

Matilde Miller, Interim Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
January 17 and 18, 2017
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 17th day of January, 2017.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Thomas Luzier, Patricia Fitzgerald, Dick Fryer and Poul Hornsleth. 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; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Alicia Bhambhani, Assistant General Counsel; Appearing via teleconference: Neil Lawson, Crystal Stephens, William Vogel, James Whealdon and Maureen White, Assistant General Counsels; Jocelyn Pomales, Education Coordinator; Warren Sanger, Licensing Supervisor; Susan Bailey, Administrative Assistant III; Mike Davis, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813 provided court services.

January 17, 2017

Approval of the Minutes

The Minutes of the December 13 and 14, 2016, are deferred to January 18, 2017.

Reports

Enforcement Trends and Escrow Audits Reports

Bureau Chief Sara Kimmig presented the report regarding Enforcement Trends and Escrow Audits Summary and addressed questions and comments from the Commission.

Unlicensed Activity Report

Bureau Chief Kimmig presented the Unlicensed Activity Report and addressed questions from the Commission.

Monthly Exam Performance Summary Report

Executive Director Crawford presented the monthly Exam Performance Summary Reports. No questions or comments were received from the Commission.

Application and License Count Reports

Licensing Supervisor Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Case Activity Report

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Whealdon presented 12 Escrow Disbursement Orders and 5 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Fryer moved to accept 12 Escrow Disbursement Orders and 5 Orders. Vice-Chair Luzier seconded the motion; the motion passed without dissent.

Legal Appearance Docket

1. Tab K – Ruth E. Stroppo, BK 202060; Case No. 2015038495 – Stipulation Settlement

Respondent was present; Respondent was represented by Michael Riley, Esquire, present. Chair Boring was recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved to accept the settlement stipulation, seconded by Commissioner Hornsleth; motion passed without dissent.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$679.80; complete a 3-hour core law course; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.42(1)(i), Florida Statutes, by placing a lien, not authorized by a contractual agreement, on the Subject Property to coerce payment of money to Respondent.

Action taken: Settlement Stipulation accepted.

2. Tab J – Chen-Li Peng, BK 3162177; Case No. 2015020820 – Stipulation Settlement

Respondent was present; Respondent was represented by Steven W. Johnson, Esquire, present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved to accept the Settlement Stipulation. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Penalty: Administrative fine of \$250.00; investigative costs of \$429.33; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.278(3)(a)(5) and 475.278(3)(a)(7), Florida Statutes, by representing to Buyer that certain repairs had been made to the Subject Property when such repairs were not completed.

Action taken: Settlement Stipulation accepted.

3. Tab O – James Garrison, BK 120395; Case No. 2016017295 – Petitioner's Motion for Waiver and Entry of Final Order

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

Ms. White represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Fitzgerald seconded; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; the motion passed without dissent to impose the following sanctions:

Penalty imposed: Administrative fine of \$250.00; investigative costs of \$775.50; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, and thereby 475.25(1)(e), Florida Statutes, by failing to inform the commission in writing within 30 days after entering a plea of nolo contendere to one count of Driving Under the Influence, a first degree misdemeanor.

4. Tab E – Juan C. Murillo, SL 3223844; Case No. 2015052268 – Respondent’s Request for Reconsideration

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

Mr. Whealdon represented the department and presented the case to the Commission. After discussion, Commissioner Fitzgerald moved to grant the reconsideration; Commissioner Fryer seconded; the motion passed without dissent. Commissioner Fitzgerald moved; seconded by Commissioner Fryer; the motion passed without dissent to modify the penalty of the existing Final Order and impose the following sanctions:

Penalty imposed: Administrative fine of \$500.00; investigative costs of \$112.20; Respondent’s license shall be suspended until all sanctions are met, not to exceed 10 years. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with a Final Order issued under the provisions of Chapter 455 or 475.

