

Charlie Liem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
March 15 and 16, 2011
General Meeting**

Chair Richard DeNapoli called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 15th day of March, 2011.

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

Division staff present at the meeting: Juana C. Watkins, Acting Director; James P. Harwood, Chief Attorney; Patrick Cunningham, Nicole McClaren, Robert Minarcin and Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Denise Johnson, OMC II; Jocelyn Pomales, Regulatory Specialist III; Janice Taylor, Government Analyst I; Fred Seli, Unlicensed Activity Supervisor; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; Vice-Chair Guju seconded to approve the Minutes of the February 15 and 16, 2011, General Meeting, as written. Motion carried unanimously.

Unlicensed Activity Report

Acting Director Watkins presented the Unlicensed Activity Report and addressed questions from the Commission. Ms. Watkins stated that the department has a total of 11 unlicensed activity investigators throughout the state.

Monthly Exam Performance Summary Report

Acting Director Watkins presented the Monthly Exam Performance Summary Report.

Report Regarding Broker Exam Update

Acting Director Watkins provided a copy of the Power Point presentation the Bureau of Education & Testing (BET) presented to industry educators at a seminar in Orlando before informing them of the changes to the broker examination. Acting Director Watkins stated that the

examination update will be implemented on July 1, 2011. Commissioner Enzor asked if the Commission would be able to provide any input relating to the update. Acting Director Watkins stated that the Commission has been kept informed of the changes; however, BET has primarily been responsible for the changes. Commissioner Enzor stated that he noticed that property management is only 1% of the exam and inquired whether the section on property management could be increased and also if a section relating to the Mortgage Assistance Relief Services (MARS) disclosure requirement which took effect on December 29, 2010, relating to short sales could be incorporated. Ms. Watkins stated she would relay his concerns to BET.

Escrow Disbursement Orders

Senior Attorney Joseph Solla presented 27 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Commissioner Furst recused herself from voting relating to Tab T. Commissioner McCoig moved to accept the 27 Escrow Disbursement Orders and 3 Orders. Vice-Chair Guju seconded the motion. The motion carried unanimously. Upon recommendation of the Legal Section, the Commission issued 27 Escrow Disbursement Orders and 3 Orders.

Legal Final Order Docket

Tab G – Roberto Curbelo, Jr., BK 452793, Case No. 2008041295 – Respondent's Request for an Informal Hearing

Respondent was present and represented by Julie Gallagher, Esquire, present. Commissioner McCoig was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair Guju; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Ruffier moved, seconded by Vice-Chair Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$2,000.00 fine, \$363.00 costs, 1 year probation, attend one 2-day FREC meeting. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, to a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent and dishonest conduct in violation of Section 475.25(l)(f), Florida Statutes; guilty of failure to inform the Commission in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of any felony in violation of Section 475.25(l)(p), Florida Statutes.

Vice-Chair Guju inquired why this case took so long to come before the Commission. Acting Director Watkins explained from the perspective of the investigative process, the number of cases has increased tremendously and the division has a policy to triage the complaints based on the seriousness of the matter. Acting Director Watkins stated that the division does the best it can with the number of investigators it has adding that the division is already at the 5800 mark for consumer complaints this fiscal year which will easily exceed the number of complaints received last fiscal year. Acting Director Watkins stated that the division is well aware of the issue, and pointed out however, that this is not reflective of the quality of the investigative staff at the division. Acting Director Watkins stated that one of her goals is to find a Bureau Chief who is going to have a good understanding of the challenges we are facing and implement a solution to

get the cases done more quickly. Mr. Harwood agreed with Acting Director Watkins comments and stated that he can only speak on behalf of the Office of General Counsel explaining that once the case gets to legal, the attorneys only have so much control as to how soon they can resolve the case, but that they do try to resolve the matter as quickly as possible. Vice-Chair Guju requested that this topic can be placed on the agenda to discuss how to possibly address this matter. Acting Director Watkins stated that this topic will be placed on the agenda for April.

Tab B – Joyce B. Anderson, BK 177288, Case No. 2009063141 – Respondent’s Request for an Informal Hearing

Respondent was not present and represented by Beverly Myrberg, Esquire, present. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair Guju moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Guju moved, seconded by Commissioner Furst; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$1,000.00 fine, \$165.00 costs, 12 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of acting as a broker of a corporation engaged in real estate activities without the corporation being the holder a valid current registration in violation of Section 475.42(1)(k), Florida Statutes.

Tab I – Rafael Garofalo, SL 3041688, Case No. 2008067236 – Respondent’s Request for Reconsideration and, if Granted, Conduct an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Boring moved, seconded by Commissioner Furst to grant the request for reconsideration, motion carried unanimously. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Ruffier; motion carried unanimously to vacate the previous Final Order filed December 22, 2010. Commissioner Boring moved; seconded by Commissioner Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Boring moved; seconded by Commissioner Furst; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$653.40 costs within 6 months of filing of the Final Order, citation fee waived. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab Q – Gabriel Souza, BK 3104515, Case No. 2008053953 – Respondent’s Request for Reconsideration and, if Granted, Conduct an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Boring to grant the request for reconsideration, motion carried 5 to 1. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Boring; motion carried unanimously to vacate the previous Final Order filed February 4, 2011. Commissioner Enzor moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved; seconded by Commissioner Enzor; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$2,000.00 fine, \$702.90 costs, 90-day probation, attend one 2-day FREC meeting. **Violation:** Guilty of having failed to include a definite expiration date; failed to include proper signature of Figueroa; failed to give the principal a legible, signed, true and correct copy of a listing agreement within 24 hours of obtaining the written listing agreement in violation of Section 475.25(1)(r), Florida Statutes.

Tab U – Marie Ann Marro, BK 3127851, Case No. 2008030685 – Stipulated Settlement

Respondent was present and represented by Edward Hale, Esquire, not present. Commissioner Ruffier and Commissioner Furst were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Guju moved; seconded by Commissioner Boring to accept the Stipulated Settlement. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$371.25 costs, attend one 2-day FREC general meeting. **Violation:** Section 475.25(1)(e), Florida Statutes; Section 475.42(1)(b), Florida Statutes (2007); Section 475.25(1)(e), Florida Statutes; Section 475.42(1)(d), Florida Statutes (2007).

Action taken: Stipulated Settlement accepted.

Agenda A, Tab T; Agenda B, Tab B – Marsha Evans Friels, SL 3141119, Case No. 2009048835 – Respondent's Request for Reconsideration and, if Granted, Conduct an Informal Hearing

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

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to vacate the penalty portion of the Final Order filed January 3, 2011. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Reprimand, \$752.40 costs. **Violation:** Guilty of having operated as a sales associate without being the holder of a valid and current license as a sales associate in violation of Section 475.42(1)(a), Florida Statutes.

Tab A – Alix Aldonis, SL 3117116; Case No. 2007013246 – Recommended Order

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

Ms. McClaren represented the department and presented the case to the Commission. The Commission considered the Recommended Order and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order of the Administrative Law Judge.

Action Taken: Case dismissed.

Tab P – William Russell Pierce, SL 646618, Case No. 2008031359 – Respondent’s Request for an Extension of Time to Comply with Final Order

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

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

Action Taken: Extension request granted.

Tab S – Victor Alexis Torres , BK 653448, Case Nos. 2007063142, 2007063208, 2007063213, 2007063235, 2007063243, 2007063276, 2007063328, 2007063339, 2007063347, 2007063367 and E A G Realty, CQ 1015933, Case No. 2007063147 – Extension of Time to Comply with Final Order

Respondent was present and represented by Brian Bieber, Esquire, not present. Chair DeNapoli and Commissioner Enzor were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig motion carried unanimously to deny the Respondents’ request for an extension.

Action Taken: Extension request denied.

