

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
March 20 and 21, 2012
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 20th day of March, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Claude "Chip" Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Christina Arzillo, Megan Demartini, Andrew Fier, Josh Kendrick, Leigh Matchett and Joseph Solla, Assistant General Counsel; Lynette Kane, Operations & Management Consultant, II; Susan Bailey, Administrative Assistant II; Nyasha Riley, Government Analyst I; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the Minutes of the February 21 and 22, 2012, General Meeting, as written. Motion passed without dissent.

Unlicensed Activity Report

Deputy Director Johnson presented the Unlicensed Activity Report. Bureau Chief LeTarte addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

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

Report Regarding Legal Case Activity

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

Report Regarding Complaint Trends

Bureau Chief LeTarte presented the Report Regarding Complaint Trends. Chair Furst gave kudos to the investigative team for keeping the cases over 365 at a zero balance. Mr. LeTarte also reported that the enforcement team in the Central Region received the Davis Productivity Award from the department, which is a state-wide award for significant contributions which benefit both the State and its consumers. The Commission commended the Central Region Enforcement Team for their accomplishments.

Report Regarding Office Inspection/Escrow Audits

Bureau Chief LeTarte presented the Office Inspection/Escrow Audit report and addressed questions and comments from the Commission.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 6 Escrow Disbursement Orders and 1 Order for the Commission's consideration. Commissioner Hornsleth moved to accept the 6 Escrow Disbursement Orders and 1 Order, as presented. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Recovery Fund Claim

John Sidor v. Anne Woodward, DBPR Case No. 2012006216

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Enzor moved to approve the order granting the claim in the amount of \$21,767.16. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab M – Betty J. Walter, SL 3097873, Case No. 2010034375 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Nancy Campiglia, Esquire. No current members present were recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. Ms. Campiglia provided argument on behalf of the Respondent. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Boring; motion passed without dissent to continue the informal hearing until April 17, 2012.

Action Taken: Case continued to April 17, 2012.

Tab K – Elio M. Rodriguez, BK 596230, Case No. 2010013360 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and represented by Daniel Villazon, Esquire, also present. Commissioner 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 granted the informal hearing and entered into discussion. Commissioner Guju moved; seconded by Vice-Chair Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Guju moved, seconded by Commissioner Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: \$1,155.00 costs, 6 months probation, 4-hour escrow management course. **Violation:** Respondent violated Section 475.42(1)(e), Florida Statutes, through a violation of Rule 61J2-14.010(1), Florida Administrative Code, when he failed to deposit rental funds into an escrow account.

Tab T – Michael McNeal Keavy, BK 552382, Case No. 2011001052 – Settlement Stipulation

Respondent was present and represented by Steven Johnson, Esquire, also present. Commissioner 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 Guju moved; seconded by Commissioner Podolsky to accept the Settlement Stipulation. Motion carried without dissent.

Penalty imposed: \$250.00 fine, \$1,674.75 costs within 3 months from the Effective Date of the Final Order, attend one 2-day FREC meeting. **Violation:** Respondent violated Section 475.25(1)(e), Florida Statutes, by violating a lawful order of the Commission, as Respondent failed to timely comply with the Commission’s Escrow Disbursement Order.

Action taken: Settlement Stipulation accepted.

Tab J – Joris Reyes, SL 3097873, Case No. 2009044666 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: \$1,500.00 fine, \$808.50 investigative costs, 12 months probation, 3-hour ethics course, attend one 2-day FREC meeting. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent misrepresented Cruz as owner of record for the subject property to Rios and Zavala.

Tab N – Juan C. Zuniga, BK 3222692, Case No. 2009044580 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Boring; motion passed 6 to 1 to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Boring moved, seconded by Commissioner Podolsky; motion passed 6 to 1 to impose the following sanctions:

Action Taken: \$1,500.00 fine, \$858.00 investigative costs, 12 months probation, 3-hour ethics course, one 2-day FREC meeting. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent misrepresented Cruz as owner of record for the subject property to Rios and Zavala.

Tab L – Neybis Veronica Sanchez-Antoniazzi, BK 3021711, Case No. 2008023972 – Respondent’s Request for Reconsideration and, if Granted, Conduct an Informal Hearing, if Denied, Request for Stay of Penalty Pending Appeal

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

Mr. Cunningham represented the department and presented the case to the Commission. Ms. Campiglia provided argument on behalf of the Respondent. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Enzor to deny the request for reconsideration, motion carried unanimously. The Commission considered the Respondent’s request for stay of penalty pending an appeal and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to grant a stay of penalty pending appeal.

Action Taken: Reconsideration denied; stay of penalty granted.

Tab O, P and Q – Simone Marie Baillergeon, SL 3075477, Case Nos. 2011027313, 2011011764 and 2011018567 – Counsel for Respondent’s Request to Withdraw as Counsel

Respondent was present. Mr. Randy Schwartz, Esquire was present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Mr. Fier represented the department and presented the cases to the Commission. Mr. Randy Schwartz requested to withdraw as counsel to Respondent. Commissioner Guju moved; seconded by Commissioner Podolsky seconded to allow Mr. Schwartz to withdraw as counsel for the Respondent. The motion passed without dissent.

Action Taken: Commission granted the request of Mr. Schwartz, Esquire, to withdraw as counsel for Respondent.

Tab O – Simone Marie Baillergeon, BK 555014, Case No. 2011027313 – Settlement Stipulation

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

Mr. Fier represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Boring to accept the Settlement Stipulation as amended. Motion carried 5 to 1.

Penalty imposed: \$1,250.00 fine, \$397.65 investigative costs and a 4-hour escrow management course all to be completed within 12 months from the Effective Date of the Final Order, permanently enjoined from engaging in property management. **Violation:** Respondent violated Section 475.25(1)(d), Florida Statutes, by failing to timely deliver escrow funds under a property management agreement.

Action taken: Settlement Stipulation accepted as amended.

Tab P – Simone Marie Baillergeon, BK 555014, Case No. 2011011764 – Settlement Stipulation

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

Mr. Fier represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Boring to accept the Settlement Stipulation. Motion carried 5 to 1.

Penalty imposed: \$1,250.00 fine, \$427.35 investigative costs and attend one 2-day FREC General meeting, all to be completed within 12 months from the Effective Date of the Final Order, permanently enjoined from engaging in property management. **Violation:** Respondent violated Section 475.25(1)(d), Florida Statutes, by failing to timely deliver escrow funds under a property management agreement.

Action taken: Settlement Stipulation accepted.

Tab Q – Simone Marie Baillergeon, BK 555014, Case No. 2011018567 – Settlement Stipulation

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

Mr. Fier represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Boring to accept the Settlement Stipulation. Motion carried without dissent.

Penalty imposed: \$1,250.00 fine, \$481.80 investigative costs within 12 months from the Effective Date of the Final Order, permanently enjoined from engaging in property management. **Violation:** Respondent violated Section 475.25(1)(d), Florida Statutes, by failing to timely deliver escrow funds under a property management agreement.

Action taken: Settlement Stipulation accepted.

Tab I – Melvin Lopez, SL 3159540, Case No. 2011032599 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Suspension 30 days, \$866.25 investigative costs within 12 months from the effective date of the Final Order, 12 months probation, must attend two 2-day FREC meetings. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading nolo contendere to possession of Cannabis with intent to sell, possession of more than 20 grams of Cannabis, and possession of cocaine.

Tab F – Sarah Elizabeth Hendrick, SL 3239708, Case No. 2011030936 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Demartini represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Respondent disputed material facts contained within the Administrative Complaint. The matter was referred to the Division of Administrative Hearings (DOAH).

Action Taken: Case referred to DOAH.

