

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

Meeting Minutes

July 15, 2022
Board of Accountancy
Department of Business and Professional Regulations
Division of Real Estate Board Room,
400 W. Robinson Street, Suite N901, Orlando, Florida 32801

Notice

Friday July 15, 2022

The meeting was called to order at 9:00 a.m. Roll call of Attendees was called by Kevin Brown, and reflected the following persons present:

Board Members

Steve Platau (Chair)	Present
Brent Sparkman	Present
Jason Lafser	Present
Tracy Keegan	Present
Shireen Sackreiter	Excused Absence
Michelle Maingot	Present
William Benson	Present
William Blend	Present
Caridad Vasallo	Not Present

Staff

Kevin Brown	Present
Amber Bowman	Present

Rachelle Munson, Senior Assistant Attorney General and Board Counsel. Danijela Janjic, Chief Attorney, Office of the General Counsel. Joseph Klein, Assistant General Counsel, Office of the General Counsel. Jennifer Green of Liberty Partners of Tallahassee. The court reporter was Donna Wolk.

1. Approve Minutes

a. May 20, 2022

Motion was made by Mr. Blend, seconded by Mr. Sparkman, to approve minutes. Upon vote, the motion passed unanimously.

b. June 22, 2022

Motion was made by Mr. Blend, seconded by Mr. Sparkman, to approve minutes. Upon vote, the motion passed unanimously.

2. OGC Final Action

Informal Hearing

a. Rudner, Marc A.

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Mr. Rudner was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Benson, seconded by Mr. Blend to accept the recommended penalties as presented. Upon vote, the motion passed unanimously.

b. Zeitler, Donna C.

Ms. Zeitler was present with Mr. Thomas Buchan present as counsel.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Benson, seconded by Mr. Sparkman to accept the recommended penalties as presented. Upon vote, the motion passed unanimously.

Settlement Stipulation

c. Novak, Richard A.

This item was withdrawn prior to consideration

d. O'Neil, William

Mr. O'Neil was present.

Ms. Keegan and Mr. Benson were recused.

Ms. Janjic presented the case.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to reject the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

Entry Of Final Order

e. Tanner, Michael L.

Mr. Tanner was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Blend to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have

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a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Ms. Maingot, seconded by Mr. Lafser to accept the recommended penalties with the amendment that the fine is increased to \$2,000. Upon vote, the motion passed unanimously.

f. Rosales, Luis F.

Mr. Rosales was not present.

Ms. Keegan and Mr. Sparkman were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Blend to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

g. Hibbard, Brian J.

Mr. Hibbard was present with Ms. Megan Nowicki present as counsel.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Sparkman, seconded by Mr. Benson to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Ms. Maingot, seconded by Mr. Sparkman to accept the recommended penalties. Upon vote, the motion passed unanimously.

h. Pryor, Dee

Ms. Pryor was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

Waiver

i. White, Cali C.

Ms. White was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

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Motion was made by Ms. Maingot, seconded by Mr. Benson to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties with the amendment to reduce the fine to \$1,000. Upon vote, the motion passed unanimously.

j. Roberts, Samuel M.

Mr. Roberts was not present.

Ms. Keegan and Mr. Blend were recused.

Mr. Klein presented the case.

Motion was made by Mr. Benson, seconded by Ms. Maingot to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Benson, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

k. Lapensohn, Howard C.

Mr. Lapensohn was not present.

Ms. Keegan and Mr. Blend were recused.

Mr. Klein presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to accept the recommended penalties. Upon vote, the motion passed unanimously.

3. Request for Hearing pursuant to 120.57(1), F.S. and, if not applicable, Request for Informal Hearing pursuant to 120.57(2), F.S.

a. Plaza, Germa

Motion made by Mr. Blend, seconded by Ms. Maingot to uphold the prior notice of intent to deny the application. Upon vote, this motion passed unanimously.

4. Petition for Variance or Waiver

a. Molina Menendez, Rachel

Ms. Molina Menedez was present with Mr. Thomas Buchan as counsel.

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Motion was made by Ms. Keegan, seconded by Mr. Benson, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed unanimously.

b. Sicher, Ana

Ms. Sicher was present.

Motion was made by Mr. Benson, seconded by Mr. Lafser, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed unanimously.

5. Exams – Considerations

a. Coburn, Renee

Ms. Coburn was present.

Motion was made by Mr. Blend, seconded by Mr. Benson, to approve for convictions only. Upon vote, the motion passed unanimously.

b. Dinari, Samir

Mr. Dinari was not present.

Motion was made by Mr. Benson, seconded by Mr. Lafser, to approve for convictions only. Upon vote, the motion passed unanimously.

c. Kurtz, Scott

Mr. Kurtz was present.

Motion was made by Mr. Sparkman, seconded by Ms. Maingot, to approve for convictions only. Upon vote, the motion passed unanimously.

d. Lami, Jessica

Ms. Lami was present.

Motion was made by Ms. Maingot, seconded by Mr. Lafser, to approve for convictions only. Upon vote, the motion passed unanimously.

e. Maiwald, Quentin

Mr. Maiwald was present.

Motion was made by Mr. Sparkman, seconded by Mr. Benson, to approve for convictions only. Upon vote, the motion passed unanimously.

f. Menut, Bethany

Ms. Menut was present.

Motion was made by Ms. Keegan, seconded by Mr. Sparkman, to approve for convictions only. Upon vote, the motion passed unanimously.

g. Skeeter, Corinne

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Ms. Skeeter was present.

Motion was made by Ms. Keegan, seconded by Mr. Benson, to approve for convictions only. Upon vote, the motion passed unanimously.

h. Vickers, Maurice

Mr. Vickers was present.

Motion was made by Ms. Maingot, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

6. Endorsement – Considerations

a. Bean, Wendy

Ms. Bean was not present.

Motion was made by Mr. Blend, seconded by Mr. Sparkman, to approve for question five only. Upon vote, the motion passed unanimously.

b. Cummings, William

Mr. Cummings was present.

Motion was made by Ms. Maingot, seconded by Mr. Lafser, to approve for question five only. Upon vote, the motion passed unanimously.

c. Gaboury, Philip

Mr. Gaboury was present.

Motion was made by Mr. Blend, seconded by Mr. Sparkman, to approve for question four only. Upon vote, the motion passed unanimously.

d. Kearns, Heather

Ms. Kearns was present.

Motion was made by Name, seconded by Name, to approve for question four only. Upon vote, the motion passed unanimously.

e. O'Rourke, Bernard

Mr. O'Rourke was not present.

Motion was made by Ms. Maingot, seconded by Ms. Keegan, to approve for question five only. Upon vote, the motion passed unanimously.

f. Stearns, Deborah

Ms. Stearns was not present.

Motion was made by Ms. Keegan, seconded by Mr. Benson, to approve for question five only. Upon vote, the motion passed unanimously.

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7. Maintenance and Reactivation – Null and Void

a. Caraway, Michael

Mr. Caraway was not present.

Motion was made by Mr. Benson, seconded by Ms. Keegan, to approve the request to reinstate the applicant's null and void license. Upon vote, the motion passed with Mr. Sparkman voting no.

b. Erice, Ralph

Mr. Erice was present.

Motion was made by Ms. Keegan, seconded by Mr. Blend, to approve the request to reinstate the applicant's null and void license. Upon vote, the motion passed unanimously.

c. Hutchins, Christopher

Mr. Hutchins was present.

Motion was made by Mr. Sparkman, seconded by Mr. Blend, to approve the request to reinstate the applicant's null and void license. Upon vote, the motion passed unanimously.

8. Maintenance & Reactivation – Voluntary Relinquishment

Motion made by Mr. Blend, seconded by Ms. Keegan to ratify the list as presented. Upon vote, the motion passed unanimously.

9. Reports

a. Prosecuting Attorney Report- Chief Attorney; Ms. Janijc

Ms. Janijc presented the Chief Attorney Report.

Motion made by Mr. Blend, seconded by Ms. Keegan to allow Chief Attorney to continue to prosecute year-old cases. Upon vote, the motion passed unanimously.

10. Rules

a. Board Memo – July

This was an informational item.

b. Rules Reports

Ms. Munson presented the rules reports from June and July.

c. Updates on Proposed Rule Amendments

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Ms. Munson presented updates on all current rule amendments as presented in the materials.

Motion made by Mr. Lafser, seconded by Ms. Maingot to toll rules 61H1-20.001 and 61H1-33.003. Upon vote, the motion passed unanimously.

Motion made by Mr. Blend, seconded by Mr. Sparkman to amend rule 61H1-36.004(2)(bb) to reflect that the minimum fine is reduced to \$4500. Upon vote, this motion passed unanimously.

Motion made by Mr. Blend, seconded by Ms. Maingot to amend rule 61H1-36.004(2)(ee) to reflect that the maximum fine is reduced to \$5000. Upon vote, this motion passed unanimously.

Motion made by Mr. Blend, seconded by Mr. Sparkman to amend rule 61H1-36.005(3)(c) to reflect that the date as December 31st. Upon vote, this motion passed unanimously.

d. Rule 61H1-27.0041 One Year Work Experience

Motion made by Ms. Maingot, seconded by Ms. Keegan to amend rule 61H1-27.0041(2) to state:

“For purposes of this rule, a verifying certified public accountant is either a licensed certified public accountant with an active license in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB), both during the applicant’s one year of work experience and at the time of verification.”

Upon vote, this motion passed unanimously.

Motion made by Ms. Maingot, seconded by Mr. Blend for that the proposed Rules 61H1-36.004, 61H1-36.005, 61H1-27.004 F.A.C. would not have an adverse impact on small business or likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule and this rule or any part of this rule will not be designated a minor violation. Upon vote, the motion passed unanimously.

11. Committees

a. March 29, 2022 Budget Task Force

Mr. Sparkman presented the minutes from the Budget Task Force meeting.

Motion made by Mr. Benson, seconded by Ms. Maingot to ratify the minutes as presented. Upon vote, the motion passed unanimously.

b. May 17, 2022 Education Advisory

Mr. Platau presented the minutes from the Education Advisory Committee meeting.

Motion made by Mr. Benson, seconded by Ms. Maingot to ratify the minutes as presented. Upon vote, the motion passed unanimously.

c. June 3, 2022 CPE Committee

Mr. Lafser presented the minutes from the CPE Committee meeting.

Motion made by Mr. Benson, seconded by Ms. Maingot to ratify the minutes as presented. Upon vote, the motion passed unanimously.

12. Administrative Items

a. Remarks from Chair

None at this time.

b. Remarks from Executive Director

None at this time

c. Update from Board Members Serving on NASBA Committees

None at this time.

13. Florida Institute of Certified Public Accountants

Ms. Green presented updates from the FICPA. Ms. Green will relay to the FICPA the possibility of creating a flowchart to understand the application of the Mobility principle and to discuss potential statutory revisions for the next legislative session.

14. Public Comments

None at this time.

15. Old Business

None at this time.

16. Other Business

None at this time.

17. Adjourn

The meeting was adjourned at 1:05 p.m.



Steven Platau, Chair

September 23, 2022

Date