

Charlie Liem, Interim Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 16 and 17, 2010
General Meeting**

Chair Roger Enzor called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 16th day of February, 2010.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli; Poul Hornsleth, Ralph McCoig, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Director and Executive Director; James Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Enforcement; Jennifer Blakeman, Patrick Cunningham, Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Denise Johnson, OMC II; Jocelyn Pomales, Regulatory Specialist III; Lazaro Quintero, Unlicensed Activity; Carlo Vargas, Regulatory Specialist II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; Commissioner Hornsleth seconded to approve the Minutes of the January 19 and 20, 2010, General Meeting, as amended. Motion carried unanimously.

Unlicensed Activity Report

Director O'Bryant presented the Unlicensed Activity Report. Director O'Bryant addressed questions from the Commissioners.

Petition for Declaratory Statement

FREC Counsel Barnhart presented the Petition for Declaratory Statement regarding Section 475.01(1), *Florida Section*, received from Daniel Villazon, Esquire, on behalf of Everglades Housing Group, Inc. and requested the Commission address the Petition. Mr. Steven Kirk and Attorney Villazon appeared in support of the Declaratory Statement. The Commission entered into discussion. The Commission received comments from the audience. Commissioner Ruffier moved that the property management company and the owner of the properties are identical in the board of directors, therefore the Commission can disregard requirement of a license and treat Everglades Housing Group as a single entity as owner of Rural Neighborhoods under this exemption and to approve on the basis

of 475.011(2), *Florida Statutes*; Commissioner McCoig seconded the motion. The motion passed 4 to 2, therefore the Commission grants the petition for declaratory statement.

Proposed Rule Development Workshop

The purpose of this workshop is to clarify and update the following rules:

61J2-14.008 Definitions – Mr. Ray Glynn provided testimony to support repealing this rule in its entirety or at the least increase the number of days to comply with the rule. Ms. Bridgette Peterson, Prudential Florida Realty requested that the rule be repealed and provided testimony in support of her request. The Commission entered into discussion. Commissioner Guju moved to amend the rule to increase the number of days to make a written request for verification of deposit; seconded by Commissioner McCoig; motion carried unanimously. The proposed changes are:

(1) through (2)(a) – No change.

(2)(b) When a deposit is placed or to be placed with a title company or an attorney, the licensee who prepared or presented the sales contract (“Licensee”), shall indicate on that contract the name, address, and telephone number of such title company or attorney. Within ~~three (3)~~ ten (10) business days after each deposit is due under the sales contract, the Licensee’s broker shall make written request to the title company or attorney to provide written verification of receipt of the deposit, unless the deposit is held by title company or attorney nominated in writing by a seller or seller’s agent. Within ten (10) business days of the date the Licensee’s broker made the written request for verification of the deposit, the Licensee’s broker shall provide Seller’s broker with either a copy of the written verification, or, if no verification is received by Licensee’s broker, written notice that Licensee’s broker did not receive verification of the deposit. If Seller is not represented by a broker, then Licensee’s broker shall notify the Seller directly in the same manner indicated herein.

(3) – No change.

61J2-17.014 Guest Lecturers – Director O’Bryant withdrew the request for rule change.

61J2-3.013 Distance Education Courses for Hardship Cases – Commissioner DeNapoli moved to address this rule at the next available Florida Real Estate Commission meeting to allow Director O’Bryant and Counsel Tom Barnhart the opportunity to research and discuss language to bring back before the commission; seconded by Commissioner Ruffier; motion carried unanimously.

61J2-3.015 Notices of Satisfactory Course Completion – Ms. Lori Rodgers, Bert Rodgers Schools, appeared to request the Commission address the requirement of social security numbers to be included on the course completion reports stating that it is an economic burden as it requires customizing software programs to include a field for the social security number. Commissioner Guju moved to reference the last five digits of the social security number only; seconded by Commissioner McCoig; motion carried unanimously. The proposed changes are:

(1) through (5) – No change.

(6) The course completion reports shall contain the following information for the type of course being completed.

(a) Pre-licensing Course for Sales Associate.

Name of School

Address of School

Course Title: Course I
Start Date
Finish Date
Exam Date
Last 5 digits of Social Security Number
Student Name
Student Address
Authorized Signature for the School
(b) Pre-licensing Course for Broker.
Name of School
Address of School
Course Title: Course II
Start Date
Finish Date
Exam Date
Sales Associate License Number
Last 5 digits of Social Security Number
Student Name
Student Address
Authorized Signature for the School
(c) No change.
(d) No change.
(e) No change.
(f) Each course completion report shall contain the following information:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original course completion report is to be given to the student and a copy retained by the school.

61J2-3.012 Equivalency for Prelicensing Education – Recommended changing 12 months to 24 months relating to sections (1)(b)1, (b)2 and (b)3. Commissioner DeNapoli moved to amend paragraph (2); seconded by Commissioner Hornsleth; motion carried unanimously. The proposed changes are:

(1) No change.

(2) Any person who has obtained a 4-year degree with a major in real estate from an accredited institution of higher education which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from the college or university or by appropriate certificate issued by a real estate school registered in Florida pursuant to Section 475.451, F.S., showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Review and Consideration of the Real Estate Continuing Education Courses

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

1. Como Hacer su Presentación Efective – New Course – Application No. 11802

Mr. Carlos Thurdekoos appeared in support of the new course. Vice-Chair DeNapoli moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner Ruffier seconded the motion. The motion carried unanimously.

2. Making your Presentation Effective – New Course – Application No. 11803

Mr. Carlos Thurdekoos appeared in support of the new course. Vice-Chair DeNapoli moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner Ruffier seconded the motion. The motion carried unanimously.

Escrow Disbursement Orders

Attorney Joseph Solla presented 21 Escrow Disbursement Orders for the Commission's consideration. Upon recommendation of the Legal Section, the Commission issued 21 Escrow Disbursement Orders. Commissioner Hornsleth moved to approve the Legal Section recommendation. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Recovery Fund Claim Final Order

Robert J. Stout and Renew & Co., Inc. v. Jericco Vencent Johnson – DBPR Case No. 2009030872. Senior Attorney Solla presented this matter to the Commission. Neither Claimant nor Respondent was present. Mr. Solla advised that the claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts. Commissioner Hornsleth moved to deny the claim. Commissioner Guju seconded the motion. The motion carried unanimously.

DOAH Recommended Order - Applicant

Douglas J. Stewart v. FREC – DOAH Case No. 09-4994

FREC Counsel Tom Barnhart presented the Recommended Order of the Administrative Law Judge. Petitioner was not present and not represented by counsel. The Commission considered the Recommended Order of the Division of Administrative Hearings recommending the Petitioner's application for licensure as a real estate sales associate be denied. Commissioner Hornsleth moved to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order. Commissioner Guju seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab N – Marselo Psomas, BK 685142, Case No. 2006038449 – Respondent's Request for an Extension of Time to Comply with Final Order

Mr. Psomas was not present. Daniel Villazon, Esquire, appeared on his behalf.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair

DeNapoli; motion carried unanimously to grant a 6-month extension from the filing date of the Order to complete the requirements of the Final Order.

Action Taken: Extension granted.

Tab S – Marie V. Clincy, SL 3129622, Case No. 2008007499 – Settlement Agreement

Ms. Clincy was not present. Daniel Villazon, Esquire, appeared on her behalf. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to accept the Settlement Agreement as amended. Motion carried unanimously.

Penalty imposed: \$759.00 costs, respondent's license will be suspended for 6 months. **Violation:** Guilty of failure to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated in violation of Section 475.25 (1)(d)2, Florida Statutes.

Action taken: Settlement Agreement accepted

Tab O – Debra S. Skolnik, SL 566555, Case No. 2009010955 – Petitioner's Request for an Informal Hearing

Ms. Skolnik was present and not represented by counsel. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Hornsleth; motion passed 4 to 1 to impose the following sanctions:

Penalty imposed: 2 year suspension, \$511.50 costs, must attend one 2-day Florida Real Estate Commission general meeting, 6 months probation to pay fine and attend meeting. **Violation:** Guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days of having pled guilty or having been convicted of a felony and, therefore, is in violation of Section 475.25(1)(p), F.S.; guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), F.S.

Tab J – Marselo Malvicino, BK 612061, Case No. 2003090536 – Respondent's Request for an Extension of Time to Comply with Final Order

Mr. Malvicino was 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. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to grant a 6-month extension from the filing date of the Order to complete the requirements of the Final Order.

Action Taken: Extension granted.

Tab E – Lisa Lynn Dale, BK 423700, Case No. 2008029849 – Respondent’s Informal

Ms. Dale was present and not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla 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 McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Hornsleth moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

Penalty imposed: Reprimand, \$445.50 costs within 6 months of the filing date of the Final Order.

Violation: Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1, F.S.

Tab A – Cristal Coleman, SL 693909, Case No. 2009004361 – Recommended Order

Ms. Coleman was not present and was represented by Nicholas Mulick, Esquire who was not present. Vice-Chair DeNapoli was recused due to participation on the probable cause panel.

Ms. Blakeman represented the Department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into discussions. Commissioner Hornsleth moved, seconded by Vice-Chair DeNapoli to accept the Recommended Order dismissing the case; motion carried unanimously.

Action Taken: Case dismissed.

Tab C – Always Florida International P.A., CQ 1029544, Case No. 2008038670 – Voluntary Surrender of Licensure for Permanent Revocation

Respondent was not present nor presented 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. Vice-Chair DeNapoli moved, seconded by Commissioner Hornsleth to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoked.

Tab F – Shawn Michael Gihl, BK 673848, Case No. 2008066640 – Petitioner’s Request for an Informal Hearing

Mr. Gihl was not present nor represented by counsel. Chair Enzor was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent guilty as charged. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$759.00 costs. **Violation:** Guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, F.S. or the performance of any lawful duty by any person acting under the authority of Chapter 475, F.S. in violation of Section 475.42(1)(i), F.S. and, therefore, in violation of Section 475.25(1)(e), F.S.; guilty of failure 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, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document or thing of value, including a share of a real estate commission if a civil judgment relating to the practice of the licensee’s profession has been obtained against the licensee and said judgment has not been satisfied in accordance with the terms of the judgment within a reasonable time, or any secret or illegal profit, or any divisible share or portion thereof, which has come into the licensee’s hands and which is not the licensee’s property or which the licensee is not in law or equity entitled to retain under the circumstances, in violation of Section 475.25(1)(d)1., F.S.

Tab G – Shawn Michael Gihl, BK 673848, Case No. 2008069093 – Petitioner’s Request for an Informal Hearing

Mr. Gihl was not present and not represented by counsel. Chair Enzor was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Hornsleth moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$726.00 costs. **Violation:** Guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, F.S. or the performance of any lawful duty by any person acting under the authority of Chapter 475, F.S. in violation of Section 475.42(1)(i), F.S. and, therefore, in violation of Section 475.25(1)(e), F.S.

Tab F – Shawn Michael Gihl, BK 673848, Case No. 2009017194 – Petitioner’s Request for an Informal Hearing

Mr. Gihl was not present and not represented by counsel. Chair Enzor was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Hornsleth moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$280.50 costs. **Violation:** Guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, F.S. or the performance of any lawful duty by any person acting under the authority of Chapter 475, F.S. in violation of Section 475.42(1)(i), F.S. and, therefore, in violation of Section 475.25(1)(e), F.S.; guilty of failure 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, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document or thing of value, including a share of a real estate commission if a civil judgment relating to the practice of the licensee's profession has been obtained against the licensee and said judgment has not been satisfied in accordance with the terms of the judgment within a reasonable time, or any secret or illegal profit, or any divisible share or portion thereof, which has come into the licensee's hands and which is not the licensee's property or which the licensee is not in law or equity entitled to retain under the circumstances, in violation of Section 475.25(1)(d)1., F.S.; guilty of failure to notify the Petitioner, in writing, of the current mailing address and any change in the current mailing address, within ten days after the change, in violation of Rule 61J2-10.038 of the Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), F.S.

Tab I – Tarek S. Kirschen, SL 3089844, Case No. 2006043932 – Respondent's Request for an Extension of Time to Comply with Final Order

Mr. Kirschen was not present and not represented by counsel. Commissioner Guju 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 Commissioner Ruffier; motion carried unanimously to grant an extension until May 31, 2010, to complete the requirements of the Final Order.

Action Taken: Extension granted.

Tab M – Daniel M. Pfeiffer, SL 561199, Case No. 2008060532 – Respondent's Request for an Informal Hearing

Mr. Pfeiffer was not present and not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Harwood 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 Ruffier; motion carried unanimously to continue the case for 30 days.

Action taken: Case continued 30 days.

Tab Q – Eric Nur, BK 537056, Case No. 2008041626 – Respondent’s Request for an Extension of Time to Comply with Final Order

Mr. Nur was not present and not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Ruffier; motion carried unanimously to grant a 6-month extension from the filing date of the Order to complete the requirements of the Final Order.

Action Taken: Extension granted.

Tab R – Juan E. Palacios, SL 3031429, Case No. 2008031126– Respondent’s Request to Modify Final Order

Mr. Palacios was not present nor represented by counsel. No current members were recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair DeNapoli to deny the request. The motion carried unanimously.

Action taken: Modification denied.

The following cases were withdrawn

- Tab B – George Randolph Keys
- Tab D – Carl Lee Carr
- Tab I – Tarek S. Kirschen, Case No. 2008065426
- Tab K – Marselo Malvicino
- Tab L – Osbourne G. Mowatt
- Tab P – Lisa Vizcaino
- Tab T – Charles E. Stallions

Consent Agenda

The Commission considered 48 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner McCoig to approve 41 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

- | | | |
|----------------------|-----------------------|---------------------|
| Barnes, Virginia A. | Benitez, Giovanni | Bonnette, Ashley B. |
| Buoniconti, Vincent | Cavanagh, Pablo | Cooper, Amy B. |
| Daly, Ryan | Delgado, Alvarado Jr. | Dirrman, Diane |
| Divine, Elizabeth A. | Dunne, Kevin N. | Esparaza, Oscar R. |

Fitzgerald, Tracie L.
Gerasimieg, Lizzette
Hegemier, James L.
Liles, Michael Scott
Malin, Gary Donal
McLendon, Christine
Ramos, Valeska L.
Rodriguez, Eunice
Tal Shahar, Rottem
Wallace, Andrew John
Woods, Cassidy

Fulford, Troy
Gilmer, Angela C.
Hurlman, William G.
Lopatin, Heidi A.
McCarthy, Kevin C.
Nold, Scott
Rapsis, Daniel
Shah, Srujal
Timon, Janet L.
Watson, Thomas D.

Gengler, John
Halloran, Cynthia M.
Judge, David L.
Lopez Martinez, Rosa
McCarthy, Paula M.
Palcios, Elias I.
Rodgers, Buck
Smedley, Lauren
Torraka-Avila, Flora A.
Williams, Lee E.

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

Dasbach, Keith William
Mahoney, Brian J.
Rosa, Dennis

Foster, Michelle S.
Pietri, Japhet R.
Scruggs, James, M.

Haun, Jason L.
Roe, James Edward

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m.

February 17, 2010

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of February, 2010.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli, Poul Hornsleth, Ralph McCoig, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O'Bryant Jr., Director; Juana Watkins, Deputy Director, Jennifer Blakeman, Senior Attorney, Bradford Koshland, Bureau Chief of Enforcement, Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; Lazaro Quintero, Unlicensed Activity; Carlo Vargas, Regulatory Specialist II; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Denise Johnson, OMC II, presented 41 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Arnold, Alison; present – Commissioner Guju moved; seconded by Commissioner Ruffier to deny; motion carried unanimously.

Tab AI – Pelfrey, Brian; present – Represented by Attorney Daniel Villazon; Commissioner Hornsleth moved to approve, seconded by Commissioner Ruffier; motion carried unanimously.

Tab B – Bennifield, Shanteeka; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny; motion carried unanimously.

Tab C – Berning, Robert C.; present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab D – Cadavid, Jordan D.; not present; Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab E – Castagna, John P.; present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to deny; motion carried unanimously.

Tab F – Codina, Arturo G.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab G – Cross, Duane G.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to continue to approve; motion carried unanimously.

Tab H – Davis, William F. Jr.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab I – Dean, David W.; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to continue to approve; motion carried unanimously.

Tab J – Dorce, Taina T.; not present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to deny; motion carried unanimously.

Tab K – Fasano, Adriana M.; present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to approve; motion passed 4 to 2.

Tab L – Fletcher, Nathan T.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab M – Galbraith, Leonard E.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab N – Garrett, Frank; present – Represented by Attorney Daniel Villazon; Commissioner McCoig moved to approve, seconded by Commissioner Guju; motion carried unanimously.

Tab O – Gleason, William L.; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve; motion passed 4 to 2.

Tab P – Goudie, Donna M.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab Q – Hester, David; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab R – Hill, Roger L. Jr.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab S – Hipp, Douglas L.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab T – Horstmann, M. Victoria; present – Commissioner Hornsleth moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab U – Isaza, Jose; present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to approve; motion carried unanimously.

Tab V – Janse, Jacoba; present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab W – Jennings, Paul Edward; present – Mr. Jennings withdrew his application and waived 90-day requirement.

Tab X – Kronfeld, Alexander; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab Y – Love, James F. II; present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab Z – Mackey, James J. III; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AA – Martin, Tyler; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab AB – McDowell, Anthony T.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab AC – Mendoza, Monceny; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AD – Moura, Christopher K.; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to continue; Applicant waived 90-day requirement.

Tab AE – Mueller, Charles R.; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab AF – Nicotra, Philip N.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab AG – Pagan, Victor M.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab AH – Parker, Ryan R.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AJ – Peschke, Kurt; present – Commissioner Guju moved; seconded by Commissioner McCoig to approve; motion carried unanimously.

Tab AL – Rafailovite, Steven; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab AM – Robertson, Ralph M. Jr.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AN – Robison, Stephen; present – Commissioner McCoig moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab AO – Romanenko, Viktor G.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AP – Sizemore, Joe Allen; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AQ – Souder, Frank W.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AR – Starling, Theodore R.; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AS – Vivenzio, Melissa A.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab AT – Ware, Raymond; not present – Informal Hearing – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to adopt the Findings of Fact and Conclusions of Law of the Notice of Intent to Deny filed January 14, 2010 and uphold denial; motion carried unanimously.

Tab AU – Weaver, Lee A.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to deny; motion carried unanimously.

Tab AV – Winslow, Marian; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab AW – Yche, Raymond A.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; motion passed 4 to 2.

Tab AX – Zikowitz, Alfred; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AK – Piersall, Mary J.; present – The Commission considered and denied the applicant (not present in the room when first called). Vice-Chair DeNapoli moved; seconded by Commissioner

Hornsleth to reconsider the application. Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to vacate the prior denial and approve the application; motion carried unanimously.

Director's Comments

Director O'Bryant reported that the Senate on Committee and Election favorably recommended Commissioner Guju for full confirmation by the Senate. The legislative session will begin March 2, 2010.

Director O'Bryant reported that the division submitted its budget reflecting a 15% reduction upon the request of the Senate Committee. The department will present its budget request to the Legislative Committee for review on February 18, 2010. Director O'Bryant addressed questions and comments from the Commissioners.

Law Suit Against FREC

FREC Counsel Tom Barnhart reported that the Miami Dade lawsuit has been dismissed.

Commission Remarks

Chair Enzor thanked the Commissioners for the time and attention they put into preparing for and attendance of the meetings, as well as everyone for their diligence and involvement to in facilitating this month's meeting.

Commissioner McCoig reported that he had the pleasure of meeting with Investigator Dale Petty and stated he was very professional.

The Commission extended their thoughts to attorney Jim Mitchell and his family and wished them the best.

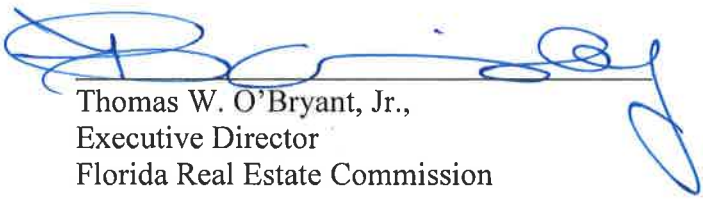
Commissioner Guju thanked Florida Realtors for inviting the Commissioners to attend the Florida Realtor banquet and reported that all who attended had a great time.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 16 and 17, 2010, in Orlando, Florida.



Roger Enzor, Chair
Florida Real Estate Commission



Thomas W. O'Bryant, Jr.,
Executive Director
Florida Real Estate Commission