

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION.
January 15 and 16, 2013
General Meeting**

Chair Chip Boring called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 15th day of January, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Darla Furst, Poul Hornsleth and Josh Podolsky. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Christina Arzillo, Joshua Kendrick, Leigh Matchett, Lauren Roderick, Jaime Royal and Joseph Solla, Assistant General Counsels; (Ms. Arzillo, Mr. Kendrick, Ms. Matchett and Ms. Royal, appeared via video conference); Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the Minutes of the December 11 and 12, 2012, General Meeting, as written. The motion passed without dissent.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and addressed questions and comments from the Commission.

Report Regarding Enforcement Trends and Escrow Audits

Director Watkins presented the report regarding Complaint Trends and Escrow Audit Summary. Director Watkins and Ms. Kimmig addressed questions and comments from the Commission. Vice-Chair Enzor stated he was pleased to see the significant increase of audits the department is conducting.

The Commission discussed the issue of deposits not held by a broker in an escrow account or by a title company or attorney and what the department's recourse was. Mr. Solla provided comments relating to the issue. The Commission also received comments from Mr. Dick Fryer, IFREC and Linda Crawford, Dearborn. Director Watkins addressed the Commission's questions and concerns.

Monthly Exam Performance Summary Report

Director Watkins presented the monthly and annual Exam Performance Summary Reports and addressed comments from the Commission.

Rules Report

FREC Counsel Barnhart reported on the status of pending rules.

Report Regarding Legal Case Activity

Chief Attorney Cunningham presented the monthly report regarding legal case activity and addressed comments and questions from the Commission.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 20 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 20 Escrow Disbursement Orders and 4 Orders. Commissioner Furst seconded the motion. The motion passed without dissent.

Recovery Fund Claims

Tab A – Mary Riley v. Joseph Salkowski, DBPR Case No. 2011034795

There were no appearances by either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$12,500.00. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab B – Scott Taylor v. Karen Yeary, DBPR Case No. 2011027193

There were no appearances by either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the order granting the claim in the amount of \$1,250.00. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab M – Sara Del Rocio Davalos, SL 3052470, Case No. 2011005450 – Settlement Stipulation

Respondent was present and represented by Daniel Villazon, Esquire, also present. No current members were recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Suspension 60 days; \$1,000.00 fine; investigative costs; shall attend a 45-hour post licensure course and an ethics course; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent fraudulently signed a Contract for Sale in the name of Buyers or concealed from Buyers that Respondent signed the Contract for Sale in the name of Buyers.

Action taken: Settlement Stipulation accepted.

Tab O – Dean Alan Isenberg, SL 705446, Case No. 2010000852 – Settlement Stipulation

Respondent was not present and was represented by Daniel Villazon, Esquire, present. Chair Boring and Commissioner Hornsleth were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Furst to accept the Stipulated Settlement dismissing Count II of the Administrative Complaint. The motion passed without dissent.

Penalty imposed: \$500.00 fine; investigative costs; shall attend a 45-hour post licensure course and an ethics course; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent entered a plea of nolo contendere to four counts of misdemeanor Stalking.

Action taken: Settlement Stipulation accepted.

Tab Q – Mary D’Nette Allen, SL 3183760, Case No. 2010015024 – Respondent’s Petition to Set Aside Final Order

Respondent was present and represented by Daniel Villazon, Esquire, present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion passed without dissent to continue the matter until February 19, 2013.

Action Taken: Case continued.

Tab J – Christina Nichole Stevens, SL 3223029, Case No. 2012000265 – Respondent’s Request for an Informal Hearing

Respondent was present and not represented by counsel. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Action Taken: \$500.00; investigative costs; must complete an ethics course; attend one 2-day FREC meeting. **Violation(s):** Sections 475.25(1)(f) and (1)(p), Florida Statutes (2011).

Tab E – Marla P. Garcia, BK 3101824, Case No. 2011018111 – Respondent’s Request for an Informal Hearing

Respondent was present and not represented by counsel. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: \$1,000.00; investigative costs; attend one 2-day FREC meeting; 12 months probation.
Violation: Section 455.227(1)(j), Florida Statutes, by assisting an unlicensed individual engage in the licensed profession of real estate.

Tab P – Tami M. McDowell, SL 3192466, Case No. 2010030813 – Settlement Stipulation

Respondent was present and was represented by John Williams, Esquire, not present. Commissioner Furst was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed 4 to 1.

Penalty imposed: Suspension for 90 days; investigative costs; shall complete an ethics course; shall attend two 2-day FREC general meetings. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of nolo contendere and being adjudicated guilty of Grand Theft, Depositing items with the intent to defraud and Petit Theft; Sections 455.227(1)(t) and 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading nolo contendere and being adjudicated guilty of Grand Theft, Depositing items with the intent to defraud and Petit Theft in case number 2009CF1378A and being adjudicated guilty of Passing Worthless Bank Checks in case number 2009DR1619A.

Action taken: Settlement Stipulation accepted.

Tab U – Clifford L. Esterson, SL 25322, Case No. 2010023307 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor; motion passed without dissent to grant an extension until July 31, 2013, to comply with the terms of the Final Order filed April 23, 2009, Case No. 2008036959 and Final Order filed March 13, 2011, Case No. 2008020297. Therefore, the Administrative Complaint in case number 2010023307 is now moot and the case is dismissed.

Action taken: Extension granted to comply with previous Final Orders and Case No. 2010023307 is dismissed.

General Session continued

Special Agenda

Director Watkins presented correspondence received from Michael R. Rocha, Esquire, requesting the Florida Real Estate Commission allow the licensed real estate sales associates employed by an "owner/developer" would qualify as the 24-month experience requirement to become a licensed real estate broker under Section 475.17(2)(b)1, Florida Statutes. The consensus of several Commissioners was that employment by an owner/developer would not qualify toward the 24-month experience requirement.

Legal Docket continued

Tab A – Elizabeth Baldwin, SL 544431, Case No. 2012012848 – Respondent's Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Respondent requested a continuance. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst to continue the matter until February 19, 2013. The motion passed without dissent.

Action Taken: Case continued until February 19, 2013.

Tabs B and C – Terrence L. Boatman, SL 3131371, Case Nos. 2012040247 and 2012028868 – Voluntary Relinquishment of License

Respondent was not present and not represented by counsel. There was no probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Enzor to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab F – Richard C. Koskey, SL 3154794, Case No. 2010055888 – Respondent's Request for an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: Suspension for 5 years; \$1,000.00; investigative costs; attend two 2-day FREC meetings; 28-hour reactivation course; 5 years probation. **Violation:** Sections 455.227(1)(f) and 475.25(1)(s), Florida Statutes, when Respondent was disbarred as an attorney in the State of Florida.

Tab G – Matthew J. Robinson, SL 3134287, Case No. 2012030648 – Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs. **Violation:** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled no contest to unarmed burglary of an unoccupied structure; grand theft greater than \$300.00 but less than \$5,000.00; and possession of burglary tools with intent to use.

Tabs H and I – John D. Schmidt – BK 3055460, Case Nos. 2010051179 and 2011047985 – Voluntary Relinquishment of License

Respondent was not present and not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab K – Joshua S. Unger, SL 3116319, Case No. 2012018027 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and was not represented by counsel. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 455.277(1)(t), Florida Statutes (2011), and therefore Section 475.25(1)(a), Florida Statutes (2011), when he failed to timely self-report to Petitioner of having been found guilty of driving under the influence, a misdemeanor.

Tab L – James G. Kops; SL 552731, Case No. 2010014226 – Respondent’s Request for Reconsideration

Respondent was not present and not represented by counsel. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Cunningham represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the Respondent's Request for Reconsideration; motion passed without dissent.

Action Taken: Reconsideration denied.

Tab N – Yvonne Hawley, BK 658388, Case No. 2008049800 – Settlement Stipulation

Respondent was not present and was represented by Michael Hearing, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Podolsky to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Suspension for 1 year; \$250.00 fine; investigative costs. **Violation(s):** Section 455.275, Florida Statutes, and Rule 61J2-10.038, Florida Administrative Code, when Respondent failed to notify the DBPR of her current mailing address within 10 days after the change of address; Section 475.180(2)(b), Florida Statutes, when Respondent failed to notify the FREC within 60 days of her change in residency; Section 475.42(1)(i), Florida Statutes, when Respondent failed to preserve the business records of her brokerage for a time period of five years from the date of receipt of any money or the execution by any party of any listing agreement.

Action taken: Settlement Stipulation accepted.

Tab R – Anthony L. Arone, SL 505204, Case No. 2009031497 – Respondent's Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Furst and Commissioner Hornsleth were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order issued under the provision of Chapter 455 or 475, Florida Statutes.

Tab S – Jeffrey Richard Bauer, BK 3065716, Case No. 2011040660 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. No current members were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Mr. Cunningham notified the Commission of a scrivener's error contained in the Administrative Complaint relating to the statute reference, which should have read Section 455.227(1)(t), Florida Statutes. The Commission granted the waiver hearing and entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint

as orally amended. Commissioner Furst moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Penalty imposed: \$1,000.00; investigative costs; attend one 2-day FREC meeting; 6 months probation. **Violation(s):** Section 455.227(1)(t), Florida Statutes, when Respondent failed to notify the Commission in writing of his nolo contendere plea within 30 days.

Tab T – Michael Carleton, SL 3068971, Case No. 2011049896 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Enzor moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Penalty imposed: Suspension for 1 year; \$1,500.00; investigative costs; attend two 2-day FREC meetings; 1 year probation. **Violation(s):** Section 475.25(1)(k), Florida Statutes by failing to place an escrow deposit with his registered employer; Section 475.25(1) (b), Florida Statutes, by dishonest dealings and or breach of trust in Respondent’s business transaction with Mr. Smith by collecting an escrow deposit but not properly depositing or accounting for the escrow deposit received, failing to return the escrow deposit to Mr. Smith upon demand, and by failing without legal justification to return the escrow deposit in a timely manner; Section 475.42(1)(h), Florida Statutes, by obstructing or hindering an investigation by failing to provide the Department with documentation confirming if and when owed escrow monies were returned to the person entitled to escrow deposit.

Tab V – Kimberly Ann Fleak, SL 691841, Case No. 2011038615 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order issued under the provision of Chapter 455 or 475, Florida Statutes.

Tab W – Samantha F. Persaud, SL 311214, Case No. 2011035526 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled nolo contendere to one count of grand theft in the second degree, because it directly relates to the activities of a licensed broker or sales associate or is a crime involving moral turpitude; Section 475.25(1)(p), Florida Statutes, when Respondent failed to timely notify Petitioner of her plea of nolo contendere to a felony.

Tab X – Mark Richmond, BK 654194, Case No. 2011036211 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Furst was recused due to participation on the probable cause panel.

Ms. Royal represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Penalty imposed: \$1,000.00; investigative costs; attend two 2-day FREC meetings; 6 months probation. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after being adjudged guilty of DUI, thereby violating Section 475.25(1)(e), Florida Statutes.

Tab Y – Mary Ann Verdi, BK 3008396, Case No. 2010008480 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Furst was recused due to participation on the probable cause panel.

Ms. Royal represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.42(1)(a), Florida Statutes when Respondent, without a valid license, negotiated a sale and purchase contract for the Subject Property.

Cases Continued or Withdrawn

- Tab A – Elizabeth Baldwin, Case No. 2012012848**
- Tab D – Daniel Corbin, Case No. 2011032967**
- Tab Q – Mary D’Nette Allen, Case No. 2010015024**

General Session

Review and Consideration of the Real Estate Continuing Education Courses

Director Watkins presented the following continuing education courses for the Commission's consideration:

ASFMRA 84rd Annual convention – Day 1 – New Course (Broker post-licensure) – Application No. 17467 – Deanna Ilk, American Society of Farm Managers and Rural Appraisers, Inc.

Ms. Ilk was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

ASFMRA 84rd Annual convention – Day 2 – New Course (Broker post-licensure) – Application No. 17467 – Deanna Ilk, American Society of Farm Managers and Rural Appraisers, Inc.

Ms. Ilk was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

The Commission received comments from Mr. Richard Fryer, IFREC, stated that the statute both sales and broker posts have to be in 15-hour modules and in his opinion the Commission should not have to review the courses that do not meet the criteria of the statute. The Commission gave the authority to the department not to bring before them courses which do not meet the minimum criteria required by statute.

Consent Agendas

Agenda A

The Commission considered 164 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 122 applicants and require 42 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abner, La Shaundia	Gannon, Kathleen	Rasmussen, Neil
Aimable, Vicki	Glantz, Steven	Reitnauer, Susan
Allen, Ameen	Gomez, Justo	Remmer, Randall
Alvarez, Thays De Valle	Gonzalez, Viviana	Renta, Tina
Anderson, Bruce	Greaney, Scott	Reynoza, Wilmer
Andrews, Robert	Gresham, Wendi	Reichert, Jack
Austin, Chad	Grigoli, Evan	Roque, Jorge
Barbu Nugent, Elena	Guillen, David	Ross, Amy
Becker, Norman	Gulla, Michael IV	Roti, James Jr.
Bilger, Daniel	Guy, Charles	Savage, Mark
Blankshein, Stephanie	Hanley, Sean	Shaifer, Jocelyn
Bledsoe, Cora	Hayes, Sean	Simpson Coats, Desire
Borree, Jacqueline	Hendrickson, Darryl	Sissum, Joyce
Brackert, Daniel	Hernandez, Alen	Small, Carlton
Brigneti, Erik	Hester, Stacy	Smith, Henry
Brockhagen, James	Humbles, David	Sorensen, Susan

Brown, Jennifer
Cannon, Amy
Carey, Nicholas
Carr, Gerald
Castro, Alexander
Cedeno, Fernando
Chite, Carl II
Clapp, Therese
Clark, Jon
Colazo, Alessandra
Corcoran, Mary
Craig, Jason
Crawford, George
Crowers, Matthew
Custer, Carl
Day, Catherine
Dickinson, Ryann
Driggers, Dwayne
Edmonds, John
Egeli, Ali
Fanelli, Gina
Fenty, Dennis
Fiori, Eric
Flickinger, Bruce Jr.
Galterio, Alison

Hunter, Kristen
Jacalone, Marc Jr.
Jones, Joseph
Kara, Gaïting
Kennedy, Scott
Kinkel, Daniel
Kruszewski, Brian
Leatherman, Michael
Lewis, Louvenia
Lombardi, Daniel
Lopez Mederos, Pedro
Loredo, Daniel
Lucas, Candi
Meadows, Elliot
Mendez, Peter
Metz, Craig Jr.
Miller, Sandra
Ospina, Richard
Pavlov, Alexander
Pettway, Soney Jr.
Pici, Thomas
Poag, Angela
Pugatch, Angela
Pulte, Michael
Ramey, David

Soto, Eduardo
Spells, Tyesha
Stallings, Donald
Stumpfig, Paul
Summerow, Timothy
Sumner, Carole
Swinton, Dennis
Taveras, Jose
Valenti, Durant
Veigel, Pauline
Vogel, Victor
Walters, Joanne
Webb, John
Wellon Dames, Oletha
Whaley, Gregory II
Whipple, Sharon
Williams, Thomas
Wilson, Derrick Jr.
Wilson, Richard
Winston, Debra
Winters, Lance
Wolf, Neal
Wray, Willard III
Zimmerman, Nicholas

The following applicants will be placed on the next available Summary of Applicant agenda:

Abbott, Mitchell
Aleman, Christopher
Burgos, Edwin Jr.
Cardella, Armando
Catalano, Jeffrey
Cordoba, Karol
Davison, Catherine
Debord, Randall
Desenclos, Joakim
DiPaula, Joseph Jr.
Ewer, Lisa
Feinsod, Mitchell
Galvez, Maria
Georgeson, Alan

Gonzalez, Jesenia
Griffiths, Casey
Hammack, Carolyn
Henion, Karli
Hepburn, Kwahm
Hussain, Syed Hasnat
Kattan, Carlos
Lautan, Ricky
Lewis, Stephen
Londono, Jose
Lonsdale, Eduardo
Makoczy, Gregory
Martinez, Richard
Martinez, Robert

McMillan, Seneca
Montalvo, Jason
Monzon, Jorge
Petrevski, Michael
Potts, Gregory
Powers, Lisa
Reeves, Kenneth
Regan, Erin
Rizo, Gersson
Rosenbloom, Shannon
Seltzer, Lucas
Shlafshteyn, Alexander
Stewart, Joe
Tubbs, Jason

Agenda B

The Commission considered 2 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commission Podolsky to approve 1 applicant and require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant was approved:

Channey, Christopher

The following applicant will be placed on the next available Summary of Applicant agenda:

Sundborg, Julie

Agenda C

The Commission considered 1 applicant from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commission Podolsky to require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant will be placed on the next available Summary of Applicant agenda:

Benedetto, Gabriela

Public Comments

Applicant/Respondent Jesenia Gonzalez requested to address the Commission relating to her public case. Ms. Pomales stated that she was on the Consent Agenda and that the Commission requested that she appear before them relating to her broker application. Ms. Gonzalez stated that she received a Notice of Hearing for January 15, 2013. Ms. Gonzalez further stated that she traveled from Miami and wished to provide her testimony relating to the public case as to the charges she disclosed. Upon conclusion of Ms. Gonzalez's testimony, the Commission entered into discussion. Ms. Gonzalez waived the ninety-day requirement and continued her application for a real estate broker license until the legal case is resolved. The Commission granted a telephonic appearance to Ms. Gonzalez to provide her testimony at the February 18, 2013, FREC meeting.

There being no further business and no objection, the Chair recessed the meeting at approximately 1:30 p.m. until 8:30 a.m. tomorrow.

January 16, 2013

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of January, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Darla Furst, Richard DeNapoli, Poul Hornsleth and Josh Podolsky. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 29 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Austin Rattet, present and was represented by Lawrence Livoti, Esquire, also present – informal hearing – The Commission entered into discussion. The applicant withdrew the request for an informal

hearing, waived the 90-day requirement and withdrew the application. Commission Podolsky moved; seconded by Vice-Chair Enzor to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab R – Michael Gonzalez, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab B – Wesley T. Tyner, not present; represented by Daniel Villazon, Esquire, present – informal hearing – The Commission entered into discussion. Commission Hornsleth moved; seconded by Commissioner Podolsky to continue the matter until March 20, 2013; the motion passed without dissent.

Tab E – Richard Bauer, not present; represented by Daniel Villazon, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab J – Jonathan Chriqui, not present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab T – Andrew J. Huth, present and was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab X – Marcel Leferink, present and was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab F – Jason Beatty, present – Applicant withdrew the application and waived the 90-day requirement.

Tab G – Vojtech Bosek, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab H – Theodore J. Castro, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab I – Souksavnh Chanthaboury, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5 to 1.

Tab M – Leon L. Cruz, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed 5 to 1.

Tab N – Leesa D. Culver, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

Tab O – Eyal Elkayam, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab V – Gena L. Jones, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab Z – Scott McClain, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AC – William F. Struck, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab AA – William W. Richardson, present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Y – Winston Louis, present – Applicant withdrew the application and waived the 90-day requirement.

Tab C – Steven A. Wright, not present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commission Podolsky moved; seconded by Commissioner DeNapoli to adopt the Finding of Fact and Conclusions of Law and uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab D – Leslie Arouh, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab K – Gilbert Cortes, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab L – Alyssa P. Crocker, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab P – Anthony M. Fiorio, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab Q – Joseph A. Gavagni, not present; represented by Nancy Campiglia, Esquire, not present – Applicant requested a continuance until February and waived the 90-day requirement.

Tab S – Cynthia Grining, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab U – Selma J. Johnson, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab W – Faulton C. Kempf, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AB – Alexander A. Sena, not present – Commissioner DeNapoli moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Special Agenda

FREC Review and Consideration of Experience Eligibility for Taking the Florida Real Estate Broker License Exam Regarding Applicant Laticia Plaza

Director Watkins presented Applicant Laticia Plaza's letter and background information to the Commission and stated that the division was unable to determine whether Ms. Plaza's real estate license in the Guayas Province of Ecuador, South America was regulated and whether the real estate experience qualified her for a broker's license. The Commission entered into discussion. The Commission recognized that Ms. Laticia's experience qualifies her to apply for a real estate broker license.

Director's Comments

Director Watkins thanked the Commission for a successful meeting.

Commission Remarks

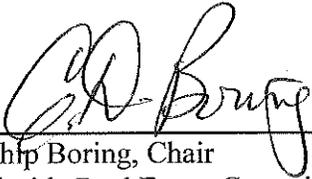
The Commissioners thanked the staff for their assistance and diligent work.

Public Comments

The Commission received comments from a member of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 11:20 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for February 19 and 20, 2013, in Orlando, Florida.



Chip Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission