

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 19 and 20, 2012
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 19th day of February, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Darla Furst and Poul Hornsleth. Commissioner Podolsky 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; 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

Commissioner Hornsleth moved; seconded by Commissioner Vice-Chair Enzor to approve the Minutes of the January 15 and 16, 2013, General Meeting, as written. The motion passed without dissent.

Unlicensed Activity Report

Bureau Chief Kimmig presented the Unlicensed Activity Report and addressed questions from the Commission. Director Watkins reported that the media campaign and outreach programs continue. Director Watkins received comments and suggestions relating to outreach.

Chair Boring asked whether the complaints are generated by licensees or consumers. Ms. Kimmig stated that she would provide that information next meeting.

Commissioner Enzor inquired whether any process has been initiated to track the outcome of the cases referred to the State Attorney's Office. Director Watkins responded and stated that the division and the department have been discussing the possibility of department attorneys being assigned specifically to ULA cases who would also open communications with the State Attorney's Office.

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report and addressed comments from the Commission. The Commission received comments from Ms. Linda Crawford, Dearborn Publishing. The Commission inquired whether the department is able to capture which delivery method is used to be able to determine the online versus classroom success ratio. Director Watkins stated that she would contact the Bureau of Education and Testing and report tomorrow.

Report Regarding Enforcement Trends and Escrow Audits

Bureau Chief Kimmig presented the report regarding Complaint Trends and Escrow Audit Summary. Director Watkins and Ms. Kimmig addressed questions and comments from the Commission.

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 18 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 18 Escrow Disbursement Orders and 4 Orders. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab G – Jesenia Iris Gonzalez, SL 3232407, Case No. 2011040658 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Roderick 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 Vice-Chair Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action Taken: \$500.00 fine; investigative costs; 1 year probation; must attend one 2-day FREC meeting.

Violation: Section 455.227(1)(t), Florida Statutes, when Respondent failed to submit a criminal self-reporting form to Petitioner within thirty days of entering a nolo contendere plea to a second-degree misdemeanor charge.

Recovery Fund Claims

Tab A – Donald and Jeannine Duchateau v. Ray Glynn, DBPR Case No. 2013000881

Assistant General Counsel Solla presented this matter to the Commission. Ms. Gwendolyn Tuggle, Esquire, appeared on behalf of the Claimants. The Licensee was not 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. Ms. Tuggle presented an Amended Petition for Evidentiary Hearing, etc. and Supplemental Attorneys Fees and Costs. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to grant the Claimant's request for an evidentiary hearing. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab B – Pavell Alliman and Lenworth Green v. Raymond A. Phillips, DBPR Case No. 2010045739

Assistant General Counsel Solla presented this matter to the Commission. There were no appearances by either party. 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 \$10,000.00. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Tab C – Essetta Chin v. Raymond A. Phillips, DBPR Case No. 2010059799

Assistant General Counsel Solla presented this matter to the Commission. There were no appearances by either party. 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 \$5,000.00. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Tab D – Joseph Dickey v. Sell Florida Homes, Inc., DBPR Case No. 2011023903

Assistant General Counsel Solla presented this matter to the Commission. There were no appearances by either party. 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 and circumstances. Commissioner Hornsleth moved to approve the order denying the claim. Commissioner Furst seconded the motion. The motion passed without dissent.

General Business

Vice-Chair Enzor recognized and welcomed Realtor Todd Lewis from Gainesville who brought a number of associates from his office. The Commission thanked the licensees for attending.

Legal Final Order Docket continued

Tab P – Luis Manuel Aparicio, SL 691271, Case No. 2010059974 – Settlement Stipulation

Respondent was present and was represented by John O. Sutton, Esquire, also present. Chair Boring was recused due to participation on the probable cause panel.

Ms. Jamie Royal, Assistant General Counsel, represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$2,000.00; investigative costs; 1 year probation; shall attend one 2-day FREC general meeting. **Violation(s):** Sections 475.25(1)(f) and (p), Florida Statutes, by entering a guilty plea to Money Laundering/Unlawful Proceeds/>20k, under 100k, Grand Theft 2nd degree/\$20,000 or more, under \$100,000, Mortgage/Obtain by false representation, Money laundering/unlawful proceeds/>20k<100k, Grand Theft 2nd degree \$20,000 or more, under \$100,000, Mortgage/Obtain by false representation, Money

Laundering/Unlawful proceeds/>20k<100k, Mortgage/Obtain by false representation, Money Laundering/Unlawful Proceeds/20k or more, under 100k.

Action taken: Settlement Stipulation accepted.

Tab Q – Richard Diaz, SL 3134051, Case No. 2012007705 – Settlement Stipulation

Respondent was not present. Respondent was represented by Steven W. Johnson, Esquire, present. Commissioner Podolsky participated on the probable cause panel. Commissioner Podolsky was excused and not present.

Ms. Matchett, Assistant General Counsel, represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$1,000.00; investigative costs; must complete an ethics course; must attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a guilty plea and being adjudicated guilty in the United States District Court, for the Southern District, of conspiracy to commit health care fraud, which is a crime that involves fraudulent or dishonest dealings; Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty to conspiracy to commit health care fraud.

Action taken: Settlement Stipulation accepted.

Tab F – Peter R. Fernandez, SL 543677, Case No. 2010027545 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Roderick 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 Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revoke; investigative costs. **Violation:** Section 475.25(1)(f), Florida Statutes, by pleading guilty to exploitation of an elderly person, criminal conspiracy, and grand theft, crimes which directly relate to the activities of a licensed sales associate or involves moral turpitude or fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after the Respondent pled guilty to exploitation of an elderly person, criminal conspiracy, and grand theft; Section 475.25(1)(s), Florida Statutes, when Respondent’s mortgage broker license was revoked by the Florida Office of Financial Regulation.

Tab K – Stephen Tinney, SL 678429, Case No. 2011059856 – Respondent’s Request for an Informal Hearing

Respondent was present and represented by Steven W. Johnson, Esquire, also present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

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

Action Taken: \$1,000.00 fine; investigative costs; 1 year probation; attend one 2-day FREC meeting.

Violation(s): Section 475.25(1)(f), Florida Statutes, when the Clay County Circuit Court adjudicated Respondent guilty of Trafficking in Morphine, Opium, Oxy, Heroin, Hydro or Their Der, a crime of moral turpitude; Section 455.227(1)(c), Florida Statutes, when the court adjudicated Respondent guilty of crimes which relate to the practice of, or the ability to practice, a licensee's profession.

Tab I – Clifford Allen Oxford, SL 543677, Case No. 2011000160 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present. Respondent was represented by Steven Johnson, 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 granted the informal hearing and entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Furst; motion passed 3 to 1 to impose the following sanctions:

Action Taken: \$500.00 fine; investigative costs; 12 months probation; attend one 2-day FREC meeting.

Violation: Section 475.25(1)(g), Florida Statutes, when the Georgia Real Estate Commission suspended Respondent's Georgia broker license.

Tab L – James L. Warmington, Jr.; SL 552731, Case No. 2008016560 – Respondent's Motion for Stay Reconsideration

Respondent was present and was represented by Nancy Campiglia, Esquire, also present. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Ms. Roderick represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to grant a stay of the Final Order pending his Supreme Court appeal. The Respondent agreed to keep his license in an inactive status until the Florida Supreme Court takes action on his appeal of the District Court Appeal decision; motion passed without dissent.

Action Taken: Stay granted.

Tab S – Alicia Dawn Williams, BK 3033303, Case No. 2012029275 – Settlement Stipulation

Respondent was present and was represented by Nancy P. Campiglia, Esquire, also present. Commissioner Podolsky participated on the probable cause panel. Commissioner Podolsky was excused and not present.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Furst to accept the Stipulated Settlement dismissing Counts II and III of the Administrative Complaint. The motion passed without dissent.

Penalty imposed: \$250.00 fine; investigative costs; shall attend one 2-day FREC general meeting.

Violation(s): Section 475.25(1)(u), Florida Statutes, when Respondent, as a broker, failed to direct, control or manage a sales associate employed by Respondent.

Action taken: Settlement Stipulation accepted.

Tab T – 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 Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to set aside the Final Order filed June 14, 2012. Vice-Chair Enzor moved, seconded by Commissioner Hornsleth to dismiss the Administrative Complaint.

Action Taken: Final Order set aside and case dismissed.

Tab J – Joann Terranova, SL 3045834, Case No. 2010063121 – 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 DeNapoli; 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: Suspension for 1 year; \$1,000.00 fine; investigative costs; must complete a 28-hour reactivation course; must complete a 4-hour escrow management course; must attend two 2-day FREC meetings; 1 year probation. **Violation(s):** Sections 475.42(1)(d) and 475.25(1)(a), Florida Statutes, when Respondent collected any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, except in the name of the employer and with the express consent of the employer; Sections 475.42(1)(b) and 475.25(1)(a), Florida Statutes, when Respondent operated as a broker while licensed as a sales associate.

Tab C – Elizabeth Baldwin, SL 187582, Case No. 2012012848 – Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Podolsky participated on the probable cause panel. Commissioner Podolsky was excused and not present.

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 Furst; motion passed without dissent 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:

Action Taken: \$500.00; investigative costs; attend two 2-day FREC meetings; 1 year probation. **Violation:** Section 475.25(1)(m), Florida Statutes, by misrepresenting on her application for licensure that question fourteen was "Not Applicable," when her New Jersey insurance producer license had been suspended for a period of five years by the New Jersey Department of Banking and Insurance; Section 475.25(1)(p), Florida Statutes, by entering a guilty plea and being adjudicated guilty of a crime that involves fraudulent or dishonest dealings.

Tab A – R. Craig Adams, SL 605190, Case No. 2012010489 – Voluntary Relinquishment of License

Respondent was not present. Respondent was represented by Mr. Joel Epperson, Esquire, not present. There was no probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli 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 B – Tammy Lee Amodea, SL 3039191, Case No. 2011004342 – Respondent's Request for an Informal Hearing

Respondent was not present and was not represented by counsel. 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 granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor; 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 fine; investigative costs; attend one 2-day FREC meeting; probation until attendance of the FREC meeting is complete. **Violation:** Section 475.25(1)(f), Florida Statutes, by pleading guilty to failure to remit taxes, which is a crime that involved fraudulent or dishonest dealings.

Tab E – Gilbert Cortes, SL 660165, Case No. 2010058878 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Hornsleth 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. Vice-Chair Enzor moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Sections 455.277(1)(t), 475.25(1)(f) and (p), Florida Statutes, by pleading guilty and being adjudicated guilty of Theft of public money and Fraudulently issued United States Post Office money orders.

Tab H – Anthony Mannarino, BK3077065, Case No. 2011044014 – Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner DeNapoli 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 Furst moved; seconded by Vice-Chair Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs. **Violation:** Section 475.25(1)(f), Florida Statutes, by pleading guilty to and being adjudicated guilty of conspiracy to commit bank fraud and mail fraud; Section 475.25(1)(n), Florida Statutes, when he was incarcerated at a Federal prison camp.

Tab M – Kelly M. Wilson, BL668436, Case No. 2011025586 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Podolsky participated on the probable cause panel. Commissioner Podolsky was excused and not present.

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 Furst; motion carried unanimously 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:

Penalty imposed: Revocation. **Violation(s):** Respondent committed dishonest dealing and breach of trust in violation of Section 475.25(1)(b), Florida Statutes, when Respondent personally accepted funds that were required to be deposited with her broker and failed to deliver funds to Complainant; Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account and deliver, upon demand, funds that were owed to Complainant; Section 475.25(1)(k), Florida Statutes, by failing to immediately place funds with her registered broker.

Tab N – Luis Arevalo, SL 3196456, Case No. 2011048760 – Petitioner’s Motion for Final Order

Respondent was not present and not represented by counsel. Commissioner Furst 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 Counts I and III of the Administrative Complaint. Commissioner Hornsleth 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)(b), Florida Statutes, by operating as a broker while licensed as a sales associate and, therefore, is in violation of Section 475.25(1)(e), Florida Statutes; Section 475.25(1)(b), Florida Statutes, when Respondent breached the Buyer’s trust and engaged in dishonest dealings.

Tab O – Eric Ruth, SL 3230067, Case No. 2012002641 – Petitioner’s Motion for Final Order

Respondent was not present and not represented by counsel. Commissioner DeNapoli 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 Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed 3 to 1 to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to and being found guilty of Conflict of Interest and Conspiracy by the Court of Common Pleas of Dauphin County, Pennsylvania.

Tab R – Joseph E. Godfrey, SL 664616, Case No. 2011000793 – Settlement Stipulation

Respondent was not present and not represented by counsel. 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 Hornsleth moved; seconded by Vice-Chair Enzor to deny the Stipulated Settlement. The motion passed without dissent.

Action taken: Settlement Stipulation rejected.

Tab U – Galia Fernandez, SL 3156695, Case No. 2011048318 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Royal represented the department and presented the case to the Commission. The Commission entered into discussion. 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; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to Conspiracy to Commit Bank Fraud; Section 475.25(1)(p), Florida Statutes, when Respondent failed to inform the Commission in writing within 30 days after pleading guilty to Conspiracy to Commit Bank Fraud; Section 475.25(1)(n), Florida Statutes, when she was incarcerated at a federal correctional institution.

Tab V – Joseph W. Hill, SL 3128899, Case No. 2011057404 – 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.

Ms. Roderick 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 Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Penalty imposed: \$500.00 fine; investigative costs; must attend one 2-day FREC general meeting; probation status until Respondent attends the FREC general meeting. **Violation(s):** Section 475.227(1)(t), Florida Statutes, when Respondent failed to provide written notification to the FREC within thirty days of the entrance of his plea of nolo contendere to DUI and Damage Person or Property, a misdemeanor of the first degree; Section 475.227(1)(t), Florida Statutes, when Respondent failed to provide written notification to the FREC within thirty days of the entrance of his plea of nolo contendere to Marijuana Possession Not More Than 20 Grams and to Drug Equipment-Possession and/or Use of Drug Equipment, both misdemeanors of the first degree.

Tab W – Yetta Yvonne Rodriguez, SL 3118019, Case No. 2011031276 – 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.

Ms. Matchett 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 Furst; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation. **Violation(s):** Section 475.42(1)(a), Florida Statutes, when Respondent executed a lease agreement on behalf of the a property owner, collecting rental payments personally made out to Respondent and collecting a commission for real estate services while licensed as a current, inactive sales associate; Section 475.42(1)(b), Florida Statutes, when Respondent executed a lease agreement on behalf of the property owner, failing to notify her broker of the lease agreement for the Subject Property, collecting rental payments personally made out to Respondent and collecting a commission for real estate services; Section 475.42(1)(d), Florida Statutes, by receiving two checks personally made out to Respondent for rental payment and receiving a commission for real estate services without the expressed consent of her employer.

Tab X – Gregory B. Shuman, SL 3075816, Case No. 2010023570 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Vice-Chair Enzor 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 Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Furst; motion passed 3 to 1 to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating a lawful order issued under the provision of Chapter 455 or 475, Florida Statutes.

Tab Y – Linda R. Sloan, SL 3110125, Case No. 2012000680 – 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.

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

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of crimes involving moral turpitude or fraudulent or dishonest dealing.

Cases Continued or Withdrawn

Tab D – Daniel Corbin, Case No. 2011032967

General Session

Rules Report

FREC Counsel Barnhart reported on the status of pending rules.

Rules Discussion

Rule 61J2-1.011 – License Fees and Examination Fees – (SERC)

FREC Counsel Barnhart presented this rule for discussion. The Commission opened Rule 61J2-1.011 for rule development, which was published in Volume 28/93 on December 18, 2012. The department did not receive any written requests for a rule workshop. The proposed change reads:

61J2-1.011 – License Fees and Examination Fees

(1) – (5) No change.

(6) The license fee for school related categories shall be as follows:

(a) Application for School Instructor \$20.00

(b) The biennial Permit Fees shall be:

School Permitholder \$130.00

Additional Location for Permitholder \$45.00

Chief Administrative Person \$80.00

School Instructor \$80.00

(7) – (10) No change.

Specific Authority 475.05 FS. Law Implemented 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS. History– New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03, 3-8-05, 12-6-07, 8-18-08, _____.

FREC Counsel Barnhart presented the department’s Statement of Estimated Regulatory Costs for the Commission’s consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Commissioner Hornsleth moved to

adopt the proposed determination that there would be no financial impact on small businesses. Vice-Chair Enzor seconded the motion. The motion passed without dissent. Commissioner Hornsleth concurred with the deletion and moved to adopt the proposed determination that there would be no financial impact on small businesses. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Consent Agendas

Agenda A

The Commission considered 185 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 142 applicants and require 43 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Agler, John	Higdon, Felicia	Nunez Dominguez, Yoarkys
Albertson, Ashley	Homer, Anthony	Nunez, Luis
Alexander, Lisa	Hoskinson, Robert	Osorio Rubio, Lillian
Appel, Jesse	Howard, David	Osorio, Elizabeth
Arango, Denis	Hunt, Martha	Paiz, Rudy
Atkins, Klyque	Insanally, Sheikh	Palacios, Mariaisabel
Beaulieu, Arthur	Ison, Jerry	Perera, Armando
Birckelbaw, Natalie	Jesseman, William	Persaud, Vishal
Borchardt, Joel	Jones, Don	Petre, Talida
Boyd, James	Jones, Macarena	Phelps, Joseph
Brinkerhoff, J V	Jones, William II	Phillips, Avery
Brodie, Josuha	Joseph, Luc	Pinero, Wilfredo
Brown, Kevin	Joseph, Tameka	Prahl, John
Brown, Peter	Katz, Helen	Puchades, Mary
Buckley, Jane	Keiser Segledi, Karleen	Pustejovsky, Philip
Burlingame, Tyler	Kenyon, Jason	Reichers, Linda
Burnette, George	Kenyon, Robert	Roca, Esteban
Cadioux, William	Kiburz, Victoria	Rodriguez, Tatiana
Callejas, Juan	Killins, Fawn	Rosalis, James
Carrier, Michael	Kilstrom, Raymond	Salas, Aldo
Carson, Craig	Kintz, Michael	Schneider, Lorriane
Cauley, Kenneth	Klein, Samantha	Scialo, Chris
Cepero, Eduardo	Knowles, Keleigh	Selmo, Domingo
Columbo, Anthony Jr.	Kocsis, Attila	Serna, Phillip
Conelly, Jon	Krisanda, Michaela	Shearouse, Miles
Costa, Manny	Lane, Josh	Smith, Kenneth
Cranmer, Andreja	Lee, Cheryl	Smith, Mauricio
Creese, David	Llerena Romero, Napoleon	Stang, Michael
Crosby, Thomas	Loughran, Robert	Stone, Sherrie
De Jesus Ocasio, Joel 30	Mann, Victor	Taich, Cinthia
DeSantis, Damian	McCain, Brooke	Talbert, William
Duval, Timothy	McCown, Connor	Taylor, Cembra
Eckblad, Dianna	McCoy, William	Thompson, Alan
Fajardo Robert, Francisco	McCray, Tange	Tolles, J. Kay
Fernandez, Damaso	McFarlane, Jason	Van Gorden, Steve
Ferreras, Nelson	McJordan, Douglas	Vemich, Brenda
Fiore, John	Mency, Patrick	Villamonte, Pablo
Fix, Jason	Merdian, Matthew	Vittor, Diego
French, Diane	Middleton, Gina	Walker, Frank

Fuller, Christopher
Gall, William
Gallo, Rogelio
Garcia, Jhonny
Goff, Amber
Gonzalez, Marco
Harris, William
Hermansen, John
Hess, John

Mizell, Kevin
Morgan, David
Morton, Michael
Myles, Kristina
Naylor, Nicolas
Nguyen, Hoi
Noeljeune, Guima
Nugent, Gary

Walter, Jorge
Walters, Victor
Wassmann, Constance
Williford, Jason
Work, Kenneth
Wylie, Michael
Zakharova, Yelena
Zambrano, Carlos

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

Blankenship, Donald
Brunet Carcases, Asdiel
Canzoneri, John
Cauchois, Jack
Condry, Edward Jr.
Conrad, Abigail
Costello, Lucas
Dale, Judith
Duley, Elgin III
Ecker, Sharon
Fedo, Ileana
Galli, Donnie
Garner, David
Griffin, Eileen
Handte, Eric

Haws, Park
Hockrow, Wayne
Humet, Joseph
Hunter, Leon
Jackson, Dennis
Kasarda, Kevin
Lilly, Elsie
Lindsay, Victoria
Llano, Jorge
Lothian, Brandy
Martin, Cornelius III
Martinez, Fernando
McDonald, Anna
McLean, Jerome

Mogerman, Steven
Ontolchik, Richard
Ortega, Kevin
Pierce, William
Rao, Kevin
Rouleau, Robert
Schiller, Ronald
Simone, Richard
Smith, Kelton
Smith, Roger
Sperman, Gustavo
Thompson, Carly
Velis, Mario
Wilson, David

Agenda B

The Commission considered 2 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve 2 applicants; the motion passed without dissent.

The following applicant was approved:

Craig Brockwell

Stanley Skiba

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.

February 20, 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 20th day of February, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Darla Furst, Richard DeNapoli and Poul Hornsleth. Commissioner Podolsky was excused and was 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; Patrick Cunningham, Chief Attorney; Jocelyn Pomaes, 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 47 Summary of Applicants requesting to sit for the real estate examination.

Tab K – Karol Cordoba, present; was represented by Nancy P. Campiglia, Esquire, also present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AC – Stephen W. Lewis, not present; was represented by Nancy P. Campiglia, Esquire, present – The application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk's Office. No action was required of the Commission.

Tab J – Armando J. Cardella, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed without dissent.

Tab L – Catherine Davison, present; 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 without dissent.

Tab AR – Alexander Shlafshteyn, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed without dissent.

Tab Q – Mitchell Feinsod, present; represented by Robert Dwyer, Esquire, also present – Applicant withdrew the application.

Tab A – Michelle Berthaiume, present – Applicant withdrew the application.

Tab D – Joseph A. Gavagni, present; represented by Nancy Campiglia, Esquire, present – informal hearing – The Commission granted the informal hearing and entered into discussion. Chair Boring moved; seconded by Commissioner Furst 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 4 to 1.

Tab S – Joseph A. Gavagni, present; represented by Nancy Campiglia, Esquire, present – Applicant withdrew the application.

Tab B – Jeffrey Catalano, present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for sales associate; the motion failed 2 to 3. The applicant withdrew the application and waived the 90-day requirement.

Tab C – Scott Curtin, present – informal hearing – The applicant requested a continuance. Commissioner DeNapoli moved; seconded by Commissioner Furst to continue the informal until the applicant submits his request for the informal hearing; the motion passed without dissent.

Tab E – Chatram Persaud, present – informal hearing – The applicant withdrew his request for an informal hearing.

Tab M – Randall S. Debord, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab N – Joakim T. Desenclos, present – Applicant requested a continuance until March and waived the 90-day requirement.

Tab R – Maria L. Galvez, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab T – Alan A. Georgeson, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab V – Michael A. Gulla, IV, present – Commissioner DeNapoli moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab U – Casey D. Griffiths, present – Commissioner DeNapoli moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 1.

Tab W – Carolyn J. Hammack, present – Vice-Chair Enzor moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab X – Karli S. Henion, present – Commissioner DeNapoli moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab Y – Kwahm Hepburn, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 1.

Tab Z – Syed Hasnat Hussain, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AB – Ricky Lautan, present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed without dissent.

Tab AE – Gregory Makozy, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AH – Jason Montalvo, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AI – Jorge L. Monzon, present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AK – Gregory V. Potts, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AL – Lisa M. Powers, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AM – Kenneth J. Reeves, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AN – Erin E. Regan, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AO – Gersson J. Rizo, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AS – Joe Stewart, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed 4 to 1.

Tab AT – Julie Sundborg, present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AU – Jason M. Tubbs, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 2.

Tab F – Mitchell L. Abbott, not present – Vice-Chair Enzor moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed 4 to 1.

Tab G – Christopher M. Aleman, not present – Vice-Chair Enzor moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab H – Gabriela Benedetto, not present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for broker; the motion passed 4 to 1.

Tab I – Edwin L. Burgos, Jr., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab P – Lisa L. Ewer, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for broker; the motion passed without dissent.

Tab O – Joseph E. DiPaula, Jr., not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to set aside the previous motion. The applicant requested to continue the matter until the March 20, 2013, FREC meeting and waived the 90-day requirement.

Tab AA – Carlos J. Kattan, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AD – Eduardo J. Lonsdale, not present – Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AF – Robert A. Martinez, not present – Commissioner DeNapoli moved; seconded by Vice-Chair Enzor to deny the application for broker; the motion passed without dissent.

Tab AG – Seneca M. McMillan, not present; represented by Mr. Randy Schwartz, Esquire, also not present – Applicant rescheduled to the March 20, 2013, FREC meeting.

Tab AJ – Michael Petrevski, not present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to deny the application for broker; the motion passed without dissent.

Tab AP – Shannon W. Rosenbloom, not present – Vice-Chair Enzor moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab AQ – Lucas C. Seltzer, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to deny the application for broker; the motion passed 4 to 1.

Director's Comments

Director Watkins reported that the Appraisal Board audit went very well and it looks like the real estate industry is in good shape.

Director Watkins reported that the Division of Real Estate together with the Timeshare Division will be hosting the Jamaican Board of Real Estate the week of March 1, 2013. Jamaica does not have a timeshare regulation scheme and they are looking into moving in that direction and perhaps create a similar model. The CEO will be here to look at Florida's Statutes and Rule and enforcement program.

In response to the Commission's inquiry of the pass/fail ratio as it relates to classroom vs. online, Director Watkins reported that the Bureau of Education and Testing (BET) stated that there is no mechanism in place to track that information. Until a long term solution can be explored she stated that they talked about the possibility of taking advantage of one of BET's surveys conducts periodically and include this question for a short period of time to see what we can determine from survey results.

Commissioner Furst stated that when she and Chair Boring met with BET last year to review the exam, there was only one question regarding property management and they had requested that more property management questions be included. Commissioner Furst asked Director Watkins to found out the progress of the request. Director Watkins stated that she would contact BET.

Director Watkins provided copies of several Legislative bills relating Chapter 475 and provided a brief summary of House Bill 667 and corresponding Senate Bill 852, stating that the proposals largely affect Part II, relating to incorporating the Dodd Frank changes. Director Watkins further stated that there is a provision in these bills which modifies Part I which provides more authority to the Commission relating to licensees obtaining multiple licenses pursuant to Section 475.17(1)(a), Florida Statutes and which provides that a final order of discipline rendered against a broker applies to the primary license as well as any multiple licenses held by that broker at the time the final order becomes effective. Director Watkins addressed additional comments and questions from the Commission.

Commission Remarks

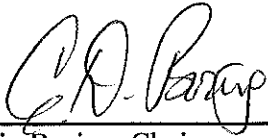
The Commissioners thanked the staff for their assistance and diligent work.

Public Comments

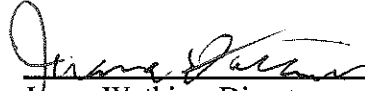
The Commission received comments from a member of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:20 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 19 and 20, 2013, in Orlando, Florida.



Chip Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission