

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 17 and 18, 2015
General Meeting**

Chair Darla Furst, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., in Orlando, Florida, on this 17th day of February, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas and Poul Hornsleth. Commissioner Enzor appeared via telephone. Commissioner Luzier had an excused absence. 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; Andrew Fier, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Alison Lamont and Jennie Schwartz, Assistant General Counsels; Appearing via teleconference: Daniel Brackett, Al Cheneler, Daniel David, James Fortunas, Josh Kendrick, Brande Miller and Crystal Stephens, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Nyasha Riley, Government Analyst I; Warren Sanger, ULA Investigator; Mike Johnson, Complaint Analyst; Jocelyn Pomales, Education Coordinator; Mike Davis, 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 Boring moved to approve the Minutes of the January 13 and 14, 2015, General Meeting, as written. Vice-Chair Fryer seconded the motion. The motion passed without dissent.

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

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report and addressed questions and comments from the Commission.

Financial Reports

Director Watkins presented the Financial Reports ending December 31, 2014, and addressed questions and comments from the Commission.

Quarterly Education and Foundation Scholarship Report

Deputy Director Johnson presented the first quarter Education Foundation Scholarship report and provided a brief summary of the progress during this quarter. Vice-Chair Fryer reported that this is his last year on the Scholarship Committee and that he is in the process of evaluating the applications that he has received. Ms. Johnson addressed questions and comments from the Commission.

Application and License Count Reports

Deputy Director Johnson presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Case Activity Report

Chief Attorney Fier 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 Cheneler presented 11 Escrow Disbursement Orders and 6 Orders for the Commission's consideration. Tab D was settled and withdrawn. The Commission entered into discussion. Commissioner Hornsleth moved to accept 10 Escrow Disbursement Orders and accept 5 Orders as recommended. Commissioner Chotas seconded the motion; the motion passed without dissent.

Chair Furst recused herself from discussion relating to Tab P. Vice-Chair Fryer moved to accept the Order Tab P as recommended. Commission Chotas seconded the motion; the motion passed with 4 voting yeas and 1 abstained.

Recovery Fund Cases

Tab F – Raymond J. Wilson v. Arthur Edward Suskevich, DBPR Case No. 2012-029349

Mr. David presented the above matter to the Commission. Both the Claimant and the Licensee were present. Mr. David 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 Chotas moved to approve the Amended Final Order Granting the Recovery

Fund Claim in the amount of \$5,595.00. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab A – Hongzhai Wang v. Jennifer Briceno, DBPR Case No. 2014-037804

Tab B – Steven Todd Gibson v. Luc Lin Gauthier, DBPR Case No. 2014-038006

Tab C – Imad Lakkis v. Kimberly Tara Henry, DBPR Case No. 2013-028882

Tab D – Leonard Howell v. Kevin Rathburn, DBPR Case No. 2014-037992

Tab E – Donald Saltsman v. Christopher Fletcher, DBPR Case No. 2014-021660

Mr. David presented the above matters by consent. There were no appearances on behalf of the Claimants or Respondents. By consent, Commissioner Hornsleth moved to approve the above-referenced Final Orders as presented. Vice-Chair Fryer seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab G – Pam M. Oakley, BK 3055562, Case No. 2013046178 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was represented by Randy Schwartz, Esquire, present. Commissioner Boring was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair Fryer to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Voluntary Relinquishment of License for Permanent Revocation.

Tab J – Ben R. Skelton, SL 3124061; Case No. 2013049686 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Randy Schwartz, Esquire, also present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance for this case.

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

Penalty: Reprimand; investigative costs of \$346.50; attend one complete FREC meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(b), Florida Statutes, failing to deliver Buyer's proof of funds to Listing Agent by September 20, 2013, and failing to notify the Qualifying Broker of John R. Wood Inc. of his representation of Buyer in the Purchase Contract; Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker and not under the direction, control or management of his broker.

Tab E – Daniel B. Kiehl, SL 3127092; Case No. 2014033570 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was represented by Steven Johnson, Esquire, also present. Commissioner 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 informal hearing and entered into discussion. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Chotas; motion passed 3 to 1 to impose the following sanctions:

Action taken: Suspension for 6 months; Administrative fine of \$1,000.00; investigative costs of \$307.23; probation for 6 months; attend 3 complete FREC meetings. **Violation(s):** Sections 475.25(1)(f) and (p), Florida Statutes, by pleading guilty and being adjudicated guilty of making a false statement within the jurisdiction of the executive branch of the United States and by failing to inform the commission of his plea of guilty to making a false statement within the jurisdiction of the executive branch of the United States.

Tab W – William A. Tavernise, BK 683441; Case No. 2014005108 – Settlement Stipulation

Respondent was not present; Respondent was represented by Alexander Domb, Esquire, present. Vice-Chair Fryer was recused due to participation on the probable cause panel.

Mr. David represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring to accept the Stipulated Settlement as amended. The motion passed without dissent.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$280.50; complete a 3-hour ethics course. **Violation(s):** Section 475.42(1)(d), Florida Statutes, by collecting money, not in the name of the employer, in connection with a real estate brokerage transaction without express consent of the employer.

Action taken: Settlement Stipulation accepted.

Tab V – Michael James Newell, SL 3237060; Case No. 2014005109 – Settlement Stipulation

Respondent was not present; Respondent was represented by Alexander Domb, Esquire, present. Vice-Chair Fryer and Commissioner Boring were recused due to participation on the probable cause panel.

Mr. David represented the department and presented the case to the Commission. Commissioner Enzor appeared via teleconference. The Commission entered into discussion. Commissioner Chotas moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement as amended. The motion passed without dissent.

Penalty: Administrative fine of \$1,000.00 fine; investigative costs of \$204.60; complete a 3-hour ethics course. **Violation(s):** Respondent admits violating Section 475.42(1)(d), Florida Statutes, by collecting money, not in the name of the employer, in connection with a real estate brokerage transaction without express consent of the employer.

Action taken: Settlement Stipulation accepted.

Tab D – Bill J. Hionas, SL 3115308; Case No. 2014028409 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was represented by Nancy Campiglia, Esquire, also present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance for this case.

Mr. David represented the department and presented the case to the Commission. Commissioner Hornsleth moved, seconded by Vice-Chair Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: Revocation; investigative costs of \$327.03. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to Bank Fraud and being conviction or found guilty of Bank Fraud; Section 455.227(1)(t), Florida Statutes, by failing to notify Petitioner of his adjudication of guilt within 30 days of his adjudication of guilt.

Tab O – Luis Antonio Bido, SL 3239687; Case No. 2013033363 – Settlement Stipulation

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

Mr. Brackett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring to accept the Stipulated Settlement as amended. The motion passed without dissent.

Penalty: Suspension for 30 days; administrative fine of \$1,000.00; investigative costs; pay restitution to Victor Thorne in the amount of \$25,130.00. **Violation(s):** Respondent admits violating Florida Statute 475.25(1)(b), by giving the Inspector a wrong email address for the Buyer, giving the Buyer the altered report (Report 2) instead of the Inspector’s Report, and by telling the Buyer that Inspections, Inc. would refund the cost of inspection when Inspections Inc. never offered to refund the cost of the inspection.

Action taken: Settlement Stipulation accepted.

Tab M – Courtney Jane Campbell, SL 3029638; Case No. 2014011956 – Respondent’s Request to Set Aside the Final Order

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

Ms. Lamont represented the department and presented the case to the Commission. Mr. Villazon offered mitigation in support of the request. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to set aside the Final Order filed December 16, 2014 and grant the reconsideration of the penalty; motion passed without dissent. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to uphold the FREC’s finding of guilt as charged in the Administrative Complaint and impose the following sanctions:

Penalty Imposed: Suspension until May 1, 2015; administrative fine of \$500.00 fine, investigative costs of \$16.50; probation for 6 months. **Violation(s):** Section 455.277(1)(t), Florida Statutes, by failing to timely self-report her DUI convictions and other driving offenses.

Action Taken: Reconsideration request granted; penalty modified.

Tab S – Christine Michelle Hansen, SL 3281781; Case No. 2014007363 – Settlement Stipulation

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Chotas was recused due to participation on the probable cause panel.

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

Penalty: Administrative fine of \$500.00; investigative costs of \$49.50; complete a 3-hour ethics course; attend one complete FREC meeting. **Violation(s):** Section 475.42(1)(d), Florida Statutes, by collecting money, not in the name of the employer, in connection with a real estate brokerage transaction without express consent of the employer.

