



# GORDON & THALWITZER

ATTORNEYS AT LAW

257 North Orlando Avenue • Cocoa Beach, Florida 32931

Phone 321.799.4777 • Fax 321.735.0711

JASON M GORDON

Admitted in FL, NY & CT

jgordon@brevardlegal.com

JUSTIN FALATEK

jfalatek@brevardlegal.com

AARON THALWITZER

Admitted in FL & D.C.

aaron@brevardlegal.com

KATERINA PRINGIS

kpringis@brevardlegal.com

## MEMORANDUM

TO: Members of the 2019 Orange County Value Adjustment Board and VAB Clerk

FROM: Aaron Thalwitzer, Esq., Board Counsel

RE: Real Property Special Magistrate Qualifications

DATE: May 15, 2019

---

Special Magistrates appointed to hear issues regarding the valuation of real property for the Orange County Value Adjustment Board ("VAB") must meet the qualifications provided by rule, as follows, in pertinent part:

### **12D-9.010, F.A.C -- Appointment of Special Magistrates to the Value Adjustment Board.**

(1) In counties with populations of more than 75,000, the value adjustment board shall appoint special magistrates to take testimony and make recommendations on petitions filed with the value adjustment board. Special magistrates shall be selected from a list maintained by the board clerk of qualified individuals who are willing to serve.

...

(4) The special magistrate must meet the following qualifications:

(a) A special magistrate must not be an elected or appointed official or employee of the county.

(b) A special magistrate must not be an elected or appointed official or employee of a taxing jurisdiction or of the State.

(c) During a tax year in which a special magistrate serves, he or she must not represent any party before the board in any administrative review of property taxes.

(d) All special magistrates must meet the qualifications specified in Section 194.035, F.S.

...

2. A special magistrate appointed to hear issues regarding the valuation of real estate shall be a state certified real estate appraiser with not less than five years' experience in real property valuation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department. A real property valuation special magistrate must be certified under Chapter 475, Part II, F.S.

a. A Florida certified residential appraiser appointed by the value adjustment board shall only hear petitions on the just valuation of residential real property of one to four residential units and shall not hear petitions on other types of real property.

b. A Florida certified general appraiser appointed by the value adjustment board may hear petitions on the just valuation of any type of real property.

...

4. All special magistrates shall attend or receive an annual training program provided by the department. Special magistrates substituting two years of experience must show that they have completed the training by taking a written examination provided by the department. A special magistrate must receive or complete any required training prior to holding hearings.

(5)(a) The value adjustment board or board legal counsel must verify a special magistrate's qualifications before appointing the special magistrate.

(b) The selection of a special magistrate must be based solely on the experience and qualification of such magistrate, and must not be influenced by any party, or prospective party, to a board proceeding or by any such party with an interest in the outcome of such proceeding. Special magistrates must adhere to Rule 12D-9.022, F.A.C., relating to disqualification or recusal.

The applicants' qualifications are summarized as follows:

1. **Albert Leserra** has been a Certified Residential Appraiser since 2015, but has 28 years of real estate valuation experience. He was an appraiser in New York from 1991 to 2015, after which he has served as a Certified Residential Appraiser in Orlando, Florida. Therefore, Mr. Leserra is qualified to serve as a Value Special Magistrate for petitions regarding the value of residential real property of one to four residential units, but cannot not hear petitions on other types of real property.

2. **Kelly Johnson** has been a Certified Residential Appraiser since 1995. Therefore, Mr. Johnson is qualified to serve as a Value Special Magistrate for petitions regarding the value of residential real property of one to four residential units but cannot hear petitions on other types of real property.

3. **Thomas Riddle** has been a Certified General Appraiser since 1992 and has held a MAI designation since 1997 and SCGRE designations since 1992. Therefore, Mr. Riddle is qualified to serve as a Value Special Magistrate.

4. **Edgar Fleri** has been a Certified General Appraiser since 2016 and has held a MAI, SRA designation since 1991. Therefore, Mr. Fleri is qualified to serve as a Value Special Magistrate.
5. **Richard Steeves** has been a Certified General Appraiser since 2006 and has held a MAI designation since 2014. Therefore, Mr. Steeves is qualified to serve as a Value Special Magistrate.
6. **Robert Sutte** has been a Certified General Appraiser since 1987 and has held MAI designation since 1970, SRA designation since 1968, and CRE designation since 1975. Therefore, Mr. Sutte is qualified to serve as a Value Special Magistrate.
7. **David Taylor** has been a Certified General Appraiser since 1991 and has held a MAI designation since 1980. Therefore, Mr. Taylor is qualified to serve as a Value Special Magistrate.
8. **Edwin Barfield** has been a Certified General Appraiser since 2002 and has held SR/WAI designation since 2007. Therefore, Mr. Barfield is qualified to serve as a Value Special Magistrate.
9. **Terrie Peltier** has been a Certified Residential Appraiser since 2006. Therefore, Ms. Peltier is qualified to serve as a Value Special Magistrate for petitions regarding the value of residential real property of one to four residential units but cannot hear petitions on other types of real property.
10. **John Robinson** has been a Certified General Appraiser since 1991, has held a MAI designation since 1989, CCIM designation since 1999, and AI-GRS designation since 2014. Therefore, Mr. Robinson is qualified to serve as a Value Special Magistrate.

In summary, I have reviewed the qualifications of the above applicants to serve as Real Property Special Magistrate and have determined that the following applicants are qualified to serve for the 2019 tax year, namely: **Kelly Johnson (residential only), Thomas Riddle, Edgar Fleri, David Taylor, Terrie Peltier (residential only), Robert Sutte, Richard Steeves, Edwin Barfield, Albert Leserra (residential only), and John Robinson.**

Each of the applicants will need to maintain their respective appraising licenses and complete the 2019 training once offered by the Department of Revenue.

**GORDON & THALWITZER**



Aaron Thalwitzer, Esq.

cc: Katie Smith, VAB Clerk: [Katie.Smith@occompt.com](mailto:Katie.Smith@occompt.com)  
Jessica Vaupel, Assistant Manager, Clerk of the Board Dept.: [Jessica.Vaupel@occompt.com](mailto:Jessica.Vaupel@occompt.com)  
Anissa Mercado, VAB Coordinator, Clerk of the Board Dept.: [Anissa.Mercado@occompt.com](mailto:Anissa.Mercado@occompt.com)  
Keondra Lofton, VAB Coordinator, Clerk of the Board Dept.: [Keondra.Lofton@occompt.com](mailto:Keondra.Lofton@occompt.com)  
Natasha Ramirez, VAB Specialist, Clerk of the Board Dept.: [Natasha.Ramirez@occompt.com](mailto:Natasha.Ramirez@occompt.com)