Agenda C, Tab A – Monique Heather Morgan, BK 475943, Case No. 2010007144 – Recommended Order with Petitioner’s Exceptions

Respondent was not present and represented by Joseph Gibson, Esquire, not present. Chair Furst was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. Ms. Matchett presented Exceptions to the Recommended Order as to the penalty. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky; motion passed without dissent to adopt the Administrative Law Judge’s findings of fact and conclusions of law with the exception paragraph 32. Commissioner DeNapoli moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$2,000.00 fine within 30 days of the effective of the Final Order, Respondent shall within 5 days make available to Petitioner the records previously asked for during the investigation pursuant to Section 475.5015, Florida Statutes. **Violation:** Respondent violated Section 475.5015, Florida Statutes, by failing to make the requested records available to the department’s investigator for the transaction involving the Subject Property; violated Section 455.227(1)(j), Florida Statutes, and thereby 475.25(1)(e), Florida Statutes by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to

practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

Tab B – Jarod Allan Brewer, SL 3246338, Case No. 2011034859 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Suspension 60 days, \$500.00 fine, \$396.00 investigative costs, 6 months probation, attend two 2-day FREC meetings. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing of the felony plea of guilt within 30 days.

Tab C – Pamela Detore, SL 3103881, Case No. 2010042685 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$1,000.00 fine, \$594.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty in the Circuit Court in and for Hillsborough County.

Tab D – Brent Gabriel Edwards, SL 706748, Case No. 2011013311 – Voluntary Relinquishment of License

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

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Hornsleth moved, seconded by Commissioner Guju to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Tab G – Nicholas Charles Higgins, SL 3233637, Case No. 2011035409 – Voluntary Relinquishment of License

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

Mr. Kendrick represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Commissioner Guju to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Tab H – Sonja Michelle Ingram, SL 689722, Case No. 2010021799 – Voluntary Relinquishment of License

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

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Commissioner Hornsleth to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Agenda C, Tab B – Pedro Diaz, SL 3130385, Case No. 2010047576 – Stipulated Settlement

Respondent was not present and was represented by John Bribriescio, Esquire, not present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the Settlement Stipulation. The motion passed without dissent.

Action taken: Settlement Stipulation denied.

Agenda C, Tab C – Harry Alan Linet, BK 552382, Case No. 2011001052 – Settlement Stipulation

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner Podolsky to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Suspended 3 months, \$1,000.00 fine, \$610.50 costs and complete an escrow management course all within 3 months of the effective date of the Final Order, attend one 2-day FREC meeting within 6 months from the effective date of the Final Order. **Violation:** Respondent violated Sections 475.42(1)(k) and 475.25(1)(e), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab W – Danesa L. Bryan, SL 30346133210294, Case No. 2009007486 – Motion for Waiver of Rights Hearing

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

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

Action Taken: Revocation, \$3,000.00 fine, \$387.75 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, by conveying fraudulent information and actively making misrepresentations; violated Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker on behalf of South Florida Alliance Realty, Inc. and not Respondent's registered broker, Acme Real Estate, Inc.; violated Section 475.42(1)(d), Florida Statutes, by collecting a commission without notification or consent of her registered broker.

Tab X – Scott C. Daniels, BK 675274, BK 3219798 and BK 3221848, Case No. 2010046507 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action Taken: Revocation, \$2,500.00 fine, \$132.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver deposit to Complainant; violated Section 475.25(1)(b), Florida Statutes, by acting with culpable negligence when Respondent was not able to prevent the loss of deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records pertaining to Respondent's real estate brokerage business.

Tab Y – Scott C. Daniels, BK 675274, BK 3219798 and BK 3221848, Case No. 2010051146 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action Taken: Revocation, \$5,500.00 fine. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver deposit to Complainant; violated Section

475.25(1)(b), Florida Statutes, by acting with culpable negligence when Respondent was not able to prevent the loss of deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records pertaining to Respondent's real estate brokerage business.

Tab Z – Scott C. Daniels, BK 675274, BK 3219798 and BK 3221848, Case No. 2010058572 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action Taken: Revocation, \$5,500.00 fine, \$165.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver deposit to Complainant; violated Section 475.25(1)(b), Florida Statutes, by acting with culpable negligence when Respondent was not able to prevent the loss of deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records pertaining to Respondent's real estate brokerage business.

Tab AA – Scott C. Daniels, BK 675274, BK 3219798 and BK 3221848, Case No. 2010058572 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action Taken: Revocation, \$6000.00 fine, \$792.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver deposit to Complainant; violated Section 475.25(1)(b), Florida Statutes, by acting with culpable negligence when Respondent was not able to prevent the loss of deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records pertaining to Respondent's real estate brokerage business; violated Rule 61J2-14.010(1), Florida Administrative Code, by failing to immediately place Complainant's check into an escrow or trust account.

Tab AB – Florida List for Less Realty, Inc., CQ 1023276, Case No. 2010046094 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Chair Furst and Commissioner Hornsleth were recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Podolsky moved, seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the

Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver deposit to Complainant; violated Section 475.25(1)(b), Florida Statutes, by acting with culpable negligence when Respondent was not able to prevent the loss of deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records for the transaction involving the Subject Property. Respondent was reliant upon its sales associates to provide the full file.

Tab AC – Florida List for Less Realty, Inc., CQ 1023276, Case No. 2010048031 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Chair Furst and Commissioner Hornsleth were recused due to participation on the probable cause panel.

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

Action Taken: Revocation. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver deposit to Complainant; violated Section 475.25(1)(b), Florida Statutes, by acting with culpable negligence when Respondent was not able to prevent the loss of deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records for the transaction involving the Subject Property. Respondent was reliant upon its sales associates to provide the full file.

Tab AD – Florida List for Less Realty, Inc., CQ 1023276, Case No. 2010050193 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Chair Furst and Commissioner Hornsleth were recused due to participation on the probable cause panel.

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

Action Taken: Revocation. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver buyer's deposit to the title company or Complainant; violated Section 475.25(1)(b), Florida Statutes. Due to its culpable negligence, Respondent was not able to stop the loss of the buyer's deposit; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records for the transaction involving the Subject Property. Respondent was reliant upon its sales associates to provide the full file.

Tab AE – Florida List for Less Realty, Inc., CQ 1023276, Case No. 2011003434 – Motion for Waiver of Rights Hearing

Respondent was not present and represented by Michael Quarequio, Esquire, not present. Chair Furst and Commissioner Hornsleth were recused due to participation on the probable cause panel.

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

Action Taken: Revocation. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver Complainant's deposit to the Complainant; violated Section 475.25(1)(b), Florida Statutes. Due to its culpable negligence, Respondent was not able to stop the loss of the buyer's deposit; violated Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2010.038, Florida Administrative Code, when it failed to notify the Department of its address change within 10 days; violated Section 475.5015, Florida Statutes, by failing to keep and maintain records for the transaction involving the Subject Property. Respondent was reliant upon its sales associates to provide the full file.

Tab AF – Thomas L. Lewis, SL 3073563, Case No. 2010023341 – Motion for Waiver of Rights Hearing

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

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

Action Taken: Revocation, \$235.95 investigative costs. **Violation:** Respondent violated Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order of the FREC.

Tab AG – Vishnu C. Singh, SL 3217237, Case No. 2010016454 – Motion for Waiver of Rights Hearing

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

Ms. Arzillo 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 Guju; motion carried unanimously to find the Respondent guilty of Counts I, II and III as charged in the Administrative Complaint and drop Count IV. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion carried without dissent to impose the following sanctions:

Penalty imposed: \$2,000.00 fine, \$255.75 costs within 6 months from the date of filing of the Final Order. **Violation:** Respondent violated Section 455.227 (1)(j), when Respondent procured, as an owner and officer, an unlicensed real estate corporation for facilitating real estate transactions; violated Section 475.42(1)(a), Florida Statutes, when Respondent facilitated real estate transactions, as an officer of corporation, with a current, inactive sales associate license; violated Section 475.25(1)(b) Florida Statutes when Respondent operated as a broker for corporation without a current active real estate broker license.

Tab AH – Marco A. Veiga, SL 3141699, Case No. 2011029668 – Motion for Waiver of Rights

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

Mr. Fier 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 Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried without dissent to impose the following sanctions:

Penalty imposed: Revocation, \$3,500.00 fine, \$660.00 costs. **Violation:** Respondent violated Section 475.25 (1)(b), Florida Statutes, when Respondent accepted and converted the security deposits for personal use.

Agenda B, Tab A – Robert Severino, BK 3195715, Case No. 2011036496 – Voluntary Relinquishment of License

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

Ms. Demartini represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

The following cases were continued or withdrawn

Tab E – Diana Rosa Fonseca
Tab S – Michelle Gonzalez
Tab V – Mary D’Nette Allen

General Session continued

Review and Consideration of the Real Estate Continuing Education Courses

Director Watkins presented the following continuing education courses for the Commission’s consideration:

1. Introduction to Expert Witness Testimony – New Course – Application No. 16115 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner Guju moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

2. Mortgage Fraud – Protect Yourself – New Course – Application No. 16120 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner Guju moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

3. Florida Appraisal Laws and Regulations Update – New Course – Application No. 16121 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Podolsky seconded the motion. The motion passed without dissent.

Special Agenda

Correspondence received from Andrea Scappini

Director Watkins presented a letter received from Andrea Scappini requesting the Commission allow her to renew late. Ms. Scappini did not appear in support of her request. The Commission entered into discussion. The Commission denied Ms. Scappini's request and requested that Mr. Barnhart respond accordingly on behalf of the Commission.

Discussion regarding web-streaming FREC meetings

Chair Furst stated that this topic was being presented for further discussion as some Commissioners expressed various concerns. The Commission entered into discussion. Commissioner Guju stated that he sees both the pros and cons of web-streaming. Commissioner Enzor stated he feels it should be discontinued. Commissioner DeNapoli stated that he feels that it is beneficial to have closed-circuit streaming with Tallahassee, but feels it may be problematic for open-circuit streaming. Director Watkins addressed comments and questions from the Commission.

Chair Furst requested the Commissioners make a motion on how they wish to proceed. Commissioner Enzor moved to web-stream the meeting via closed-circuit to the department; seconded by Commissioner Podolsky. The motion passed without dissent.

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:30 p.m.

March 21, 2012

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of March, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Claude "Chip" Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. 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 C. Watkins, Director; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; Susan Bailey, Administrative Assistant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Consent Agenda

The Commission considered 129 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commissioner Guju to approve 82 applicants and require 47 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abreu, Eradio E	Crocker, Paul	Mitchell, Robert
Acosta, Manual A Jr	Crowley, Catherine	Nascimento, Jair
Alexander, Clifford R	Cruz, Omar	Norberg, Richard Jr
Allen, Thomas B Sr	Docktor, Adam	Osvold, Roald Jr
Anchia, Raul	Ecker, Robert Jr	Outlaw, Mike
Andersen, Julie	Friedman, Mitchell	Pidoto, Joseph
Arata, John	Fuster, Elizabeth	Preston, Mia
Barnes, Lanae	Gagliano, Michael	Price, Mark
Barrero, Denise	Gil, Raul	Ricks, James Jr
Bates, Brandon	Godfrey, Gretchen	Rivas, Jorge
Berben, Edgar	Grandfield, Janice	Rosato, Jessica
Bond, Eldon G	Gutierrez, Michael	Saramaha, Daniel
Boughner, John	Harvey, Richard	Sell, Samuel
Boulay, Steven	Henriques, Thomas Jr	Shallenberger, Susan
Brookins, David Jr	Holcomb, Bradley	Sheppard, Norman
Brown, Douglas	Hunt, Judith	Solana, Moises
Cadiz, Robert Jr	Jaconetta, Michael	Solomon, Dominic
Campbell, Bernard	Johnson, Jeffrey	Stankiewicz, Tara
Campbell, Jeff	Johnstone, Neil	Tarboro, Howard
Cancelo, Carlos	Jones, Johnny R	Tenold, Charles
Castellon, Maria	Kelley, Tracy	Torres, Pablo
Choroco, Carlos	Kendall, Raymond	Totah, Jiries
Clark, Paul	Lanzone, Suzanne	Trenchard, Vicki
Clinton, Deirdre	Liskovec, Lori	Velazquez, Siomara
Cole, Roxxanne	Mansour, William	Wallace, Adam
Connell, John	McCloskey, James	Walton, Jennifer
Corey, Sean	McGeehan, Tira	Ward, Jennifer
Courson, Jill	Miller, Barry	

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

Afroz, Peter Emil	Gomez, Michael	Marcum, Dan
Armwood, Gwendolyn	Gonzalez, Jose	McAuslin, Ian
Auricchio, John	Hannachi, Sofaine	McHenry, Steven
Baber, William Jr	Harriton, Charles	McKesson, Molly
Beauchard, Beckner	Hartley, Angeline	Orjuela, Freddy
Capua, Anthony	Hayes, Richard	Pasquini, Patricia
Chambers, Robert	Hill, William I Jr	Petty, Richard Jr
Chapman, Vicki	Hochman, Robert	Rodriguez, Maivi
Claircius, Max	Hose, Charles R III	Rosa, Rochely
Clarke, Luis	Hough, Thomas	Santacruz, Jose

Cobb, Matthew
Collins, Patrick
Diaz, Airam
Diaz, Armando
Faranda, Brittany
Farquhar, Robert

Jones, Erika C
Justin, Mural
Kennedy, Lorraine
Lettieri, James
Maffucci, Steven
Malone, Timothy

Scott, Valerie
Speno, Edward
Stappenbacher, Shannon
Wagnon, Daniel

Summary of Applicants

OMC II Jocelyn Pomales presented 42 Summary of Applicants requesting to sit for the real estate examination.

Tab AD – Questell, Jose M., present; represented by Bob Dwyer, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab O – Hubert, Jeffrey M., present; represented by Steven Schaet, not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab D – Battle, Jesse B., present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 6 to 1.

Tab M – Espido, Krystal M., present – Commissioner Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AE – Rhulen, Erik J., not present; represented by Daniel Villazon, Esquire, present – Applicant withdrew application and waived the 90-day requirement.

Tab AH – Sharma, Giresk K., present – represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab A – Abrego, Sergio A., present – Applicant withdrew application and waived the 90-day requirement.

Tab B – Alas, Roberto Z., present – Applicant withdrew application and waived the 90-day requirement.

Tab C – Arena, Ronald J., Jr., not present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to grant a continuance until April 18, 2012; the motion passed without dissent.

Tab E – Betsinger, Matthew J., not present – Commissioner Guju moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab F – Brand, Daniel, not present – Commissioner DeNapoli moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab G – Chadwick, Michael J., not present – Commissioner Guju moved; seconded by Commissioner Enzor to deny the application for broker; the motion passed without dissent.

Tab H – Cleckley, Blaine M., present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 5 to 2.

Tab I – Damiano, Paul A., not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab P – Jensen, Jeremy B., present – Commissioner Podolsky moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab J – Davenport, Darin T., not present – Commissioner DeNapoli moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab K – Dumas, Joshua P., present – Commissioner Enzor moved; seconded by Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab L – Dunn, David B., present – Commissioner Podolsky moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab N – Hopper, Stuart PA, present – Commissioner Guju moved; seconded by Commissioner Podolsky to approve the application for broker; the motion passed without dissent.

Tab Q – Karai, Sangeeth, not present – Commissioner Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab R – Kerrigan, Danielle, not present – Commissioner Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab S – Kocijan, Sandra, not present – Applicant withdrew application.

Tab T – Laing, Sherry, present – Applicant withdrew application and waived the 90-day requirement.

Tab U – Law, Mark X., not present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6 to 1.

Tab V – Lynch, Robin, not present – informal hearing – Commissioner Podolsky moved; seconded by Commissioner Enzor to adopt the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab W – Malave, Domitila R., not present – Commissioner DeNapoli moved; seconded by Commission Guju to grant a continuance until April 18, 2012; the motion passed without dissent.

Tab X – McFadden, Andrea J., not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab Y – McFadden, Joshua, not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab Z – Medida, Gilbert, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab AA – Melford, Jeff S., present – Applicant withdrew application and waived the 90-day requirement.

Tab AB – Milask, Marc B., present – Applicant withdrew application and waived the 90-day requirement.

Tab AC – Nadeau, Joann M., not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AF – Rodriguez, Juan, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed 6 to 1.

Tab AG – Rossetti, Michael, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AI – Shearer, Christopher, not present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab AJ – Skipper, Trigg R., present – Applicant withdrew application and waived the 90-day requirement.

Tab AK – Spence, Nadia L., present – Commissioner Guju moved; seconded by Commissioner Podolsky to approve the application for broker; the motion passed without dissent.

Tab AL – Tyson, Lashanna R., present; Commissioner DeNapoli moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AM – Williams, Glenn D., Jr., present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5 to 2.

Tab AN – Williams, Joshua G., present – Applicant withdrew application and waived the 90-day requirement.

Tab AO – Williams, Robert C., present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AP – Wood, April, present – Applicant withdrew application and waived the 90-day requirement.

Legislative Update

Director Watkins provided an update regarding the HB 887, HB 454, and HB 4153 and summarized the provisions which may affect the division. Director Watkins stated that she and FREC Counsel Barnhart will get together to identify the rules which require amendments, which she will also have to report Legislative Affairs. Director Watkins reported that changes to the licensing system and forms will have to occur and that the division will be posting those changes and the various effective dates on the web. The division will create additional FAQs as well.

Director's Comments

Director Watkins reported the following:

- Financial Reports will be presented available next month;
- Bureau Chief Gus Ashoo will be appearing before the Commission next month;

- The next renewal period ends March 31, 2012, and approximately 33,000 real estate licensees have not renewed, so the department and division are preparing for the influx of renewals.

Commission's Comments

Board Counsel Tom Barnhart stated that his been brought to his attention that the Commissioners have been having side conversations and wanted to caution them to adhere to the Sunshine Laws.

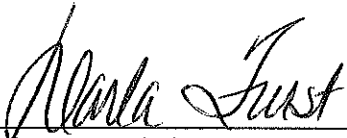
Public Comments

Ms. Nancy Campiglia addressed the Commission on behalf of a client broker relating to three concerns:

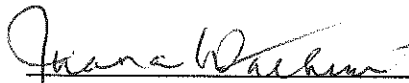
- First concern is relating to the lack of knowledge of real estate licensees being required to report their criminal background and ignorance of the statute;
- Second concern relates to the statutory requirements for licensing real estate instructors and that it lacks real estate licensure education which is a significant deficiency and which appears to be impacting the examination passage rate. Ms. Campiglia, would like the Commission to consider making recommendations, under its rule making authority to be more astringent in licensing real estate instructors;
- Last, relates the Education and Foundation Committee Trust Fund Account and whether the Commission may be authorized to grant funds to Ms. Campiglia's client(s) to facilitate training programs for the public, specifically for people experiencing financial hardships to the point of becoming homeless. Ms. Campiglia stated that a client wishes to offer training programs such as how to handle money, etc. so to possibly prevent people from losing their homes and becoming homeless. Chair Furst reported that she had the fortunate opportunity to attend a round table discussion with 5 major banks which addressed this very issue and offered to get some information to Ms. Campiglia which she may find helpful.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for April 17 and 18, 2012, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana C. Watkins, Director
Florida Real Estate Commission