Action taken: Settlement Stipulation accepted.

General Session continued

Petition for Declaratory Statement regarding Section 475.011, Florida Statutes – DS 2015-001

The Commission considered the petition received from Don J. Miner, Esquire, on behalf of Retirement Housing Foundation (RHF) and Foundation Property Management (FPM). Mr. Stuart Hartman, Vice-President of Affordable Housing Operations, RHF, appeared in support of the petition. The Commission entered into discussion. Following discussion, Vice-Chair Fryer moved; Commissioner Boring seconded to table the discussion to allow the Commissioners to review previous Final Orders for Declaratory Statements that may be similar to the request of RHF and FPM. The motion passed without dissent. Upon return from adjournment the Commission again addressed the petition. Upon review of the previous Declaratory Statements and further discussion, Vice-Chair Fryer moved; Commissioner Boring seconded to direct Mr. Barnhart to draft a Final Order Granting Petition for Declaratory Statement for the Commission's review and consideration at the March 2015 meeting; the motion passed without dissent.

Legal Appearance Docket continued

Tab A – Atlantis International Realty, Inc., CQ 1024559; Case No. 2014041655 – Petitioner's Motion for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Chotas 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 informal hearing and entered into discussion. Vice-Chair Fryer moved, seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$594.00. **Violation(s):** Section 475.25(1)(b), Florida Statutes, and committed breach of trust; Section 475.25(1)(d)1., Florida Statutes, by failing to timely remit the Escrow Deposit to Complainant after the two releases and cancellation of the Contracts were signed.

Tab I – Regina Miracle Sferza, BK 574328; Case No. 2014032276 – Petitioner’s Motion for Informal Hearing

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

Penalty: Revocation; investigative costs of \$544.50. **Violation(s):** Section 475.25(1)(b), Florida Statutes, and committed breach of trust; Section 475.25(1)(d)1., Florida Statutes, by failing to timely remit the Escrow Deposit to Complainant after the two releases and cancellation of the real estate purchase contracts were signed; Section 475.25(1)(k), Florida Statutes, by failing to immediately deposit the Escrow Deposit into an escrow account.

Tab B – Carolina Susana Cruz, SL 3255557; Case No. 2014026336 – Petitioner’s Motion for Informal Hearing

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

Penalty: Suspension for 6 months; administrative fine of \$1,000.00; investigative costs of \$338.25; attend 2 complete FREC meetings; complete a 3-hour core law course. **Violation(s):** Section 475.42(1)(b), Florida Statutes, when Respondent operated as a Broker and not under the direction, control or management of her Broker.

Tab C – Michael James Farabaugh, II, SL 3261808; Case No. 2014034741 – Petitioner’s Motion for Informal Hearing

Respondent was not present; Respondent was represented by James Harwood, Esquire, not present. Commissioner Chotas was recused due to participation on the probable cause panel.

Mr. David represented the department and presented the case to the Commission. Mr. Harwood submitted a written request for a continuance until March 2015. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; motion passed without dissent to continue the matter until March 2015.

Tab F – Lesly Marcelin, SL 3191866, Case No. 2014044846 – Respondent’s Motion for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance for this case.

Ms. Stephens 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 Chotas; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Chotas; motion passed without dissent to impose the following sanctions:

Action taken: Revocation; administrative fine of \$500.00; investigative costs of \$412.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading nolo contendere to one count of aggravated assault with a deadly weapon; Section 455.227(1)(t), Florida Statutes, by failing to inform the commission of his plea of nolo contendere to one count of aggravated assault with a deadly weapon and one count of battery (domestic violence).

Tab H – Bruce Gordon Patterson, SL 708399; Case No. 2014017167 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present and was not represented by counsel. Commissioner 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 entered into discussion. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Voluntary Relinquishment of License for Permanent Revocation.

Tab K – Aswinder Suri, PA, SL 3130858; Case No. 2014037915 – Respondent’s Request for Informal Hearing

Case continued.

Tab L – Daulis Del Valle Webb, BK 3178125; Case No. 2014035567 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of \$375.00; investigative costs of \$214.50. **Violation(s):** Section 455.277(1)(t), Florida Statutes, by failing to timely self-report her driving offense.

Tab N – Gerald David Cullen, BK 3076430; Case No. 2014002102 – Motion for Early Termination of Suspension

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

Ms. Lamont represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Chotas to grant early termination of probation.

Action taken: License probation terminated effective the date of Filing of the Final Order.

Tab P – Brian Steven Ekasala, SL 3271464; Case No. 2014032123 – Settlement Stipulation

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

Ms. Miller represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$250.00 fine; investigative costs of \$85.80. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2013), by pleading guilty to one count of Leaving the Scene of an Accident with Injury, a crime which involves moral turpitude.

Action taken: Settlement Stipulation accepted.

Tab Q – Donna L. Friedman Perez, BK 515535; Case No. 2014028228 – Settlement Stipulation

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

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Chotas to accept the Stipulated Settlement as amended. The motion passed without dissent.

Penalty: Administrative fine of \$500.00 fine; investigative costs of \$49.50; 3-hour ethics course; attend 1 complete FREC meeting. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to timely return or remit the total amount of the deposit upon demand.

Action taken: Settlement Stipulation accepted.

Tab R – Anita Haislip, PA, SL 3084865; Case No. 2014007369 – Settlement Stipulation

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

Ms. Miller represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Chotas moved; seconded by Vice-Chair Fryer to accept the Stipulated Settlement. The motion passed 3 to 1.

Penalty: Administrative fine of \$250.00 fine; investigative costs of \$33.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2013), through a violation of Section 455.227(1)(t), Florida Statutes (2013), by failing to report her nolo contendere plea to one count of Domestic Violence Battery within 30 days after her plea and by failing to report her conviction for Driving Under the Influence within 30 days after being convicted.

Action taken: Settlement Stipulation accepted.

Tab T – Lindsey N. Mancur, BL 3234999; Case No. 2014032431 – Settlement Stipulation

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

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Chotas to accept the Stipulated Settlement as amended. The motion passed without dissent.

Penalty: Administrative fine of \$250.00 fine; investigative costs of \$49.50; complete a 3-hour ethics course; probation for 3 months. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to timely return or remit the total amount of the deposit upon demand.

Action taken: Settlement Stipulation accepted.

Tab U – Juan C. Murillo, SL 3223844; Case No. 2013027724 – Settlement Stipulation

Respondent was not present and was not represented by counsel. No current members served on the probable cause panel.

Ms. Miller represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to reject the Stipulated Settlement. The motion passed without dissent.

Action taken: Settlement Stipulation rejected.

Tab X – Almeir Carline Wilkinson, SL 3251043; Case No. 2014004963 – Settlement Stipulation

Respondent was not present; Respondent was represented by Steven Smilack, Esquire, also not present. Commissioner Boring was recused due to participation on the probable cause panel.

Mr. Fortunas represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement dismissing Count II of the Administrative Complaint. The motion passed without dissent.

Penalty: Suspension for 30 days; administrative fine of \$1,500.00 fine; investigative costs of \$732.00; complete a 28-hour reactivation course; attend 2 complete FREC meetings. **Violation(s):** Section

475.25(1)(b), Florida Statutes, based on a finding of negligence in a business transaction; Section 475.42(1)(b), Florida Statutes, by collecting a \$2,500.00 escrow deposit without the knowledge or express consent of her employer and engaging in a real estate purchase transaction while not operating under the direction and control of a registered broker.

Action taken: Settlement Stipulation accepted.

Tab Y – Anthony J. Blaskis, SL 3057702; Case No. 2014017162 – Respondent’s Request for Final Order

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

Ms. Lamont represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent.

Penalty: Suspension for 2 years; administrative fine of \$750.00; investigative costs of \$272.25; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 2 years. **Violation(s):** Section 455.277(1)(t), Florida Statutes, by failing to timely self-report his DUI.

Tab Z – David Franza, SL 3254154; Case No. 2013047174 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs of \$536.25. **Violation(s):** Section 475.25(1)(d)2., Florida Statutes (2013), when Respondent failed to deposit money in an escrow account when Respondent was the purchaser of real estate under a contract where the contract required Respondent to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated.

Tab AA – Debra Kroll, BK 612332; Case No. 2013031422 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Mr. Cheneler represented the department and presented the case to the Commission. The Respondent requested a continuance until April 2015. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to continue the matter until April 2015.

General Session continued

Review and Consideration of the Real Estate Education Courses continued

Tab E – *Successful Mitigation of Category 3 Black Water* - New Course (3 hours Specialty CE; classroom) – Application No. 22400 – Ron Clawson, Rainbow International Restoration and Cleaning

Mr. Clawson was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the course for 3 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab F – *Renovation Lending* - New Course (3-hour Specialty CE; classroom) – Application No. 22506 – Thomas Shelar, Prospect Mortgage, LLC

Mr. Shelar was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab G – *Navigating Through the Orange County Property Appraisers Website* - New Course (3-hour Specialty CE; classroom) – Application No. 22507 – Yulissa M. Arce, Orange County Property Appraiser

Ms. Arce was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Chotas seconded the motion. The motion passed without dissent.

Tab H – *Unsick Home and Toxic Dry Wall Plus Termites* - New Course (3-hour Specialty CE; classroom) – Application No. 22510 – Stephanie L. Fisher, Pillar to Post

Ms. Fisher was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab I – *Clandestine Drug Labs and Structural Tips Plus Preparing for the Unexpected* - New Course (3-hour Specialty CE; classroom) – Application No. 22511 – Stephanie L. Fisher, Pillar to Post

Ms. Fisher was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab J – *Going Green and Home Maintenance in Perspective Plus Mold* - New Course (3-hour Specialty CE; classroom) – Application No. 22512 – Stephanie L. Fisher, Pillar to Post

Ms. Fisher was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab K – Older Home, Newer Home Plus Swimming Pool Safety - New Course (3-hour Specialty CE; classroom) – Application No. 22513 – Stephanie L. Fisher, Pillar to Post

Ms. Fisher was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab G – New Homes a Closer Look and Sustainable Housing Plus Wells, Septics and Sump Pumps - New Course (3-hour CE; classroom) – Application No. 22514 – Stephanie L. Fisher, Pillar to Post

Ms. Fisher was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Boring seconded the motion. The motion passed without dissent.

Petition for Declaratory Statement regarding Rule 61J2-10.028, Florida Statutes – DS 2014-166

The Commission considered the petition received from Jason Walowitz. Mr. Walowitz was not present. The Commission entered into discussion. Vice-Chair Fryer moved that the Commission approve the petition as presented. Commissioner Boring seconded the motion; the motion passed without dissent.

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.

Rules Discussion

Rule 61J2-3.008 – Pre-licensing Education for Broker and Sales Associate Applicants

Education Coordinator Pomales presented this matter to the Commission to request opening this rule for development. Ms. Pomales reported that the effective dates of the Syllabi needs to be updated. The Commissioner entered into discussion. Vice-Chair Fryer moved; Commissioner Boring seconded to open Rule 61J2-3.008, Florida Administrative Code, for rule development; the motion passed without dissent.

Rule 61J2-3.009 – Continuing Education for Active and Inactive Broker and Sales Associate Licensees

Vice-Chair Fryer requested to discuss this rule to for rule development to discuss a segmented approach. Vice-Chair Fryer moved; Commissioner Boring seconded to open Rule 61J2-3.009, Florida Administrative Code, for rule development; the motion passed without dissent.

Consent Agenda A

The Commission considered 85 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 47 applicants and require 38 applicants to be placed on the Summary of Applicant Agenda; the motion passed 4 to 1.

The following applicants were approved:

Abela, Annabelle
Alexander, Carl Henry

Fain, Jonathan Robert
Fullenkamp, Kevin Patrick

Muzzy, Jonathan Barret
Neese, James Vaden

Ali, Pedro Miguel
Bailey, Derek Wesley
Beck, Tammy I.
Beers, Ray II
Bernabe, Bienvenido Antonio
Boughanmi, Abderrazak
Burdette, Michael
Choisil, Jean Kesnor
Cox, Patti Sue
Cox, Thomas
Cruz, Nicolas
David, James
Deal, Kurt
Deweese, Kimberly Ann

Gallego, Ana Magnolia
Garcia, Susan
Gibson, Robert Edward
Gill, Charles Jason
Hafer, Roy Allen
Howell, Kenneth
Isaac Aragones, Vrexing
Ivey, Mark A
Kerber, Jon David
Knight, Kim Marie
Martinez, Ickebor Lorena
Martinez-Bloom, Agustin
Mincer, Stephen John Jr
Mitchell, Alan Odell

Pourciau, Payton
Price, Alaina Ruth
Ramirez, Juan Pablo
Rienzo, Donald
Robinson, Thomas John
Santana, Denny Jose
Serrame, Carlos Antonio
Shelton, Frank Fellows
Sorenson, Kirsten Jill
Toscano, Melissa Rose
Vann, Melissa
Wilson, Jessie Leigh
Yorton, Jason

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

Almand, Cathy Louise
Amaya, Nery
Baldinelli, Ryan
Boatright, Lisa Marie
Burkhalter, James
Burney, Willie Frank II
Bush, Jonathan
Celestin, Benjamin Benito
Chambers, Brenda Irene
Connell, Jerri Lynn
Coulson, Christopher L.
De Jesus Ramos, Ivonne
Dip, Maria Elena

Dipego, Claudio J.
Donovan, Gregory James
Dowden, John Thomas
Fleenor, Thomas Edward Jr.
Gilleran, John Patrick
Gutierrez, Genesis Anna
Holland, Michelle Lynn
Malavet, John Jr.
Marquez, Liesl
Menzies, Tonya Rae
Miele, Frank
Nguyen, Anh Quy
O'Neill, Tyrus Kyle

Olvera, Hans
Papadogeorgis, Theodore
Penizzotto, Leonardo
Pesotsky, Jessica
Ray, Bianca Allen Angelique
Salvato, Keith Charles
Schmitt, Alexander Carl
Seavcharran, Sohan Charran
Singh, Joseph Kelvin
Testo Michaud, Sandra Grac
Valerio, Michael Scott
Woodard, Graham

Consent Agenda B

The Commission considered 40 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 22 applicants and require 18 applicants to be placed on the Summary of Applicant Agenda; the motion passed 4 to 1.

The following applicants were approved:

Arqimandriti, Olsi
Betancourt, Sergio
Castera, George
De Thomas, Louis
Diaz, Belkys
Dyson, Robert Milton III
Eddings, Gabriel Alexzander
Farmer, Timothy Bruce

Fiddler, Pamela Jean
Gonzalez, Jaime Fabricio Jr.
Grebenuk, Svetlana
Johnson, Dhalid
King, Darren K.
Lamanna, Joseph Nicholas
Martin, Noah Keil

Messina, David
Naffi, Samia
Patrick, Tony
Soliz, Cinthia Mirna
Swanson, Michael B.
Vivacue, Frankie
Wood, Michael Thoma

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

Alija, Ermal
Bell, Meachie Junior
Camacho, Angelica
Cobb, Jojo Leondra
Desroupeaux, Allen Yvon
Florez, Dennis

Garcia, Raquel Castro
Gault, Joshua Kelly
Khusht, Dmitry
Klos, Stanley J. III
Langford, Jay Paul
Morris, Cliff Costell III

Morris, Luke Taylor
Reynolds, Tyler Layne
Sadaphal, Warren
Schrandt, Eric L.
Stewart, Dennis Lynn
Tafari, Blerta

Public Comments

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

Recess

There being no objection, the Chair recessed the meeting at approximately 4:00 p.m. until 8:30 a.m. tomorrow.

February 18, 2015

Chair Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of February, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas and Poul Hornsleth. Commissioner Enzor and Commissioner Luzier had an excused absence. 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; Andrew Fier, Chief Attorney; Allison Lamont, Assistant General Counsel; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Nyasha Riley, Government Analyst I; Warren Sanger, Acting Licensing Supervisor; Mike Davis, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Government Analyst Nyasha Riley presented 58 Summary of Applicants requesting to sit for the real estate examination.

Tab B – William Morrissey, not present; was represented by James Harwood, Esquire, not present – Informal – Mr. Harwood requested a continuance on behalf of the applicant until March 2015.

Tab AJ – Stephen Martinez, present; was represented by Nancy Campiglia, Esquire, also present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab E – Gustavo Tomatti, not present; was represented by Daniel Villazon, Esquire, present – Informal – Mr. Villazon requested a continuance on behalf of the applicant.

Tab F – David K. Archer, present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed without dissent.

Tab I – Diana M. Bennett, present; was represented by Daniel Villazon, Esquire, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab J – Ronald L. Bills, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for broker; the motion passed without dissent.

Tab M – Elda Cardo, not present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab X – Justin Galpin, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab Y – Ana Esther Garcia, present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AN – Wiley J. Montgomery, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AV – Scott Reich, present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AY – Salvatore A. Romano, present ; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab C – Melinda E. Rios, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab D – Gustavo Alberto Rivas, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab G – Albert Aronov, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab K – Elisa Calimano Ferreira, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab N – Anthony Caselli, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab R – Tristan Cianciolo, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab S – Naika Cook, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab T – Paul Domenech, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab U – Adam Elhosseiny, present – Commissioner Chotas moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab V – Roman Fuller, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Z – John A. Gomez, present – Applicant withdrew the application.

Tab W – Mauricio A. Gajardo, present – Applicant withdrew the application.

Tab AA – John J. Graziano, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AB – Christopher B. Harris, present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AC – Joan Henley, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AD – Brittany Huff, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate with conditions; the motion passed without dissent.

Tab AF – Mark Kogan, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AI – Rachel E. Lloyd, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

Tab AK – Richard W. Maus, present – Applicant withdrew the application.

Tab AL – Michael J. McCabe, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AM – Marko Milosevic, present – Applicant withdrew the application.

Tab AO – Mark J. Murphy, Jr., present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AP – Peter J. O'Donnell, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AQ – Carlos Otero, Jr., present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AT – Michelle Rago, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AW – Mark J. Reiter, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab AZ – Eric Russell, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab BB – Michael Still, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BD – Jason Troyan, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab BF – Latasha N. Walters, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BE – Kin Valdes, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab A – Carlos David Manrique, Jr., not present – reconsideration – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab H – Christopher Barnett, not present – Vice-Chair Fryer moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed 4 to 1.

Tab L – Douglas E. Cameron, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab O – Lisandra Castilla, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab P – Sergio Chanquet, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Q – Cilicia O. Charlson, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AE – Troy A. Kemna, not present – Commissioner Chotas moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AG – Antonio Liberos, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AH – Mitchell S. Lindbergh, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AR – James L. Pefanis, not present – Applicant withdrew the application.

Tab AS – Buck Powell, not present – Applicant withdrew the application.

Tab AU – Abraham Ray, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AX – Julia Rodriguez, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab BA – Elisa L. Scribner, not present – Applicant withdrew the application.

Tab BC – Angela J. Trouy, not present – Applicant withdrew the application.

Director's Comments

Legislative Update

Deputy Director Johnson provided an update of Senate Bill 608 and House Bill 707 relating to the following:

Real Estate

- ◆ Section 475.15, Florida Statutes – Vacancies.
- ◆ Section 475.17(6) – Qualifications for practice.
- ◆ Section 475.183 – Inactive status.

Real Estate Appraisal

- ◆ Section 475.629 – Retention of records.
- ◆ Section 475.631(1) – Nonresident licenses and certifications (repeal).

Deputy Director Johnson addressed questions and comments. Commissioner Boring requested that the Division provide a brief summary of each item up for discussion in Tallahassee.

Director Watkins stated that the Appraisal Subcommittee recently conducted an audit of the Florida appraiser regulatory program and reported that the audit was extremely successful. Ms. Watkins further reported that the only area of concern related to bringing the Statutes and Rules current with Title XI. However, the above-referenced bills should resolve the concern.

Director Watkins reported that the ARELLO Mid-Year Meeting is scheduled April 15 through April 18, 2015, in Albuquerque, New Mexico. Ms. Watkins inquired if the FREC has a member of the Commission they wish to attend the Seminar. Vice-Chair stated that he believes Chair Furst should attend and that he would also like to attend if possible.

Chair's Remarks

Commissioner Hornsleth expressed concerns relating to listings being advertised on real estate websites. Chair Furst stated that this issue was brought up at ARELLO and a couple of states reported how they are addressing this practice.

Public Comments

The Commission received a comment from Louis Loguercio.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:45 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 17 and 18, 2015, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission