

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

## Meeting Minutes

September 23, 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 September 23, 2022

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

#### Board Members

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

#### Staff

Roger Scarborough	Present
Kevin Brown	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. Deceased Licensees

A moment of silence was held for deceased licensees.

#### 2. Approve Minutes

##### a. July 14, 2022

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

##### b. July 15, 2022

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

#### 3. OGC Final Action

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Informal Hearing

a. Gallagher, Judy L.

Ms. Gallagher was not present.

Ms. Keegan and Mr. Blend were recused.

Mr. Klein presented the case.

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

b. Poulk, Thomas F.

Mr. Poulk was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

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

c. Roebuck, David C.

Mr. Roebuck was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

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

d. Teets, Frank D.

Mr. Teets was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Lafser, seconded by Mr. Blend 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.

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Motion was made by Ms. Maingot, seconded by Mr. Lafser to accept the recommended penalties as presented. Upon vote, the motion passed with Mr. Blend voting no.

e. Williams, Jeffrey A.

Mr. Williams was present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Ms. Sackreiter 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 Ms. Maingot, seconded by Ms. Sackreiter to accept the recommended penalties as presented, with the amendment that the fine is increased to \$2000. Upon vote, the motion passed unanimously.

f. Howard, Stacey Elizabeth

Ms. Howard was not present.

Ms. Keegan and Mr. Sparkman were recused.

Ms. Janjic presented the case.

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

g. Rodriguez, Vera

Ms. Rodriguez was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

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

#### Entry Of Final Order

h. Lee, Hsin-Hua Wu

Mr. Lee was not present.

Ms. Keegan and Mr. Blend were recused.

Mr. Klein presented the case.

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

i. Lennox, Robert P.

Mr. Lennox was not present.

Ms. Keegan and Mr. Blend were recused.

Mr. Klein presented the case.

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

j. Averyt, Michael Jay

Mr. Averyt was not present.

Ms. Keegan and Mr. Blend were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Sackreiter, seconded by Mr. Sparkman 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. Vasallo, seconded by Ms. Sackreiter to accept the recommended penalties. Upon vote, the motion passed unanimously.

k. Cole, Kimberley Ward

Ms. Cole was not present.

Ms. Keegan and Mr. Blend were recused.

Ms. Jannic presented the case.

Motion was made by Ms. Maingot, seconded by Ms. Sackreiter 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 with the amendment that the fine is increased to \$2000. Upon vote, the motion passed unanimously.

#### Settlement Stipulation

l. Simmons, Rosemary

Ms. Simmons was not present.

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Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Ms. Vasallo to publicly dismiss the case. Upon vote, the motion passed unanimously.

Settlement Stipulation

m. Schmedes, Timothy H.

Mr. Schmedes was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

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

n. Fuller, Patricia M.

Ms. Fuller was present.

Ms. Keegan, Mr. Blend and Mr. Platau were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

o. Marrero, Manuel

Mr. Marrero was not present.

Ms. Keegan and Mr. Blend were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Sackreiter, seconded by Mr. Lafser to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

Practice Review

p. Swart, Harold

Mr. Swart was not present.

Mr. Klein presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Blend to request the respondent and expert witness to appear before the Board to explain the findings of the practice review. Upon vote, the motion passed unanimously.

**4. Petitions for Variance or Waiver**

a. Kraishan, Fouad

Mr. Kraishan was present.

Motion was made by Mr. Lafser, seconded by Ms. Maingot, to deny the petition for permanent variance for Rule 61H1-27.001 (5) and 61H1-27.002(2), F.A.C. Upon vote, the motion passed unanimously.

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b. Mizrahi, Morielle

Ms. Mizrahi was present.

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

c. Richards, Fabiola

Ms. Richards was present.

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

d. Van, Cuong Dinh

Mr. Van was present.

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

5. 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. Elmaleh, Michael

Motion made by Mr. Blend, seconded by Ms. Maingot to determine that the presented request from the petitioner does not constitute an issue of material fact, and shall be heard as an informal hearing. Upon vote, this motion passed unanimously.

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.

6. Exams – Considerations

a. Baggett, Kyle

Mr. Baggett was not present.

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

b. Blade, Terry A.

Mr. Blade was not present.

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

c. Buell, Emily S.

Ms. Buell was not present.

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

d. De Varona, Javier P.

This item was continued.

e. Fuchek, Brett T.

Mr. Fuchek was present.

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

f. Mace, Spencer A.

Mr. Mace was present.

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

g. Yanchunis, Michael

Mr. Yanchunis was not present.

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

## 7. Endorsement – Considerations

a. Badout, Lisa A.

Ms. Badout was not present.

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

b. Dunn, Thomas F.

Mr. Dunn was present.

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

c. Eggers, Alex F.

This item was pulled from consideration prior to the start of the meeting.

d. Harold, Robert T.

Mr. Harold was not present.

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

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e. Higdon, Caroline

Ms. Higdon was present.

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

f. Holton, Nicholas I.

Mr. Holton was present.

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

g. Huffman, Mindy

Ms. Huffman was not present.

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

h. Kaminky, Alexa

Ms. Kaminky was not present.

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

i. Mantle, Rosemary M.

Ms. Mantle was present.

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

j. Micholas, Michael

Mr. Micholas was not present.

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

k. Mitchell, Darrell W.

Mr. Mitchell was not present.

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

l. Moran Patricia C.

Ms. Moran was not present.

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

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m. Ohm, Timothy

Mr. Ohm was not present.

Motion was made by Ms. Keegan, seconded by Mr. Blend, to approve for questions two and four only. Upon vote, the motion passed unanimously.

n. Rangel, Dawn

This item was continued.

o. Todary, Michael J.

Mr. Todary was not present.

Motion was made by Mr. Blend, seconded by Mr. Sparkman, to continue the application, contingent upon the applicant waiving the 90-day requirement, and if failing to waive the requirement by October 8, 2022, then the application is denied. Upon vote, the motion passed unanimously.

p. Van Zandt, Michelle L

Ms. Van Zandt 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.

#### **8. Maintenance and Reactivation – Null and Void**

a. Esquerdo, Jose O.

Mr. Esquerdo was not present.

Motion was made by Ms. Vasallo, seconded by Ms. Maingot, to continue the application, contingent upon the applicant waiving the 90-day requirement, and if failing to waive the requirement by October 8, 2022, then the application is denied. Upon vote, the motion passed with Mr. Lafser, Ms. Keegan and Ms. Sackreiter voting no.

b. Fields, Gene P.

Mr. Fields was not present.

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

c. Hutchinson, Michael B.

Mr. Hutchinson was present.

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

d. McIver, Bradley N.

Mr. McIver was present.

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

e. Willard, Jeffrey L.

This item was continued.

#### **9. Maintenance & Reactivation – Voluntary Relinquishment**

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

#### **10. Reports**

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

Ms. Janijc presented the Chief Attorney Report.

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

#### **11. Rules**

a. Rules Report

Ms. Munson presented the rules reports from September.

b. 2023 Annual Regulatory Plan

Ms. Munson presented the 2023 Annual Regulatory Plan

Motion made by Ms. Maingot, seconded by Ms. Vasallo to ratify the plan as presented. Upon vote this motion passed unanimously.

#### **12. Committees**

a. August 30, 2022 – Clay Ford Scholarship Committee

Mr. Scarborough presented the minutes from the Clay Ford Scholarship Committee meeting.

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

#### **13. Administrative Items**

a. Remarks from Chair

None at this time.

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b. Remarks from Executive Director

Mr. Scarborough presented a brief update on the renovations to the Division office.

c. Update from Board Members Serving on NASBA Committees

None at this time.

d. Delegation of Authority

Mr. Scarborough presented an updated Delegation of Authority memorandum to include new convictions guidelines.

Motion made by Ms. Maingot, seconded by Ms. Sackreiter to ratify the delegation of authority. Upon vote, this motion passed unanimously.

e. 2023 Proposed Meeting Dates

This was an informational item.

f. Auditor General Rules

Mr. Scarborough presented technical changes to the Auditor General Rules.

**14. National Association of State Boards of Accountancy**

Mr. Scarborough and Mr. Platau presented a proposed temporary extension of exam credits to accommodate the change to the Uniform CPA examination.

**15. Florida Institute of Certified Public Accountants**

Mr. Thames recognized the service of Mr. Ken Hart and requested a moment of silence in his honor. Mr. Thames additionally provided the Board the FICPA's perspective on mobility and substantial equivalency. He additionally requested that the Board consider hosting a workshop on those topics to address the topic with licensees.

**16. Public Comments**

None at this time.

**17. Old Business**

None at this time.

**18. Other Business**

None at this time.

**19. Adjourn**

The meeting was adjourned at 2:22 p.m.



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Steven Platau, Chair

December 19, 2022

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Date