Tab C – James Blacker, BK 3066945, Case No. 2009020288 – Respondent’s Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Enzor; motion carried unanimously to find the Respondent

guilty as charged in the Administrative Complaint. Commissioner McCoig moved, seconded by Commissioner Enzor; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$5,000.00 fine, \$471.90 costs. **Violation:** Guilty of having violated Section 475.25(1)(b), Florida Statutes, by entering the property of others without their permission and removing their property.

Tab D – Orlando Capiro, BK 162278, Case No. 2009028522 – Respondent’s Request for Reconsideration and, if Granted, Conduct an Informal Hearing

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst to deny reconsideration of the Final Order filed November 29, 2010. The motion carried unanimously.

Action taken: Reconsideration denied.

Tab E – Orlando Capiro, BK 162278, Case No. 2010003114; Respondent’s Request for Reconsideration and, if Granted, Conduct an Informal Hearing

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Ruffier to deny reconsideration of the Final Order filed November 29, 2010. The motion carried unanimously.

Action taken: Reconsideration denied.

Tab H – Rosa Fernandez, BK 3000310, Case No. 2009049696 – Voluntary Surrender of Licensure for Permanent Revocation

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

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Commissioner McCoig to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab J – Ralph Gonzalez, BK 3031011, Case No. 2008049760 – Respondent’s Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair Guju to find the Respondent guilty as charged in the Administrative Complaint; motion carried unanimously. Commissioner Ruffier moved, seconded by Vice-Chair Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$429.00 costs. Violation: Guilty of failure to account and deliver to complainant upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of failure to immediately deposit Tenant’s check into an escrow or trust account in violation of Rule 61J2-14.010(1), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab K – Zoe Greeney, SL 3072758, Case No. 2010035827; Respondent’s Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Enzor; motion carried unanimously to find the Respondent guilty of Count II in the Administrative Complaint. Commissioner Ruffier moved, seconded by Commissioner Enzor; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$412.50 costs, 6 months probation, attend one 2-day FREC meeting.
Violation: Guilty of failure to inform the Commission in writing within 30 days after pleading guilty or nolo contendere to a felony criminal offense in violation of Section 475.25(1)(p), Florida Statutes.

Tab L – Cindy Jane Harrington, SL 634204, Case No. 2010039931; Voluntary Surrender of Licensure for Permanent Revocation

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

Ms. McClaren represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Commissioner Boring to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab M – Home Owners Realty Depot, Inc., CQ 1014673, Case No. 2008056683; Respondent’s Request for an Informal Hearing

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

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

Penalty imposed: Revoke, \$379.50 costs. Violation: Guilty of failure to account and deliver to complainant upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of failure to immediately deposit Tenant’s check into an escrow or trust account in violation of Rule 61J2-14.010(1), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab N – Steffany Martin, SL 3207402, Case No. 2009043036 – Respondent’s Request for an Extension of Time to Comply with Final Order

Respondent was not present nor represented by counsel. Vice-Chair Guju was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved, seconded by Commissioner McCoig; motion carried unanimously to deny the Respondent extension request to complete the Final Order requirements.

Action Taken: Extension request denied.

Agenda A, Tab O; Agenda B, Tab A – Sherry A. Mora, SL 3196991, Case No. 2008052843 – Respondent’s Request for Reconsideration and, if Granted, Conduct an Informal Hearing

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

Mr. Minarcin represented the department and presented the case to the Commission. Mr. Minarcin stated that the Respondent is requesting a continuance of this matter. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Enzor to deny the request. The motion carried unanimously.

Action taken: Reconsideration denied.

Tab R – Stephen B. Williams, BK 3001675, Case No. 2007054223 – Respondent’s Request for an Extension of Time to Comply with Final Order

Respondent was not present nor represented by counsel. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Guju; motion carried 5 to 1 to grant a 4-month extension to complete the Final Order requirements.

Action Taken: Extension granted.

The following cases were continued or withdrawn

Tab F – Jeremy A. Chassen

Consent Agenda A

The Commission considered 138 applicants from the Consent Agenda A; Commissioner Ruffier moved; seconded by Commissioner Furst to approve 108 applicants and require 30 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Brems, Joanne	Frontcakas, Elizabeth	Morrison, Patrick
Dejacimo, Thomas	Galvez, Carlos A.	Nettles, Lee
Fiacco, Thomas	Gilliam, Arlie	Oden, Mark
Krumme, James Jr	Gonzalez, Irvin	Ortega, Alan
Laux, Michael Jr	Haddock, William Jr	Pandzic, Anthony
Mathews, Jarold	Hallums, Seith	Pequeno, Michael
Tupacyupanqui, Victor	Harris, Turiya	Perez, Silvia I
Acevedo, Andres	Hayes, Michael Jr	Pettit, Edward
Amoroso, Kevin	Hobson, William Jr	Plummer, Dustin
Anderson, Albert	Holtgrewe, Herbert IV	Ramos, Michelle
Banyay, Joan	Howard, Jeffrey	Reamer, Renee
Barberena, Rudy	Iglesias, Javier	Reichard, Phillip Jr
Belmar, David	Juliano, Michael	Rodriguez, Keane L
Betancourt, Robert II	Karagiannakis, Emmanuel	Rodriguez, Luis A
Burke, Sean	Kidd, James IV	Roldan, Oscar
Burnham, Gordon	Knowles, Jeffrey	Saunders, Anduril
Burton, John	Kobrin, Joshua	Schirmer, John
Cain, Tiffany	Kramer, Karolyn	Schrager, Steven
Callahan, James	Kredell, Courtney	Shallenberger, Brian
Casillas, Susan	Lambeth, John	Sitton, Mark
Cavallino, Frank	Larson, Paul	Skurkay, John
Compton, Kerry	Lefebvre, Bernard	Smith, Thomas M
Cormier, Keith Jr	Lys, Christopher	Starkman, Jeffrey
Cundall, Mary	Lytle, Ralph III	Stickford, Damen
Depaola, Michael	MacLeod, Ronald	Tennant, Jacob

Deptula, Alan
Dimler, Christine
Dipalma, Andrew
Dunham, Nathan
Duris, Michael
Dykes, Eugene
Escobar, Guillermo O
Farr, Brian
Febres, Edgardo
Felzer, Monica
Florez, Lady

Magaldi, Thomas
Mager, Garth
Martin, Jason
Matos, Eynar
Mauro, Eric
McCullough, James
McQueen, Holly
Mena, Osmany
Milstead, Monica
Montgomery, Michael
Morales, Elliott

Tenorio, Susan
Torres, Jose L
Tribble, Benjamin
Vasquez, John
Vongbandith, Anh
Watson, Deborah A
West, Lindsay Jr
Weston, John
Williams Jones, Traci
Williams, Hiram
Wood, Rossy

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

Barberena, Fernando
Helgemo, Corey R
Aminov, Uri
Balaskiewicz, Kimberly
Boyette, Jennifer
DeJesus, Yudimar
Dorcinvil, Kerven
Fish, Jeanne
Garber, Shannon
Harris, Alexis

Hope, Joseph Jr.
Keene, Bradon
Kelly, Jean
Levy, Gail
Lewis, Harold
Long, Robert
Mejia, Steven
Ngyuyen, Andrew
Pasquale, Alfred
Piazza, Peter

Quezada, Alexander
Rose, Karrie
Santiesteban, Jaime
Smith, Oliver
Steinhauer, Carey
Taft, Brooke
Tay, Charles
Turner, Dr David
Whoolery, Lewis
Wilbanks, Robert

Commission Comments

Vice-Chair Guju expressed his concerns relating to cases taking two or three years before coming to resolution. Vice-Chair Guju stated that the licensees have a grave responsibility as they are permitted free access to homes unsupervised, drafting contracts, negotiating money and the concern is that the division gets to problems sooner rather than later and not wait for something more serious to happen. Vice-Chair Guju further stated that triaging cases is the route to go as some matters are higher priority than others, however, he is concerned about the amount of time the division and legal staff have in investigating and bringing the matters to the Commission and about the number of times the division requests an Emergency Suspension Order (ESO) based on egregious violations. Vice-Chair Guju summarized that he would like to see the ESO process utilized more in exigent circumstances, the division acquire more man power and increase timeliness of investigating complaints and bringing matters before the FREC.

Commissioner Enzor stated he would like to see the department to adhere to Section 455.227(3)(c), F.S. and not renew the license if the licensee has discipline that has not been completed and stated that the Commission should keep in consideration the renewal date of the licensee requesting an extension for outstanding sanctions. Commissioner Enzor asked Ms. Watkins to provide a list of outstanding cases that have not been taken care of that have been disciplined. Ms. Watkins stated she would provide a list to the Commission reflecting outstanding Final Order compliance. Vice-Chair Guju reiterated when someone comes in front of the Commission and the licensee asks for an extension to comply with a Final Order and the Commission grants an extension beyond the renewal date the licensee can automatically renew for another two years because of the extension.

Commissioner Boring stated in defense of the department when he looks at the complaints that have been filed over two years ago before they get to the Commission and look at the numbers of complaints coming in and then divide that amongst the investigators that are out there in the field there are some things that can be cured as a result of having funding. Commissioner Boring further stated that he understands that the Legislature has a responsibility to balance the budget, but when funds that have been accumulated and agree to be accumulated and used for specific purposes such as hiring people, whether under contract, temporarily or whatever to be able to address this issue are swept, it does not get any better. Vice-Chair Guju stated that he believes even though the FREC, Division of Real Estate collects all these funds the Legislature has to approve the hiring. Vice-Chair Guju stated that he is certainly one that wants less government regulation and less government employees, therefore, perhaps the division could hire people under contract as full-time temporary employees which might be a solution to a difficult problem. Acting Director Watkins stated that the Legislature must approve the amount and also which position titles can be hired.

Commissioner Enzor suggested that the Commission try to get the division moved from under DBPR. Commissioner Enzor stated he is of the opinion there are two ways it can be done, the division of real estate can move from under DBPR or the Commission can privatize according to the statutory guidelines. Commissioner Enzor further stated that in some way the division should be able to maintain the money it receives from licensees to govern this organization and he will be suggesting that one of those two actions be pursued at the Florida Realtors meeting next month.

Vice-Chair Guju stated that the Real Estate Commission has 4 accounts and under Section 215.20, Florida Statutes, there is an 8% override that goes to general account to help pay for some of the costs the department uses, but the excess cash is over and above the 8%. In the last 2 fiscal years the excess cash is almost 8 million dollars plus an additional 8% so it is approaching almost 10 million dollars in the last 2 fiscal years. Vice-Chair Guju further stated that this obviously brings up the point of what the FREC did 2 years ago about a fee vacation and that has sufficiently depleted its coffers and now he thinks its coffers are running over again and believes there are several things the Commission can do with that money if the Commission chooses to.

Acting Director Watkins stated she greatly appreciated the Commission's comments. Vice-Chair Guju inquired what the Commission can expect on a number of these comments. Ms. Watkins stated she would bring the Commission as much information she can and will certainly provide numbers related to investigations.

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:30 p.m.

March 16, 2011

Chair Richard DeNapoli reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of March, 2011.

Chair Richard DeNapoli, Vice-Chair Michael Guju; Claude "Chip" Boring, Darla Furst, Roger Enzor, Ralph McCoig and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Juana C. Watkins, Acting Director; James Harwood, Chief Attorney; Jennifer Blakeman, Senior Attorney; Denise Johnson, OMC II; Janice Taylor,

Government Analyst I; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomaes, Regulatory Specialist III; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Ms. Denise Johnson, OMC II, presented 58 Summary of Applicants requesting to sit for the real estate examination.

Tab AR – Rowan, Tammy B.; present and represented by Attorney Nancy Campiglia; present – Commissioner Ruffier moved; seconded by Commissioner Enzor to approve the application for broker; motion carried unanimously.

Tab N – DeVita, Richard A.; present and represented by Attorney Daniel Villazon; present – Commissioner Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab X – Gorrin, Eddy; not present and represented by Attorney Daniel Villazon; present – Vice-Chair Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; motion carried unanimously.

Tab AM – Pockrandt, Bruce R.; present and represented by Attorney Daniel Villazon; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for broker; motion carried unanimously.

Tab AV – Stiles, James P.; present and represented by Attorney Daniel Villazon; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BA – Topel, Eric A.; present and represented by Attorney Daniel Villazon; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 6 to 1.

Tab A – Adler, Lee; not present – Commissioner Ruffier moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab B – Akbar, Jihad; present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab C – Alegria, Rodrigo, not present – Commissioner Boring moved; seconded by Vice-Chair Guju to deny the application for broker; motion carried unanimously.

Tab D – Antonioli, Giovanni; present – Commissioner Furst moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab E – Avellino, Mona; not present – Commissioner Furst moved; seconded by Vice-Chair Guju to deny the application for broker; motion carried unanimously.

Tab F – Barfield, Anthony K.; not present – Commissioner Enzor moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab G – Bezerra, Edson X.; present – Application withdrawn and waived the 90-day requirement.

Tab H – Blanton, Christopher A.; present – Vice-Chair Guju moved; seconded by Commissioner McCoig to deny the application for broker; motion carried unanimously.

Tab I – Brown, Rodney T.; present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 6 to 1.

Tab J – Bursik, Thomas M.; present – Commissioner Furst moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab K – Buskey, Christopher A.; present – Commissioner Enzor moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion carried unanimously. Commissioner Furst moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab BE – Cairns, Michelle J.; not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Ruffier moved; seconded by Vice-Chair Guju to continue the application; motion carried unanimously.

Tab L – Cheetham, Timothy J.; present – Commissioner Boring moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried 5 to 2.

Tab M – Columna, Luis F.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for broker; motion carried unanimously.

Tab O – Doltie Curley; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for broker; motion carried unanimously.

Tab P – Donaldson, Scott W.; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab Q – Dukes, Crystal D.; not present – Commissioner Furst moved; seconded by Vice-Chair Guju to deny the application for sales associate; motion carried unanimously.

Tab R – Erwin, Gabriel A.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for broker; motion carried unanimously.

Tab S – Ewan, David; not present – Commissioner McCoig moved; seconded by Vice-Chair Guju to deny the application for sales associate; motion carried unanimously.

Tab T – Frustaci, Alana N.; present – Application withdrawn and waived 90-day requirement.

Tab U – Gibbs, Nicole L.; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab V – Golden, Mario M.; present – Commissioner McCoig moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab W – Goncalves, Tanya G.; present – Applicant withdrew application. Notice of Intent to Deny the Commission previously entered regarding the application for sales associate remains in effect.

Tab Y – Grier, Nathan A.; present – Commissioner Enzor moved; seconded by Vice-Chairman Guju to approve the application for sales associate; motion carried unanimously.

Tab Z – Hernandez, Armando; present – Commissioner Boring moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab BF – Higgins, Jon C.; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 6 to 1.

Tab AA – Hock, Jennifer M.; not present – Commissioner Enzor moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab AB – Jimenez, Arturo; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried 6 to 1.

Tab AC – Kabolowsky, Robert; not present – Commissioner Enzor moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried 5 to 2.

Tab AD – Kalish, John D.; present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried 6 to 1.

Tab AE – Kicklighter, Steven D.; not present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AF – Kulka, Nick J. Jr.; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab BD – Wright Hollowood, Melanie J.; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AG – Leet, Jason M., present – Commissioner McCoig moved; seconded by Commissioner Enzor to approve the application for sales associate; motion carried unanimously.

Tab AH – Mack, Robert; present – Commissioner Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AI – Nakelski, Michael T.; present – Application withdrawn and waived the 90-day requirement.

Tab AJ – Orros, Nicholas; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab AK – Palacios, Victor M.; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for broker; motion carried unanimously.

Tab AL – Perez, Abriam L.; present – Application withdrawn and waived the 90-day requirement.

Tab AN – Rattanachane, Melanie A.; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried 4 to 3.

Tab AO – Reynolds, Sara J.; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AP – Robb, Darren L.; present – Commissioner Ruffier moved; seconded by Commissioner Enzor to approve the application for sales associate; motion carried unanimously.

Tab AQ – Rodriguez, Arlene; not present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 6 to 1.

Tab AS – Serafin, Joseph N.; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab AT – Sharma, Asheem; not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Furst moved; seconded by Commissioner McCoig to continue the application; motion carried unanimously.

Tab AU – Steele, Charles B.; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab AW – Stovall, Anthony M. II; present – Commissioner Furst moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab AX – Struble, Amy M.; present – Commissioner Enzor moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab BG – Thompson, Jack P.; present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AY – Thorpe, Benjamin C.; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AZ – Thurman, Charles A.; present – Commissioner Furst moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried 6 to 1.

Tab BB – Watson, Matthew, present – Application withdrawn and waived the 90-day requirement.

Tab BC – Whitaker, Amber N.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Commission's Comments

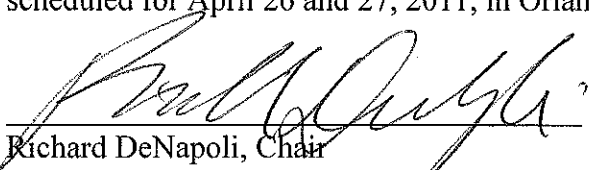
Commissioner Furst reported that in the last month there have been two news releases relating to mortgage fraud stings involving real estate licensees and that a couple of licensees still have active licenses. Commissioner Guju asked what steps can the division take when the individuals indicted hold a license related to their profession. Acting Director Watkins stated that about a year ago she had the privilege of visiting the U.S. Attorney's Office in Jacksonville, which was holding a press conference with individuals representing approximately 20 agencies. Ms. Watkins reported that the Assistant U.S. Attorney announced a long list of arrests which included about 35 licensees from various components of the real estate industry, who had been indicted, and that the cases were in various stages. Acting Director Watkins added that generally speaking, in complex fraud cases that involve federal charges, wherein the division may also have a case open, and the FBI states that they are going to take the lead on the case, the division will cooperate and let them take the lead. Ms. Watkins further stated that in many of those instances the division is asked to hold back so not to compromise the criminal investigation. Acting Director Watkins added that most of the time by the time the licensees are indicted they are not practicing anymore and often will surrender their license as a result of the criminal investigation. Acting Director Watkins further reported that the department's communication section monitors any press relating to its licensees and the division is almost always aware of the situation. Commissioner Furst appreciated Ms. Watkins comments as she is often asked about that and it addressed her concerns.

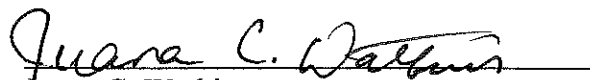
Acting Director Watkins stated that in the recent past the division kept tabs on its high profile cases, but got away from that procedure; however, she spoke to the investigators last week and directed them to reinstate the practice of keeping tabs on these types of cases. Vice-Chair Guju stated that he did not see how a federal investigation would have any bearing on the department's ability to suspend the real estate license. Ms. Watkins said perhaps in the near future Mr. Barnhart or Mr. Harwood can explain the process of Emergency Suspension Orders.

The Commissioners commended Acting Director Watkins for a job well done as well as Chief Attorney Harwood and Ms. Johnson, Operations Management Consultant II.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for April 26 and 27, 2011, in Orlando, Florida.


Richard DeNapoli, Chair
Florida Real Estate Commission


Juana C. Watkins,
Acting Director
Florida Real Estate Commission