that:

(5) When supervising any aspect of the appraisal process, a supervisory appraiser shall train or supervise registered appraisers located in:

(a) The county where the supervising appraiser's primary business address is located and registered with the Department; and

(b) Any county contiguous to the county where the supervisory appraiser's primary

business address is located and registered with the Department.

18. Petitioner has failed to prove Respondent guilty of violating Florida Administrative Code Rule 61J1-4.010(5) and, therefore, Section 475.624(4), Florida Statutes, as alleged in Count Two of the Amended Administrative Complaint. This dispute revolves around the term "primary business address." Petitioner seeks to ignore Respondent's actual business operations and, instead, rely on dictionary definitions for the word "primary." Such an approach is simplistic and, in this cause, forms an inadequate basis for disciplinary action.

19. If Respondent had a main office with satellite offices, he would be required, pursuant to the Rule, to supervise Bowermaster and Woods in the county where his main office is located or in a contiguous county. But the evidence is uncontroverted that Respondent does not have a main office. Rather, he has three equal offices, each of which is a stand-alone operation with its own separate bank accounts and its own accounting systems. The evidence is further uncontroverted that Respondent spends an equal amount of time at each office. In addition, Petitioner has allowed Respondent to register his trainees at the addresses used, and his trainees have been permitted to register in two of the counties where Respondent has primary offices.

20. In its Proposed Recommended Order, Petitioner relies on Florida Administrative Code Rule 61J1-7.004(3), a Rule not cited in the Amended Administrative Complaint and, therefore, not a Rule Respondent is charged with violating. That Rule requires an appraiser with more than one business address to designate the primary business address. There is no evidence as to which of his offices, if any, Respondent has designated as his primary business address or which one Petitioner considers his primary business address, if any, and why. Petitioner's own records admitted in evidence in this proceeding merely use the term "address" and not "primary business address" or use the term "located at" or "additional locations at." Since Petitioner has not proven which address is Respondent's primary business address, Petitioner has failed to prove that his trainees are not located in the county of Respondent's primary business address or a contiguous county.

21. The clear and convincing evidence in this record is that Bowermaster's address is the same as Respondent's office in Volusia County and that Woods' address is in Hillsborough County as is one of Respondent's offices. It appears obvious that the intent of the Rule is to ensure that trainees are being properly and/or directly supervised. No evidence was offered that either Bowermaster or Woods is or has been inadequately supervised, and

Respondent is not charged with any breach of his supervisory responsibilities.

22. In its Proposed Recommended Order, Petitioner recommends that Respondent's license be suspended for one year, that he be fined \$5,000, that he take 15 hours of coursework, and that he be placed on probation for two years. Even if Petitioner had proved that Respondent had willfully violated the Statutes and Rule as charged, which Petitioner has not, this recommendation is stunning in view of the uncontroverted evidence that Respondent's office and trainee locations have been in place for over a decade with the full knowledge of Petitioner, that there is no suggestion of harm to anyone, and that Petitioner has taken no prior disciplinary action against him. A reasonable and fair discipline to be imposed under the facts of this case, if Respondent had been found guilty, would be requiring Respondent to cease his supervision of any trainee Petitioner believes to be improperly located. Respondent has already borne the burden of retaining an attorney to defend him in this administrative proceeding where the dispute is limited to Respondent's position that he has three primary business addresses and Petitioner's position that he can only have one.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that a final order be entered finding Respondent not guilty and dismissing the Amended Administrative Complaint filed against him.

DONE AND ENTERED this 11th day of May, 2010, in Tallahassee, Leon County, Florida.

*Linda M Rigot*

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LINDA M. RIGOT  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675 SUNCOM 278-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 11th of May, 2010.

COPIES FURNISHED:

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Martin A. Pedata, Esquire  
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Reginald Dixon, General Counsel  
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Tallahassee, Florida 32399-0792

Thomas W. O'Bryant, Jr., Director  
Department of Business and  
Professional Regulation  
Division of Real Estate  
400 West Robinson Street  
Suite 802 North  
Orlando, Florida 32801

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

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

FLORIDA DEPARTMENT OF BUSINESS &  
PROFESSIONAL REGULATION,  
DIVISION OF REAL ESTATE,

Petitioner,

v.

CASE NO. 2007026077

FRED R. CATCHPOLE,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

The Florida Department of Business & Professional Regulation,  
Division of Real Estate ("Petitioner") files this Administrative  
Complaint against Fred R. Catchpole ("Respondent"), and alleges:

ESSENTIAL ALLEGATIONS OF MATERIAL FACT

1. Petitioner is a state government licensing and regulatory  
agency charged with the responsibility and duty to prosecute  
Administrative Complaints pursuant to the laws of the State of  
Florida, including Section 20.165 and Chapters 120, 455 and 475 of  
the Florida Statutes, and the rules promulgated thereunder.

2. Respondent is currently a Florida licensed real estate  
appraiser having been issued license 69 in accordance with Chapter  
475 Part II of the Florida Statutes.



3. The last license the State issued to Respondent was as a licensed real estate appraiser at Worldwide Appraisal Service, Inc., 5449 Marcia Circle, Jacksonville, Florida 32210.

4. Fred R. Catchpole (Respondent) is a Licensed Appraiser whose primary business address registered with Petitioner is 5449, Marcia Circle, Jacksonville, FL 32210; this address is located in Duval County. A copy of Petitioner's computer screen print out showing Respondent's primary business address is attached hereto and incorporated herein as Administrative Complaint Exhibit 1. A copy of Petitioner's computer screen print out showing Respondent's Registered Trainee supervisees is attached hereto and incorporated herein as Administrative Complaint Exhibit 2.

5. From approximately January 24, 1995 to the present, Respondent has supervised Registered Trainee Appraiser Fred C. Bowermaster, whose business address registered with Petitioner is 533 Seabreeze Blvd., Ste. 202, Daytona Beach, FL 32118; this address is located in Volusia County. A copy of Petitioner's computer screen print out showing Fred C. Bowermaster's business address is attached hereto and incorporated herein as Administrative Complaint Exhibit 3. A copy of Petitioner's computer screen print out showing Respondent's continuing supervision of Fred C. Bowermaster is attached hereto and

incorporated herein as Administrative Complaint Exhibit 4.

6. From approximately January 15, 2007 to the present, Respondent has supervised Registered Trainee Appraiser Mary Higdon Harmon, whose business address registered with Petitioner is 5427 S.W. 87th Place, Ocala, FL 34476; this address is located in Marion County. A copy of Petitioner's computer screen print out showing Mary Higdon Harmon's primary business address is attached hereto and incorporated herein as Administrative Complaint Exhibit 5. A copy of Petitioner's computer screen print out showing Respondent's continuing supervision of Mary Higdon Harmon is attached hereto and incorporated herein as Administrative Complaint Exhibit 6.

7. From approximately August 28, 1998 to the present, Respondent has supervised Registered Trainee Appraiser William E. Woods, whose business address registered with Petitioner is 2103 Herndon Street, Dover, FL 33527; this address is located in Hillsborough County. A copy of Petitioner's computer screen print out showing William E. Woods' primary business address is attached hereto and incorporated herein as Administrative Complaint Exhibit

7. A copy of Petitioner's computer screen print out showing Respondent's continuing supervision of William E. Woods is attached hereto and incorporated herein as Administrative Complaint Exhibit 8.

10. Respondent does not have the same business address as any of the Registered Trainee appraisers he supervises.

11. Duval County is not contiguous to Volusia, Marion, or Hillsborough Counties.

COUNT ONE

Based upon the foregoing, Respondent is guilty of failing to have the same business address as the registered trainee real estate appraiser being supervised in violation of Section 475.6221(1), Florida Statutes and, therefore, in violation of Section 475.624(4), Florida Statutes.

COUNT TWO

Based upon the foregoing, Respondent is guilty of failing to supervise a trainee real estate appraiser in the county where the supervising appraiser's primary business address is located and registered with the Department, or in any county contiguous to the county where the supervising appraiser's primary business address is located and registered with the Department in violation of Florida Admin. Code Rule 61J1-4.010(5) and, therefore, in violation of Section 475.624(4), Florida Statutes.


WHEREFORE, Petitioner respectfully requests the Florida Real Estate Appraisal Board, or the Department of Business and

Professional Regulation, as may be appropriate, to issue a Final Order as final agency action finding the Respondent(s) guilty as charged. The penalties which may be imposed for violation(s) of Chapter 475 of the Florida Statutes, depending upon the severity of the offense(s), include: revocation of the license, registration, or certificate; suspension of the license, registration or certificate for a period not to exceed ten (10) years; imposition of an administrative fine of up to \$5,000 for each count or offense; imposition of investigative costs; issuance of a reprimand; imposition of probation subject to terms including, but not limited to, requiring the licensee, registrant, or certificate holder to complete and pass additional appraisal education courses; publication, or any combination of the foregoing which may apply. See Section 475.624, Florida Statutes and Rule 61J1-8.002, Florida Administrative Code. The penalties which may be imposed for violation(s) of Chapter 455 of the Florida Statutes, depending upon the severity of the offense(s), include: revocation of the license, registration, or certificate; suspension of the license, registration, or certificate for a period not to exceed ten (10) years; imposition of an administrative fine of up to \$5,000 for each count or offense; imposition of investigative costs; issuance of a reprimand; imposition of probation subject to terms including,

but not limited to, requiring the licensee, registrant, or certificate holder to complete and pass additional appraisal education courses; publication; restriction of practice; injunctive or mandamus relief; imposition of a cease and desist notice; or any combination of the foregoing, which may apply. See Section 455.227, Fla. Statutes and Florida Administrative Code Rule 61J1-8.002.

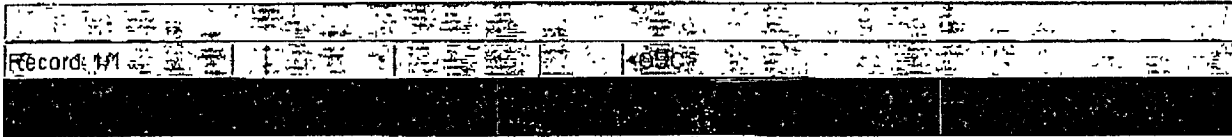
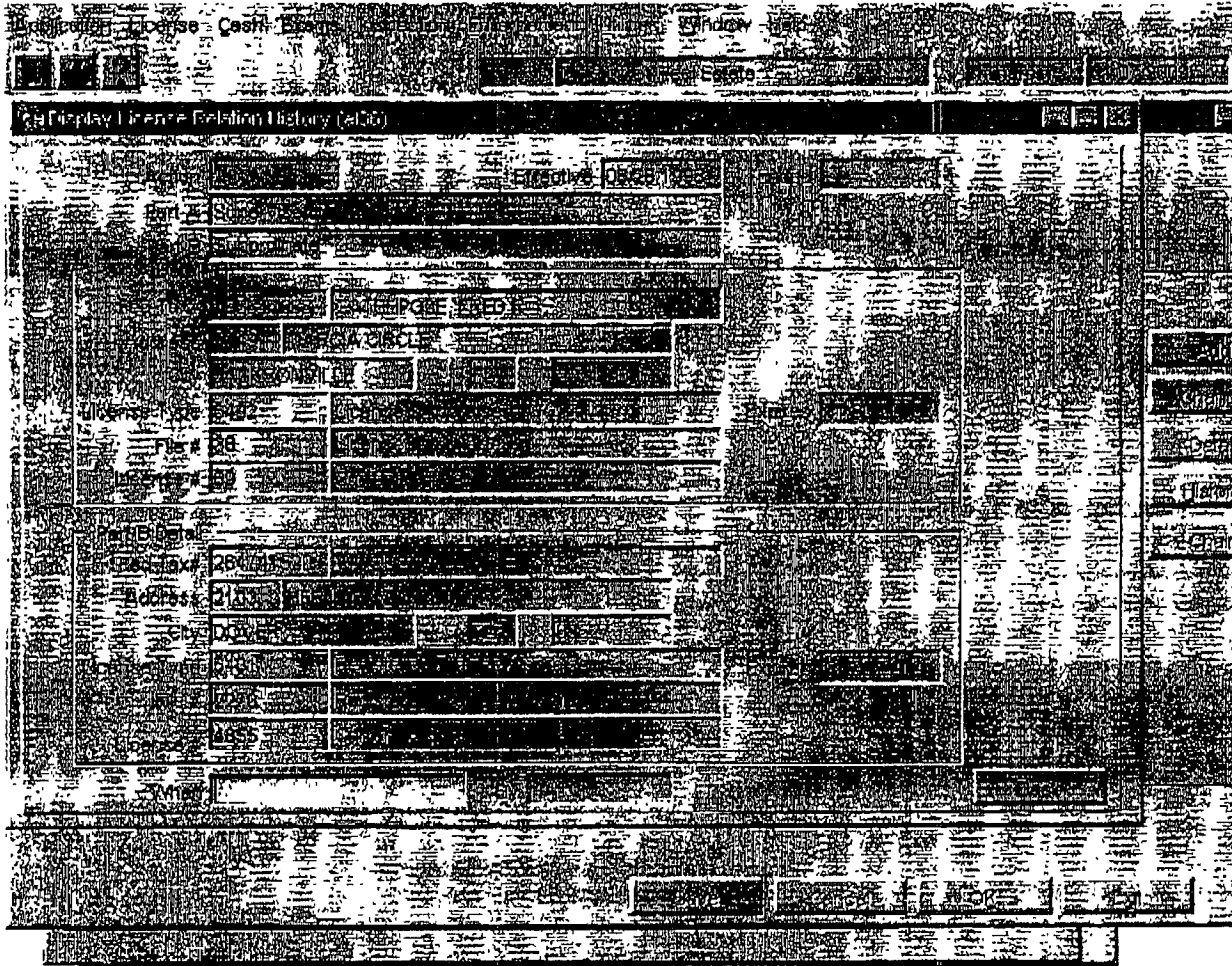
SIGNED this 12<sup>th</sup> day of FEBRUARY, 2009.

ATTORNEY FOR PETITIONER



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Senior Attorney  
Fla. Bar No. 163147  
Division of Real Estate  
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(407) 481-5632  
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PCP: SD/CK 1/08



ADMINISTRATIVE COMPLAINT

EXHIBIT # 1

PAGE 1 OF 1

Application | License | Maintenance | Administration | Reports | Windows | Help

23 Maintain Relations (x16)

183347588

Expires: 11/30/2009

Relation Part Description Name Effective

Subordinate	N	1/11	1/27	TOUFRMARTIE, FRED E	05/22/07
Subordinate	N	01/11	01/27	HAYDEN, MARY HIGDON	01/15/07
Subordinate	N	01/11	01/27	WATSON, WILLIAM E	08/28/08

Relation Part Name

Record: 1/3

ADMINISTRATIVE COMPLAINT

EXHIBIT # 2

PAGE 1 OF 1

The screenshot shows a web application interface for managing licenses. The main window is titled "Work with License (4117)". The interface includes a search bar at the top with fields for "Search" and "Execute". Below this is a data grid with multiple columns, likely representing license details. Some visible data points include license numbers and dates. At the bottom of the grid, there are buttons for "BEACH" and "LICENSE". The right side of the interface contains a vertical sidebar with navigation options.

Record #	...	...	...
1	...	...	...

ADMINISTRATIVE COMPLAINTS  
 EXHIBIT # 3  
 PAGE 1 OF 1



Application License Case Search Results Window Help

Display License Relation History (al36)

Effective 12/24/1995

Header Row 1		Header Row 2		Header Row 3		Header Row 4		Header Row 5	
...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...
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...	...	...	...	...	...	...	...	...	...
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...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...

Record: 171

Record: 171

Record: 171

ADMINISTRATIVE COMPLAINT  
EXHIBIT # 4  
PAGE 1 OF 1

Application: License Cash Exams Inspection Environment License Window Help

Client: [REDACTED]

LicenseEase (64)

License with License (all 2)

64011			
20067			
20068			
20069			
20070			
20071			
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20074			
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20100			

1/21/09

Record: 1/1				080
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ADMINISTRATIVE COMPLAINT  
 EXHIBIT # 5  
 PAGE 1 OF 1

Record #	1086
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ADMINISTRATIVE COMPLAINT  
EXHIBIT # 7  
PAGE 1 OF 1

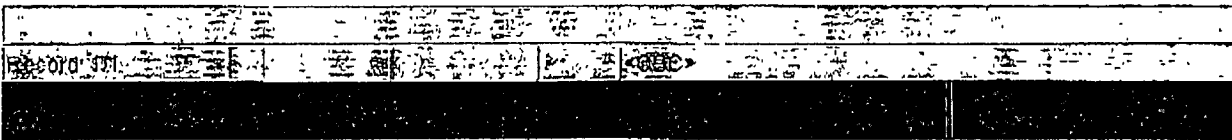
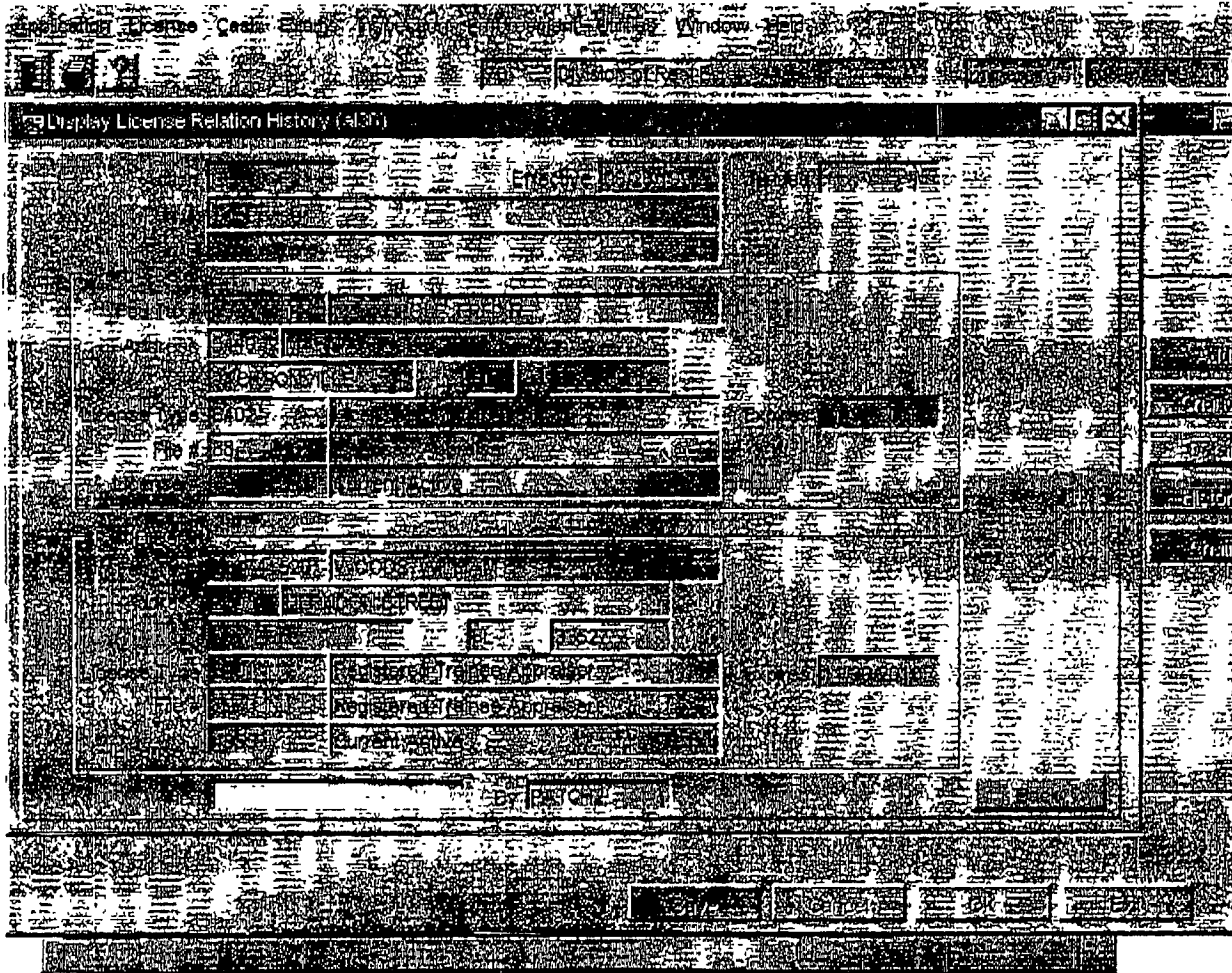
Application License Cash Exams Inspection Enforcement Utilities

Display License Relation History (al36)

When: 01/22/2009 11:01:01 am

Record 171

EXHIBIT # 6  
 PAGE 1 OF 1



ADMINISTRATIVE COMPLAINT  
EXHIBIT # 8  
PAGE 1 OF 1