5. Tab B – Walner Gerard Gachette, BK 3152573; Case No. 2015038473 – Petitioner’s Request for Informal Hearing

Respondent was present; Respondent was represented by Nancy Campiglia, Esquire and Fritz Scheller, Esquire, both present. Chair Boring was recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. Ms. Campiglia presented 3 Motions for the Commission’s consideration. The Commission acted upon the following motions: 1. Respondent’s Motion to Dismiss – Commissioner Fitzgerald moved to deny; Commissioner Fryer seconded; motion passed without dissent. 2. Respondent’s Motion to Strike Notice of Hearing – Commissioner Fryer moved to deny; Commissioner Fitzgerald seconded; motion passed without dissent. 3. Respondent’s Motion for Sanctions – Commissioner Fryer moved to deny; Commissioner Fitzgerald seconded; motion passed without dissent. 4. Respondent’s Motion to Strike Petitioner’s Memorandum in Support of Petitioner’s Motion for Information Hearing – Commissioner Fryer moved to deny; Commissioner Fitzgerald seconded; motion passed without dissent. Commission proceeded with the informal hearing upon motion by Commissioner Fryer; second by Commissioner Fitzgerald; the motion passed without dissent. Mr. Scheller offered mitigation. After discussion, Commissioner Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Hornsleth; motion passed 3 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$1,000.00; investigative costs of \$165.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted of 2 counts of “Filing False Tax Returns.”

6. Tab D – Gerald Alter, BL 705779; Case No. 2014023239 – Respondent’s Request for Informal Hearing

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

Ms. White represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Hornsleth seconded; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed 4 to 1 to impose the following sanctions:

Penalty: Revocation; investigative costs of \$247.50. **Violation(s):** Section 475.25 (1)(d)1, Florida Statutes, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, or deposit; Section 475.25(1)(b), Florida Statutes, by not returning the Complainant’s wire transfer funds after the real estate purchase did not consummate.

7. Tab G – George Robert Stevenson, SL 492522; Case No. 2016015710 – Respondent’s Request for Informal Hearing

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

Ms. Bhambhani represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Fitzgerald seconded; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to impose the following sanctions:

Penalty: Administrative fine of \$250.00; must complete sanctions imposed in Case No. 2013016699.

Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to comply with a lawful order of the FREC.

8. Tab C – Nicole Diane Garcia, SL 3215840; Case No. 2014030678 – Respondent’s Request for Reconsideration

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

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to deny the reconsideration; Commissioner Luzier seconded the motion; the motion passed without dissent.

Action taken: Reconsideration request denied.

9. Tab A – Luis Jorge Alonso, SL 3176068; Case No. 2015040373 – Respondent’s Request for Informal Hearing

Respondent was not present; Respondent was represented by Raquel Leon Pereira, Esquire, not present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to find Respondent guilty; Commissioner Fitzgerald seconded the motion; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; the motion passed without dissent motion passed without dissent to impose the following sanctions:

Penalty imposed: Suspension for 5 years; investigative costs of \$231.02. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to “CANN/TRF25-2000 LBS” (Trafficking in Cannabis, 25-2000 lbs).

10. Tab F – Armando Ruiz, BK 677889; Case No. 2016002637 – Respondent’s Request for Informal Hearing

Respondent was not present; Respondent was represented by Mycki Ratzan, Esquire, not present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department. The Respondent requested a continuance until March 2017. The Commission entered into discussion. Commissioner Hornsleth moved to continue the matter until March 2017; seconded by Commissioner Fitzgerald; the motion passed without dissent.

Action taken: Case continued until March 2017.

11. Tab H – Christopher Castle, SL 3036319; Case No. 2016017165 – Respondent’s Request for Entry of a Final Order

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

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Fitzgerald to find Respondent guilty; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

Penalty: Administrative fine of \$250.00; investigative costs of \$544.50; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to timely inform the Commission in writing after entering a guilty plea to the crime of Leave Accident Scene w/Prop Damage.

12. Tab I – David James Murphy, SL 3074010; Case No. 2016028659 – Respondent’s Request for Entry of a Final Order

Respondent was not present; Respondent was not represented by counsel. Chair Boring was recused due to participation on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Hornsleth to find Respondent guilty. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; the motion passed without dissent motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25 (1)(s), when Respondent’s appraisal license was suspended by the state of Pennsylvania.

13. Tab L – Karen Berger, BK 533546; Case No. 2016011349 – Petitioner’s Motion for Waiver and Entry of Final Order

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

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

Penalty: Administrative fine of \$1,000.00; investigative costs of \$577.50; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading nolo contendere to Reckless Driving, Driving Under the Influence, 2 charges of Disorderly Conduct and Violation of Pretrial Release.

14. Tab M – Donald Tesoro, SL 3258828; Case No. 2015049041 – Petitioner’s Motion for Waiver and Entry of Final Order

Respondent was not present; Respondent was not represented by counsel. Chair Boring was recused due to participation on the probable cause panel.

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

Penalty: Revocation; investigative costs of \$168.30. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by failing to timely return the \$1,500.00 deposit to Mauri upon demand; Section 475.25(1)(d)1., Florida Statutes, by failing to timely return the \$1,500.00 deposit to Mauri upon demand.

15. Tab N – Jose Carlos Hernandez, SL 3312660; Case No. 2016025898 – Petitioner’s Motion for Waiver and Entry of Final Order

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

Mr. Vogel 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 Fitzgerald; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$478.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2015), when he pled guilty to and had adjudication withheld for two counts of Lewd and Lascivious Exhibition on a Child Under 16 years, both second-degree felonies.

16. Tab P – Priority One Management Group, LLC, CQ 1036765; Case No. 2016000273 – Petitioner’s Motion for Waiver and Entry of Final Order

Respondent was present; Respondent was not represented by counsel. Chair Boring and Commissioner Fitzgerald were recused due to participation on the probable cause panel.

Mr. Vogel 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 Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$115.50. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2015), by failing to account for or deliver the rental proceeds or security deposit to Complainant upon demand; Section 475.25(1)(e), Florida Statutes (2015), by failing to allow Petitioner’s investigator to inspect its office and records.

17. Tab Q – Priority One Management Group, LLC, CQ 1036765; Case No. 2016001610 – Petitioner’s Motion for Waiver and Entry of Final Order

Respondent was not present; Respondent was not represented by counsel. Chair Boring and Commissioner Fitzgerald were recused due to participation on the probable cause panel.

Mr. Vogel 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 Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2015), by failing to account for or deliver the rental proceeds or security deposit to Complainant upon demand; Section 475.25(1)(e), Florida Statutes (2015), by failing to allow Petitioner’s investigator to inspect its office and records.

18. Tab R – Priority One Management Group, LLC, CQ 1036765; Case No. 2016011503 – Petitioner’s Motion for Waiver and Entry of Final Order

Respondent was not present; Respondent was not represented by counsel. Chair Boring and Commissioner Fitzgerald were recused due to participation on the probable cause panel.

Mr. Vogel 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 Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2015), by failing to account for or deliver the rental proceeds or security deposit to Complainant upon demand; Section 475.25(1)(e), Florida Statutes (2015), by failing to allow Petitioner's investigator to inspect its office and records.

19. Tab S – Juan Antonio Rodriguez, Jr., SL 3015181; Case No. 2016001512 – Petitioner's Motion for Waiver and Entry of Final Order

Respondent was not present; Respondent was not represented by counsel. Chair Boring was recused due to participation on the probable cause panel.

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

Penalty: Revocation; investigative costs of \$306.60. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when he was convicted of trafficking cocaine and conspiracy to traffic cocaine; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission within 30 days of his plea and conviction of possession of cocaine with the intent to sell, manufacture or deliver, trafficking cocaine and conspiracy to traffic cocaine, all felonies.

20. Tab T – Stephanie Thompson, SL 3254693; Case No. 2015016775 – Petitioner's Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs of \$198.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to "Retail Theft" and "Grand Theft Second Degree."

General Session continued

Review and Consideration of the Real Estate Education Courses

Tab D – Real Estate Finance – New Course (30 hours, distance) – Application No. 28202 – CE Shop, Inc.

Ms. Alicia Snyder appeared in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab G – Agency – New Course (1.5 hour, classroom) – Application No. 28568 – Law Office of Barry Miller, PA

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course contingent upon the applicant providing the Department a timeline reflecting 2 hours; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab H – *Title 101* – New Course (1.5 hour, classroom) – Application No. 28570 – Law Office of Barry Miller, PA

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course contingent upon the applicant providing the Department a timeline reflecting 2 hours; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab I – *FR/BAR Addendums* – New Course (1.5 hour, classroom) – Application No. 28572 – Law Office of Barry Miller, PA

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course contingent upon the applicant providing the Department a timeline reflecting 2 hours; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab J – *Probate, Trusts, and Title Vesting* – New Course (1.5 hour, classroom) – Application No. 28574 – Law Office of Barry Miller, PA

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course contingent upon the applicant providing the Department a timeline reflecting 2 hours; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab K – *Business Form and Taxation* – New Course (1.5 hour, classroom) – Application No. 28639 – Law Office of Barry Miller, PA

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab E – *Building Real Estate Teams* – New Course (3 hours, classroom) – Application No. 28615 – Florida School of Real Estate Online and In Class

Mr. Gress appeared in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab A – *FHA Appraisal - 411* – New Course (6 hours, classroom) – Application No. 28372 – Academy of Real Estate LLC

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab B – *Power of Strategy: Mastering Advanced 1031 Exchanges Strategies* – New Course (1 hour, classroom) – Application No. 28551 – Asset Preservation, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab C – *Florida Broker Prelicense* – New Course (72 hours, distance) – Application No. 28672 – Career Webschool

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab F – *Real Estate Code of Ethics* – New Course (3 hours, classroom) – Application No. 28524 – Gateway School of Real Estate, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab L – *Marketing Luxury Expert 1* – New Course (6 hours, classroom) – Application No. 28400 – Preferred Systems, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab M – *Marketing Luxury Expert 2* – New Course (6 hours, classroom) – Application No. 28401 – Preferred Systems, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab N – *Florida Title and Legal Issues* – New Course (3 hours, classroom) – Application No. 28369 – Westcor Land Title Insurance Company

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Petition for Declaratory Statement received from BrokerNation Real Estate, Inc. – DS 2016-090

FREC Counsel Barnhart presented a Petition for Declaratory Statement for the Commission's review and consideration. Petitioner was not present. FREC Counsel Barnhart recommended that the Commission deny issuing a Declaratory Statement as the request lacks enough detail. The Commission entered into discussion. Commissioner Fryer moved; Commissioner Fitzgerald seconded the motion to deny issuing a Declaratory Statement based on lack of detail. The motion passed without dissent.

Rule Discussion

Rules Report

FREC Counsel Barnhart reported on the status of the rules currently open for discussion, workshop or rulemaking and addressed questions and comments from the Commission.

Consent Agenda A

The Commission considered 34 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 26 applicants and require 8 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Sergio David Alba	Brandon Fulse	Luis G. Patino
Maria Rowan Barnes	Henry Gamez	Kimberly Korb Porter
Antoine Lamar Colvard	Aleuia Mabel Simoes Godfrey	Jose David Rodriguez
Joseph John Cordano	Kevin L. Jacobs	Alexis Eligio Rovelo
Rocco Joseph Deleonardis	Younes Jbili	Henry Ortega Salazar
Joshua Diehl	Kenyatta Killins	Robert Sanders
Alexander Doucet	Necla Koroglu	Johnathen Galen Sardone
Sherley Etienne	Adam Murphy	Lisa Ann Terrell

Seamus Walter Eyerly

Nutrishia Brunette Pardieu

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

Broderick Adderley

Henry Gamez

Kyle Myslakowski

Amelia Naomi Clark

Luis Gonzalez

Phillip Blair White

Jorge Armando Fages Asencio

Johnny Rashard Jean

Consent Agenda B

The Commission considered 12 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 9 applicants and require 3 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Marcelo Carvajal

Jason Litt

Christopher Lewis Reed

Braulio Chavez

Terrence R. McIntyre

Kimberlie Jo Russo

Deborah Knight

Luis Parra

Johnnie Terrell Tillman

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

Roberto G. Durand

Ryan William Eichensehr

Vasilios Vasiliu

General Session continued

Public Comments

The Commissioners addressed questions from Rey Valls.

FREC Counsel Barnhart addressed questions and comments from the Commission relating to team advertising.

Recess

There being no objection, the Chair recessed the meeting at approximately 3:15 p.m. until 8:30 a.m. tomorrow.

January 18, 2017

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of January, 2017.

The following Commission members were in attendance: Chair Chip Boring, Patricia Fitzgerald, Dick Fryer and Poul Hornsleth. Vice-Chair Luzier was excused and not present. 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; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Alicia Bhambhani, Assistant General Counsel; Warren Sanger, Licensing Supervisor; Janice Lugo, Regulatory Consultant; Susan Bailey, Mike Davis and Jeannie Adkinson, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Licensing Supervisor Warren Sanger presented 89 Summary of Applicants requesting to sit for the real estate examination.

1. Tab S – Norma G. Crespo, present; interpreter present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
2. Tab A – Deborah Yvonne Adams, present; was represented by Marycruz Aguiar and Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.
3. Tab AO – Morgan M. Jones, present; was represented by Marycruz Aguiar and Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
4. Tab AP – David Rene Latscha, not present; was represented by Marycruz Aguiar and Nancy Campiglia, Esquire, present – Applicant requested a continuance and waived the 90-day requirement.
5. Tab BN – Maria Cristina Rodriguez, present; was represented by Steve Johnson, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
6. Tab AF – Kimberly Erin Fraley, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
7. Tab L – Henry Lee Campbell Jr., present; was represented by John Samaan, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.
8. Tab CE – Cornelius Eugene Wheeler, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
9. Tab CF – Niyah Williams, present; was represented by James Smith, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
10. Tab C – Matthew Almonte, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
11. Tab D – Evan Bagwell, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
12. Tab E – Jameer Baptiste, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.
13. Tab F – Isley Karina Barajas, present – informal – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
14. Tab G – Cameron Bell, present – informal – Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
15. Tab H – Brett Richard Besecky, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
16. Tab I – Estrella Ramona Bogardus, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

17. Tab K – Hans Nicolas Bustamante, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
18. Tab M – Antonio Casseus., present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
19. Tab N – Bozena M. Chrzaszcz, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed 3-1.
20. Tab Q – Michael Hunter Coghill, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed without dissent.
21. Tab R – William Combee, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
22. Tab V – Kelby Deoleo, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
23. Tab W – Jennifer Diaz, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
24. Tab X – Kerry Eason, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
25. Tab Z – Calvin Shane Edmonds, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
26. Tab AA – Joseph Estrada, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
27. Tab AB – Carmelo Feliz, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.
28. Tab AC – Norma Feriez Ortez, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
29. Tab AE – Michael Foster Jr., present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
30. Tab AG – Richard Fraser, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.
31. Tab AJ – Bryan Graves Sr., present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.
32. Tab AM – Twynesha Twinesha Johnson, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.
33. Tab AQ – Rickey Collon Lawhorn, present – Applicant withdrew the application.
34. Tab AS – Anthony Mankins, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
35. Tab AT – Juan Fernando Mazuera, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
36. Tab AU – Victoria McClellan, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

