

Matilde Miller, Interim Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 21 and 22, 2017
General Meeting**

Chair Chip Boring, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 21st day of February, 2017.

The following Commission members were in attendance: Vice-Chair Thomas Luzier, Patricia Fitzgerald, Dick Fryer and Poul Hornsleth. Chair Chip Boring was excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Alicia Bhambhani, Assistant General Counsel; Appearing via teleconference: Neil Lawson, Crystal Stephens, William Vogel, James Whealdon and Maureen White, Assistant General Counsels; Jocelyn Pomales, Education Coordinator; Warren Sanger, Licensing Supervisor; Susan Bailey, Administrative Assistant III; Mike Davis, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813 provided court services.

February 21, 2017

Approval of the Minutes

The Minutes of the January 17 and 18, 2016, are deferred to February 22, 2017.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Financial Reports

The Financial Reports were deferred until tomorrow.

Quarterly Education and Foundation Scholarship Report

Executive Director Crawford presented the first quarter Education Foundation Scholarship report and provided a brief summary of the progress during this quarter. Ms. Crawford addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

Executive Director Crawford presented the monthly Exam Performance Summary Reports and addressed questions and comments from the Commission.

Application and License Count Reports

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

Legal Agenda Schedule

Legal Case Activity Report

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

Escrow Disbursement Orders

Assistant General Counsel Whealdon presented 4 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Fryer moved to accept 4 Escrow Disbursement Orders and 3 Orders. Commissioner Fitzgerald seconded the motion; the motion passed without dissent.

Legal Appearance Docket

Legal Appearance Docket

1. Tab C – Robert W. Fernandez, BK 3210148; Case No. 2016012394 – Respondent's Request for Informal Hearing

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

Mr. Lawson represented the department and presented the case to the Commission. The Respondent requested a continuance. The Commission entered into discussion. Commissioner Hornsleth moved to continue the case, seconded by Commissioner Fitzgerald; motion passed without dissent.

Action taken: Case continued.

2. Tab J – Amancio Alonso, BK 1166; Case No. 2016016561 – Stipulation Settlement

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

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

Penalty: Administrative fine of \$2,000.00; investigative costs of \$437.25; attend 1 complete FREC general meeting; complete a 3 hour core law course. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a guilty plea to the crime of Grand Theft, a crime of moral turpitude. Section 475.227(1)(t), Florida Statutes, by failing to timely inform the Commission in writing after entering a entering a guilty plea to the crime of Grand Theft, a crime of moral turpitude.

Action taken: Settlement Stipulation accepted.

3. Tab D – Jacqueline Rodriguez, BK 120395; Case No. 2016015312 – Respondent's Request for Informal Hearing

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

Mr. Lawson represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Fitzgerald seconded; the motion passed without dissent. Commissioner Hornsleth moved;

seconded by Commissioner Fitzgerald; the motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when she pled guilty to Grand Theft First Degree and Organized Fraud/Scheme to Defraud \$50,000 or more in case number.

4. Tab M – Nadia Hemlatta Zebold, SL 3245407; Case No. 2015043788 – Stipulation Settlement

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

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

Penalty imposed: Suspension for 3 months; administrative fine of \$1,750.00; investigative costs of \$833.25; 3 complete FREC meetings; 28 hour reactivation course; probation for 6 months. **Violation(s):** Section 475.42(1)(d), Florida Statutes, by collecting Subject Funds via a check made out to her personally and without the consent of her employer; Section 475.42(1)(b), Florida Statutes, when Respondent operated as broker or operated as a sales associate to facilitate the purchase of Subject Property in a manner that was not on the behalf of Advance. Section 475.25(1)(b), Florida Statutes, by receiving Subject Funds via a check written out to her personally and by failing to notify her broker of the transaction.

Action taken: Settlement Stipulation accepted.

5. Tab A – Blake Bielicki, SL 3332759; Case No. 2016018522 – Petitioner's Request for Informal Hearing

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

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

Penalty: Administrative fine of \$750.00; investigative costs of \$651.75; complete a 3 hour core law course; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to report to the department within 30 days after entering a plea of Nolo Contendere and being adjudicated guilty of one count of Trespassing in Unoccupied Structure or Conveyance and one count of Resisting Officer Without Violence.

6. Tab G – Brandon Piegari, SL 3281809; Case No. 2015049594 – Respondent's Request for Informal Hearing

Respondent was not present; Respondent was represented by Steven W. Johnson, Esquire, present. Chair Boring served on the probable cause panel. Chair Boring was excused and not present.

Ms. Bhambhani represented the department and presented the case to the Commission. The Respondent requested a continuance until March 2017. After discussion, Commissioner Fryer moved; seconded by Commissioner Fitzgerald; the motion passed 3 to 1 to continue the case until March 2017:

Action taken: Case continued to March 2017.

7. Tab F – Frank E. Lleras, SL 3341835; Case No. 2016016569 – Respondent’s Request for Informal Hearing

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

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

Penalty: Revocation; investigative costs of \$222.75. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when he pled guilty to one count of securities fraud and aiding and abetting, and one count of wire fraud.

8. Tab A, Agenda B – Keith Bennett, BK 538792; Case No. 2008010162 – Respondent’s Motion to Vacate

Respondent was present; Respondent was represented by Karyn Leahy, Esquire, present. No current members were recused due to participation on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to deny the motion to vacate the final order; Commissioner Fitzgerald seconded the motion; the motion passed without dissent.

Action taken: Motion to vacate final order denied.

9. Tab H – Victor William Post, SL 3093106; Case No. 2016015723 – Respondent’s Request for Informal Hearing

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

Ms. White represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find Respondent guilty; Commissioner Fitzgerald seconded the motion; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; the motion passed without dissent motion passed without dissent to impose no sanctions, and provide a 6 month extension to attend 3 complete FREC meetings

Penalty imposed: No penalty. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely comply with the Final Order, by failing to attend any of the 2-day commission meetings in Orlando.

10. Tab K – Stacey A. Chais, BK 3146508; Case No. 2016009883 – Stipulation Settlement

Respondent was present; Respondent was represented by Margaret Carland, Esquire, present. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved to accept the stipulation agreement; seconded by Commissioner Fitzgerald; the motion passed without dissent.

Penalty imposed: Administrative fine of \$500.00; investigative costs of \$858.00; probation for 12 months. **Violation(s):** Section 475.25(1)(j), Florida Statutes, by aiding assisting, employing, and advising CHP Management in the performance of brokerage activities, as defined in Section 475.01 (a), Florida Statutes.

Action taken: Settlement stipulation accepted.

11. Tab L – Stacey A. Chais, BK 3146508; Case No. 2016003912 – Stipulation Settlement

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

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved to accept the stipulation agreement; seconded by Commissioner Fitzgerald; the motion passed without dissent.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$1,650.50; attend 1 complete FREC general meeting; complete a 4 hour escrow management course; probation for 12 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when she violated Rule 61J2-14.012, Florida Administrative Code (2014-2015), by failing to make one or more required monthly statement-reconciliations.

Action taken: Settlement stipulation accepted.

12. Tab I – Michael Latwon Moore, BK 3067517; Case No. 2015051598 – Petitioner’s Motion for Informal Hearing

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

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

Penalty: Administrative fine of \$250.00; investigative costs of \$569.25; attend 1 complete FREC meeting; probation for 1 year. **Violation(s):** Section 475.42 (1)(a), Florida Statutes, by offering Subject Properties for sale and by attempting to negotiate the sale of Subject Properties while his license was suspended and set to an inactive status.

13. Tab E – Teofil Neal Kapp, SL 629826; Case No. 2016015146 – Respondent’s Request for Informal Hearing

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

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

Penalty: Investigative costs of \$115.50; attend 3 complete FREC general meetings; probation for 6 months; pay outstanding balance on fine. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the Final Order by failing to successfully pay the \$1,500 fine and \$453.75 in costs within 15 months.

14. Tab O – Jean Berthelot, SL 3226474; Case No. 2015025940 – Respondents Request for Reconsideration

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

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed 3-1 to reconsider the Final Order. Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed 3-1 to impose the following sanctions:

Penalty: Suspension for 6 months; investigative costs of \$1089.00; complete a 45 hour sales post licensing course; attend 1 complete FREC general meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(d), Florida Statutes, when Respondent failed to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, or deposit; Section 475.25(1)(b), Florida Statutes, by failing to properly remit Subject Funds.

15. Tab B – Yvette Blanco, SL 3290024; Case No. 2016004699 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of \$750.00; investigative costs of \$23.10. **Violation(s):** Section 475.25(1)(c), Florida Statutes, by advertising property in a fraudulent, false, deceptive, or misleading manner.

16. Tab N – Michelle R. Benoit, BK 3034398; Case No. 2016015294 – Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs of \$208.50. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the Final Order by failing to attend 1 two-day FREC meeting, pay an administrative fine of \$500, and pay costs of \$132 within 6 months of the effective date of the Final Order.

17. Tab P – Deborah M. Farquharson, SL 588674; Case No. 2016036338 – Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs of \$92.40. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the Final Order by failing to successfully pay the \$500 fine and \$297 in costs within 12 months and attend one 2-day FREC meeting within 12 months.

18. Tab Q – Max S. Wasserman, SL 3260823; Case No. 2016007583 – Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs \$678.28 **Violation(s):** Section 475.42(1)(a), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes (2014), by operating as a real estate sales associate without being the holder of a valid and current active license in one or more of the following ways: by agreeing to negotiate the sale of Subject Property for Matteson, for the purpose of collecting or receiving compensation or valuable consideration, without having an ownership interest in it, or by attempting to negotiate the sale of collecting or receiving compensation or valuable consideration, without having an ownership interest in it; Section 475.42(1)(b), Florida Statutes (2014), and thereby violating Section 475.25(1)(e), Florida Statutes (2014), by being licensed as a sales associate and operating as a broker, in one or more of the following ways: by agreeing to negotiate the sale of Subject Property for Matteson, for the purpose of collecting or receiving compensation or valuable consideration, without having an ownership interest in it, or by attempting to negotiate the sale of Subject Property for Matteson, for the purpose of collecting or receiving compensation or valuable consideration, without having an ownership interest in it; Section 475.42(1)(d), Florida Statutes (2014), and thereby violating Section 475.25(1)(e), Florida Statutes (2014), by collecting one or more of the following monetary funds in connection with the potential sale of Subject Property via Moneygram electronic funds transfer payable to Respondent, in his personal name; Section 475.25(1)(b), Florida Statutes (2014), in one or more of the following ways: by agreeing to or attempting to negotiate the sale of Subject Property for Matteson, without being the holder of a valid and current active license, by being a sales associate and agreeing to or attempting to negotiate the sale of Subject Property for Matteson, without being under the direction, control, or management of a broker, by collecting one or more of the following monetary funds in connection with the potential sale of Subject Property via Moneygram electronic funds transfer payable to Respondent, in his personal name.

19. Tab R Johnny Orria – SL 3267179; Case No. 2015052523 – Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs of \$750.75. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes (2014-2015), by failing to account for or deliver \$15,900.00 of the deposit to Complainant upon demand; Section 475.42(1)(b), Florida Statutes (2014-2015), when he operated as a broker; Section 475.42(1)(d), Florida Statutes (2014-2015), when he collected a deposit in a name other than that of his employer.

20. Tab S – Taryn Geneen Williams Austin, SL 3226249; Case No. 2016012078 – Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs of \$1,518.00. **Violation(s):** Section 455.227(1)(j), Florida Statutes (2014-2015), by aiding the unlicensed company United Wholesale in broker activities. Section 475.25(1)(b), Florida Statutes by committing fraud, misrepresentation, breach of trust, and/or dishonest dealing in one or more of the following ways: by directing New Urban Title to apply Complainants' deposit to an unrelated real estate transaction; by directing Complainants to furnish a deposit to an unlicensed company Respondent controlled and not applying the deposit to Complainants' real estate transaction; by directing Greenspoon Marder PA to send Complainants' deposit refund to her home and fraudulently endorsing and cashing the check; Section 475.25(1)(d)1., Florida Statutes (2014-2015), by failing to account for or deliver the deposits to Complainants upon demand. Section 475.42(1)(b), Florida Statutes (2014-2015), when she operated as a broker; Section 475.42(1)(d), Florida Statutes (2014-2015), when she collected a deposit in a name other than that of her employer and without her employer's express consent.

21. Tab T – Taryn Geneen Williams Austin, SL 3226249; Case No. 2016026969 – Motion for Waiver and Entry of Final Order

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

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

Penalty: Revocation; investigative costs of \$858.00. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2014), by committing fraud, misrepresentation, breach of trust, and/or dishonest dealing by directing Smart Title to apply Complaint's deposit to an unrelated real estate transaction without Complainant's knowledge or consent.

General Session continued

Review and Consideration of the Real Estate Education Courses

Tab A – Commercial Real Estate-Tooled – New Course (12 hours, classroom) – Application No. 28869 – CRE Training, LLC.

The applicant was not present. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab B – How to Improve Your Overall Credit Profile – New Course (3 hours, classroom) – Application No. 28993 – DHI Mortgage Company, Ltd.

The applicant was not present. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab C – Documenting the Appraiser's Worklife – New Course (3 hours, classroom) – Application No. 28669 – McKissock LP

The applicant was not present. The Commission entered into discussion. Commissioner Fryer moved to deny the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab D – Core Components of Commercial Brokerage – New Course (14 hours, classroom) – Application No. 28996 – Society of Industrial & Office Realtors

The applicant was not present. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions for 9 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab E – The Art of Networking – New Course (3 hours, classroom) – Application No. 28860 – Walk the Talk Presentations Inc.

The applicant was not present. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab F – Be a Champion Agent with Tom Hopkins – New Course (2 hour, distance) – Application No. 28225 – Xtra Credits

The applicant was not present. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Fitzgerald seconded the motion. The motion passed 3 to1.

Rule Discussion

Rules Report

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

Special Agenda

Request for Multiple Broker License from Stacey Chais

Ms. Chais was present and was represented by Margaret Carland, Esquire. After discussion, Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application number 4453273 for a multiple broker license; the motion passed without dissent.

Anti-Trust Update

Board Counsel Barnhart provided an article from The Florida Bar Journal relating to the North Carolina anti-trust case and addressed questions and comments from the Commission.

Consent Agenda A

The Commission considered 22 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 16 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Anthony Michael Colindres	Thomas Herby	Ashley Roman
Sophia Akilah Dottin	Shantayria Kelly	Andrew Joseph Santiago
Tyler Joseph Ennis	Tracie Elease Martin	Andrew James Showers
Yeliza M. Fernandez	Douglas Mello	Deborah Sutton
Brendan Fox	Jeffrey Alan Reash	Kenneth Westby
Walid Sabry Hassan		

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

Sarah Danae Blaszczyk	Cameron Lee Dempsey	Jessica Gonzalez
Miichael Bruns	Ace Dugan	Nicholas Daniel Laino

Consent Agenda B

The Commission considered 21 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 15 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Timothy Allaire	Irina Cocieru	Martin Joseph Pecoraro
James Michael Ator	Larry L. Eudaly	Alexandros Enrique Saludes
Victoria Alexandria Brigham	Nathalie Ferreira Concepcion	Alex A. Tupacyupanqui
Tonya Jane Chatham	Michael Field	Vasant Velayudhan
Pedro Clemente	Raymond Alexander Lopez	Lauren Wolfe

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

William Watkins Boatner	Bryan Czajkowski	Brenda M. Starr Ribero
Jennifer Craighead	Stephanie Grimes	Yassin Yahyaoui

General Session continued

Public Comments

The Commissioners addressed questions from Scott McClain.

Recess

There being no objection, the Chair recessed the meeting at approximately 12:35 p.m. until 8:30 a.m. tomorrow.

February 22, 2017

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 22nd day of February, 2017.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Luzier, Patricia Fitzgerald, Dick Fryer and Poul Hornsleth. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Alicia Bhambhani, Assistant General Counsel; Warren Sanger, Licensing Supervisor; Janice Lugo, Regulatory Consultant; Susan Bailey, Mike Davis and Brittany Rogan, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Licensing Supervisor Warren Sanger presented 80 Summary of Applicants requesting to sit for the real estate examination.

1. Tab R – Maria G. Buitrago, present; interpreter present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
2. Tab AF – Luis Gonzalez, present with interpreter – Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent
3. Tab A – Sheri Redeker Barry, present; was represented by Nancy Campiglia, Esquire, present – informal – Vice-Chair Luzier moved; seconded by Commissioner Fitzgerald to deny applicant motion to amend Notice of Intent to Deny; the motion passed without dissent. Vice-Chair Luzier moved; seconded by

Commissioner Fitzgerald to deny applicant motion to vacate Notice of Intent to Deny; the motion passed without dissent. Commissioner Fryer moved; seconded by Vice-Chair Luzier to uphold previous denial of application; the motion passed without dissent.

4. Tab BA – Kevin McKnight, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4-1.

5. Tab B – David Rene Latscha, present; was represented by Marycruz Aguiar, Esquire, present – informal – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

6. Tab BN – Maria Cristina Rodriguez, present; was represented by Steve Johnson, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

7. Tab AO – Marisa Johnson, present; was represented by Marycruz Aguiar, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

8. Tab AA – Carolina Espinosa, not present; was represented by Daniel Villazon, Esquire, present – Applicant withdrew application.

9. Tab AY – Anthony Alfred Marinelli, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

10. Tab BM – Santos Rodriguez, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4-1.

11. Tab BO – Richard Anthony Scarsella, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4-1.

12. Tab X – Stephanie Elaine Deans, present; was represented by AnnaKaye Williams, Esquire, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

13. Tab BD – Scott Jeffery Norberg, present; was represented by Jill Bechtold, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.

14. Tab BQ – Rodolfo Valentin Simpson, present; was represented by Deanne West, Esquire, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

15. Tab C – Pedro Limia, present – informal – Commissioner Fryer moved; seconded by Commissioner Hornsleth to set aside the notice of intent to deny. Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

16. Tab E – Stephanie Lynn Ott, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

17. Tab F – Graham Berdj Tchividjian, present – informal - Commissioner Hornsleth moved; seconded by Commissioner Fryer to set aside notice of intent to deny, and approve the application for sales associate with conditions; the motion passed without dissent.

18. Tab G – Broderick Adderley, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
19. Tab I – Dwright Erwin Andrews, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
20. Tab J – Jesse Ayotte, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
21. Tab K – Anfal Ahmed Bakali, present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for broker; the motion passed 3-2.
22. Tab M - Carlos Beltran, present - Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
23. Tab N – Teresea Marie Breazeale, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
24. Tab Q – Tameka Yovonda Brown, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 3-2.
25. Tab O – Christine Breeze, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
26. Tab D – Anastasia Maria Martin, present – informal - Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
27. Tab T – Paul Eugene Carson, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to set aside notice of intent to deny and approve the application for sales associate; the motion passed without dissent.
28. Tab S – Jody Leigh Carlson, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
29. Tab V – Tiffany Marice Coleman, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
30. Tab Y – Roberto G. Durand, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
31. Tab Z – Ryan William Eichensehr, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.
32. Tab AD – Henry Gamez, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the motion passed 4-1.
33. Tab AE – Andres Felipe Garcia Herrera, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.
34. Tab AI – Daniele Hamilton, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.
35. Tab AJ – Jacques Alexander Hanmer, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
36. Tab AK – John Warren Henszey, present – Commissioner Hornsleth moved; seconded by Vice-chair Luzier to approve the application for sales associate; the motion passed without dissent.

37. Tab AL – Cheryl Cassidy Hoffman, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
38. Tab AM – Johnny Rashard Johnson, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 3-2.
39. Tab AN – Damien Narquis Johnson, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
40. Tab AP – Zulfia A. Jones, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
41. Tab AS – John Bryson Kerr, present – Applicant continued and waived 90-days
42. Tab AT – Mark Frederick Koester, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
43. Tab AU – Lukreshia Katavia Lacy, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
44. Tab AV – Hyunjin Lerner, present – Application withdrawn
45. Tab AW – Cyclopedia Lyn, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed 4-1.
46. Tab AX – Carla Willow Manzanares, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
47. Tab BC – Kyle Myslakowski, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.
48. Tab BG – Hardara Parrish, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
49. Tab BH – Muctaru Peters, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
50. Tab BJ – Fabio Mario Restrepo, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
51. Tab BN – Vidyawatti Samlall, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
52. Tab BR – Rebecca Evelyn Sinatra, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed 4-1.
53. Tab BS – Adam Sortman, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the motion passed without dissent.
54. Tab BT – Vasilios Vasilu, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed 3-2.
55. Tab BU – Matthew Phillip Wasson, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
56. Tab BW – Jeffery Lynn Wertz, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
57. Tab BY – Charles Anthony Wismer, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

58. Tab CB – Francis Zipeto, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
59. Tab BX – Phillip Blair White, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
60. Tab AB – Jorge Armando Fages Asencio, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
61. Tab AC – Abel Jesus Fernandez, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
62. Tab H – Michael Anthony Almonte, not present – Application continued and waived 90-days
63. Tab L – Carlos M. Barco, not present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
64. Tab P – Monica Briseno, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
65. Tab U – Amelia Naomi Clark, not present – Application continued and waived 90-days
66. Tab W – Yanet Laura Cruz, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
67. Tab AG – Monica June Gonzalez, not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
68. Tab AH – Pablo Medellin Gutierrez Jr., not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
69. Tab AQ – John Allen Kemp III, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
70. Tab AR – Teresa L. Kemp, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
71. Tab AZ – Marcus R. McCluster, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
71. Tab BB – Raven Mitchell, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
72. Tab BE – Lisa Sue Odom, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4-1.
73. Tab BF – Michelle Jalene Parker, not present – Application continued and waived 90-days
74. Tab BI – Daniel Ramirez, not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
75. Tab BK – Nancy Restrepo, not present – Application continued and waived 90-days
76. Tab BL – Emigdio Rivera Guevara, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
77. Tab BP – Brandon Scates, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

78. Tab BV – Paul Mario Watkins, not present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 3-2.

79. Tab BZ – Scott Allen Worthley, not present – Vice-Chair Luzier moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

80. Tab CA – Gjergji Xhemali, not present – Application continued and waived 90-days.

Approval of the Minutes

Commissioner Fryer moved to approve the Minutes of the January 18 and 19, 2017. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Transfer of Funds

Director Watkins provided a copy of the Financial Reports relating to the Recovery Fund and Unlicensed Activity Accounts ending September 30, 2016, and reported that currently the Recovery Fund Account has a balance of \$605,624.00, which reflects \$80,000.00 in claims. Ms. Watkins further reported that there is approximately another \$400,000.00 in pending claims. Ms. Watkins addressed questions and comments from the Commission. Upon conclusion of the discussion, Ms. Watkins asked the Commission to approve a transfer of \$500,000.00 from the Unlicensed Activity Account. Commissioner Hornsleth moved to transfer \$500,000.00 from the Unlicensed Activity Account to the Recovery Fund Account; Commissioner Fryer seconded the motion; the motion passed without dissent.

Director's Comments

Director Watkins reported the following:

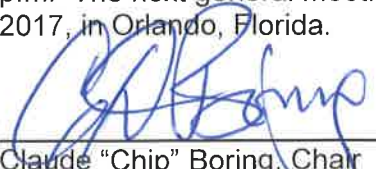
- The Department has filed SB 716 and its related HB 927. Director Watkins provided a brief summary of the proposed language and addressed questions from the Commission.
- Office of General Counsel has a new rules attorney and they are diligently working on the forms rules to move forward with the CE rules.
- Addressed questions from the Commission relating to the new Code of Ethics continuing education requirement.

Public Comments

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

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:40 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 21 and 22, 2017, in Orlando, Florida.



Claude "Chip" Boring, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission