

July 21, 2023
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 21, 2023

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

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

Staff

Roger Scarborough	Present
Kevin Brown	Present

Rachelle Munson, Senior Assistant Attorney General and Board Counsel. Katie Pareja, Chief Attorney, Office of the General Counsel. Shelly Weir, Julian Dozier, Key O'Keefe and Paul Brown of the Florida Institute of Certified Public Accounting. Jennifer Green of Liberty Partners of Tallahassee. Dr. Nathan Wadlinger of the University of Central Florida. The court reporter was Leah Cooney.

1. Deceased

A moment of silence was held for deceased licensees.

2. Approve Minutes
a. May 19, 2023

Motion was made by Ms. Vasallo, seconded by Ms. Sackreiter, to approve minutes. Upon vote, the motion passed unanimously.

3. OGC Final Action

Entry of Final Order

a. Robert N. Newman, CPA, PA

Mr. Newman was not present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

Motion was made by Mr. Platau, 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 Mr. Platau, seconded by Mr. Sparkman to accept the recommended penalties with the amendment that a fine of \$5000 is imposed. Upon vote, the motion passed unanimously.

Petitioner's Motion for Informal Hearing

b. Frohman, Gary J.

Mr. Frohman was not present.

Ms. Keegan was recused.

Ms. Pareja 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 Mr. Sparkman, seconded by Mr. Lafser to accept the recommended penalties as presented. Upon vote, the motion passed unanimously.

c. Lopez, Maria M.

Ms. Lopez was present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

Motion was made by Mr. Platau, seconded by Ms. Maingot to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact. Upon vote, the motion passed unanimously.

Motion was made by Mr. Sparkman, seconded by Ms. Vasallo 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 made by Mr. Benson, seconded by Ms. Sackreiter to reject the request to dismiss the case. Upon vote, this motion passed unanimously.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to accept the recommended penalties as presented, with the amendment to change the fine to \$1500. Upon vote, the motion passed unanimously.

d. Mesia, Allan E.

Mr. Mesia was not present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

Motion was made by Ms. Maingot, seconded by Ms. Vasallo 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 Mr. Sparkman to accept the recommended penalties as presented, with the amendment that the fine is adjusted to \$4000. Upon vote, the motion passed unanimously.

e. Royce, Donald

Mr. Royce was not present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

Motion was made by Ms. Vasallo, seconded by Ms. Maingot 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 made by Ms. Sackreiter and seconded by Mr. Lafser dismiss Count 2 of the Administrative Complaint. Upon vote, this 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. Mr. Sparkman was not present for this vote.

Waiver

f. Husen, Pam

Ms. Husen was not present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

Motion was made by Mr. Benson, seconded by Ms. Sackreiter 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. Mr. Sparkman was not present for this vote.

Motion was made by Ms. Maingot, seconded by Ms. Sackreiter to accept the recommended penalties as presented. Upon vote, the motion passed unanimously. Mr. Sparkman was not present for this vote.

Settlement Stipulation

g. Bonenfant, Jennifer L.

Ms. Bonenfant was not present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

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

h. Liguori, Michael

Mr. Liguori was not present.

Ms. Keegan was recused.

Ms. Ceres presented the case.

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

i. Offenhauer, Susan E.

Ms. Offenhauer was present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

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

j. Shahinian, Diana J.

Ms. Shahinian was not present.

Ms. Keegan was recused.

Ms. Ceres presented the case.

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

k. Zgura, Scot

Mr. Zgura was not present.

Ms. Keegan was recused.

Ms. Pareja presented the case.

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

Voluntary Relinquishment

I. Lenz, Randall A.

Mr. Lenz was not present.

Ms. Pareja presented the case.

Motion was made by Mr. Blend, seconded by Ms. Sackreiter to adopt the terms of the voluntary relinquishment. Upon vote, the motion passed with Mr. Platau voting no.

4. Petitions for Variance or Waiver from Rule
 - a. Doherty, Robert J.

Mr. Doherty was not present.

Motion was made by Mr. Benson, 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
 - a. Kaplan, Kenneth

This item was continued.

6. Exams – Considerations
 - a. Reisinger, Paul A.

Mr. Reisinger was not present.

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

7. Endorsement – Considerations
 - a. Wahdan, Rami

Mr. Wahdan was not present.

Motion was made by Mr. Blend, seconded by Ms. Maingot, to deny the application. Upon vote, the motion passed unanimously.

- b. Standley, Julia

Ms. Standley was not present.

Motion was made by Name, seconded by Name, to continue the application. Upon vote, the motion passed unanimously.

8. Endorsement – Military
 - a. Kobbe, Kaitlin

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

9. Maintenance & Reactivation – Null and Void
 - a. Peshev, Violeta

Ms. Peshev was not present.

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

- b. Pollitt, Christine A.

Ms. Pollitt was present.

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

c. Relvini, Patricia A.

Ms. Relvini was present.

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

d. Richards, Jennie K.

Ms. Richards was present.

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

10. Maintenance & Reactivation – Voluntary Relinquishment

Motion made by Ms. Sackreiter, seconded by Ms. Vasallo to ratify the list as presented. Upon vote the motion passed unanimously.

11. Chief Attorney's Report – Ms. Pareja

Ms. Pareja presented the Chief Attorney Report.

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

Ms. Pareja announced recent hires to her staff.

12. Board Counsel's Report

a. Annual Regulatory Plan

Ms. Munson presented an update on the plan and will be presented for ratification at a subsequent Board meeting.

b. July 2023 Rules Report

Ms. Munson presented the July 2023 Rules Report.

c. Rules

i. 61H1-20.001, F.A.C.

The rule was filed for adoption on July 17, 2023, effective August 6, 2023.

ii. 61H1-27.002, F.A.C., 61H1-27.005, F.A.C., 61H1-33.003 (4)(b)(5), F.A.C.

Rule 61H1-33.003(4)(b)(5) contains proposed language that would award credit for CPE authorship credit for academic and journal articles. This rule will be reopened for development once the current pending rule adoption has passed. Mr. Lafser proposed to add language that clarifies the CPE Committee is responsible for awarding credit for these publications.

Motion made by Mr. Platau, seconded by Mr. Sparkman to approve the proposed language for Rule 61H1-27.002, F.A.C., 61H1-27.005, F.A.C., and 61H1-33.003 (4)(b)(5), F.A.C. as presented in the supplemental materials.

Motion made by Mr. Platau, seconded by Ms. Maingot that the proposed rules 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. Upon vote, the motion passed unanimously.

Motion made by Mr. Platau, seconded by Mr. Lafser for proposed rules or any part of the proposed rules will not be designated a minor violation. Upon vote, the motion passed unanimously.

Motion made by Mr. Benson, seconded by Mr. Platau that the proposed rules are not subject to a sunset provision. Upon vote, the motion passed unanimously.

iii. 61H1-28.0052, F.A.C.

This proposed rule revision is tabled to the next scheduled Rules Committee for revision.

d. DOAH Case 22-2870

This item was continued.

13. Committees

a. Educational Advisory – May 16, 2023

Motion made by Mr. Sparkman, seconded by Mr. Lafser to approve the minutes and ratify the decisions of the committee. Upon vote, the motion passes unanimously.

b. CPE Committee – May 30, 2023

Motion made by Mr. Sparkman, seconded by Mr. Lafser to approve the minutes and ratify the decisions of the committee. Upon vote, the motion passes unanimously.

14. Administrative Items

a. Remarks from Chair

Mr. Blend discussed the inactive status of a license and the Division's communications concerning its statuses.

b. Remarks from Executive Director

Mr. Scarborough informed the Board he will be working with Ms. Munson to revise Rule 61H1-28.0052, F.A.C. later.

c. Auditor General Rules Update

Mr. Scarborough provided an update for recent revisions to the Auditor General Rules.

d. Update from Board Members Serving on NASBA Committees

None at this time.

15. Florida Institute of Certified Public Accountants

Ms. Weir provided an update concerning the recent Florida Board of Governor's proposal that the Master of Accounting degree to be removed from the programs of strategic significance list. Dr. Wadlinger from UCF provided a synopsis of the role of the degree in the academic programs in accounting, and the ramifications if the degree is removed from the list.

16. Public Comments

17. Adjourn

The meeting was adjourned at 1:03 p.m.

William Blend, Chair

Date