37. Tab AV – Gerardo Melenez, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
38. Tab AW – Nichole Midkiff, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
39. Tab AX – Nancy Nunez, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed without dissent.
40. Tab AZ – Ryan Keith Orihuela, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
41. Tab BA – Frances Dolores Ortega, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
42. Tab BD – Anthony Pizarro, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
43. Tab BE – Ronny Plasencia, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
44. Tab BG – Hillary Quinn, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
45. Tab BH – Gordon James Rae, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
46. Tab BE – Ryan Terrell Randell, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
47. Tab BJ – David Arthur Ray, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
48. Tab BK – Nichole Richardson, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
49. Tab BL – Anthony Joe Rodriguez, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
50. Tab BO – Pedro Jose Salas, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
51. Tab BM – Dionisio Jesus Rodriguez, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
52. Tab BP – Stephen Mark Senff, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.
53. Tab BR – Nina Sganga, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
54. Tab BS – Monty Slayton, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
55. Tab BT – Edward Stansih, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
56. Tab BU – Cynthia Kay Steele, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

57. Tab BV – Adam M. Strouse, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
58. Tab BY – David Allen Tindell, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
59. Tab BZ – Kathleen Ellen Turley, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
60. Tab CA – Carlos Vazquez, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
61. Tab CC – Anthony John Wardell, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
62. Tab CD – Perry Sturges Wesner, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
63. Tab CG – Cari Lynn Wood, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
64. Tab CH – Jessica Wooster, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
65. Tab CI – Hernan A. Zuluaga, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
66. Agenda B, Tab A – Shirley A. Green, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
67. Tab D – Skyler Hastings, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
68. Tab B – Nicole Marie Algarin, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
69. Tab J – Maria G. Buitrago, not present – Applicant requested a continuance and waived the 90-day requirement.
70. Tab O – Monica Clavijo, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
71. Tab P – Valerie D. Cioffi, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
72. Tab T – Shiela Davenport, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 3-1.
73. Tab U – Paul Decailly, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
74. Tab Y – Fernando Edery, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
75. Tab AD – Luis Guillermo Fernandez Jr., not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
76. Tab AH – Jami Lynn Gaffney, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

77. Tab AI – Kenny Gomez, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
78. Tab AK – Marissa Ann Jackson, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; there was no action taken with a vote of 2-2.
79. Tab AL – Niki Lafaye Johnson, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
80. Tab AN – Darlene Natasha Jones, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
81. Tab AR – Vanessa Lee, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
82. Tab AY – Keven Charles Odicio, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
83. Tab BB – Lois Parry, not present – Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
84. Tab BC – Moazam Peshimam, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
85. Tab BF – Fern Yvette Poyser, not present – Applicant requested a continuance and waived the 90-day requirement.
86. Tab BQ – Geogene S. Serrano, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
87. Tab BW – Sahel Rafael Tamayo, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
88. Tab BX – Nicole Thompson, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
89. Tab CB – Kurt Matthew Vosburg, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Approval of the Minutes

Commissioner Hornsleth moved to approve the Minutes of the December 13 and 14, 2016. Commissioner Fryer seconded the motion. The motion passed without dissent.

Director's Comments

Director Watkins reported on the following:

- Ms. Watkins presented a FREC update at an outreach event last month at the Greater Tampa Realtor Association.
- The Division is very busy preparing for the Federal audit of the Division's appraisal program in the beginning of February.
- We will include on next month's agenda a request to transfer funds to the Recovery Fund Account.
- The department has appointed a new Legislative Affairs Director Jo Morris. Ms. Morris is very reputable in Tallahassee and as she is coming in at a critical time is very busy getting up to speed quickly. Ms. Watkins addressed questions from the Commission.

- Director Watkins announced that after 30 plus years of dedicated public service to the State of Florida this is the last Commission meeting Jeannie Adkinson will be attending. Ms. Watkins expressed her sincere admiration and appreciation of Jeannie's dedication for over 30 years. The Commissioners also expressed their appreciation and gratitude for her service to them and to the State of Florida. Ms. Watkins added that Jeannie will be greatly missed.

Public Comments

The Commission offered but did not receive any comments from members of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:50 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for February 21 and 22, 2017, in Orlando, Florida.



Claude "Chip" Boring, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission