

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
March 19 and 20, 2013
General Meeting**

Chair Chip Boring called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 19th day of March, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Darla Furst, Poul Hornsleth and Josh Podolsky. Commissioner DeNapoli was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Christina Arzillo, Lauren Roderick and Joseph Solla, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Beverly Ridenauer, Government Analyst II; Sissy Atkinson, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the Minutes of the February 19 and 20, 2013, General Meeting, as written. The motion passed without dissent.

Monthly Exam Performance Summary Report

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

Unlicensed Activity Report

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

Report Regarding Enforcement Trends and Escrow Audits

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

Financial Reports Ending December 31, 2012

Deputy Director Johnson presented the Financial Reports ending December 31, 2012 and the expenses paid from the FREC account to the FREAB account. Vice-Chair Enzor inquired about the charges related to the Federal Registry. Ms. Johnson explained that those funds are in-and-out transactions and the funds do not come out of the FREC or FREAB budget. Vice-Chair Enzor also inquired how the incurred bank charges are assessed found in line item "Revenue Bank Charges" under "Expenses". Ms. Johnson stated that she would consult with Mr. Hurley in Finance and Accounting and report back to the Commission.

Chair Boring inquired about the balance of the Recovery Fund and whether the Commission would receive an accounting at the end of the quarter. Ms. Johnson stated they are provided quarterly. Ms. Johnson reported that the division has requested the Legislature approve an increase in spending authority for next year based on Mr. Solla's estimates. Vice-Chair Enzor inquired about the transfer of funds in the amount of \$2.7 million in 2011 as reflected on page 9 and reflects receiving \$1 million in 2012. Ms. Johnson stated that she would consult with Mr. Hurley on this also.

Report Regarding Legal Case Activity

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 23 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Mr. Solla stated that Tab F has been settled and therefore is withdrawn. Commissioner Hornsleth moved to accept the 22 Escrow Disbursement Orders, amending Tab J, and 3 Orders. Commissioner Furst seconded the motion. The motion passed without dissent.

Recovery Fund Claims

Tab A – Thomas C. Parks and Ellen H. Parks v. 30A Resort, LLC, DBPR Case No. 2013004419

Assistant General Counsel Solla presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Solla advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order denying the claim. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Agenda A, Tab B – Valentina Haun a/k/a Valentina Brown, BK 3046561, Case No. 2011059481 – Respondent's Request for an Informal Hearing

Respondent was not present. Respondent was represented by Steven Johnson, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. Mr. Johnson requested a continuance until the April FREC meeting. Commissioner Furst moved; seconded by Vice-Chair Enzor; motion passed without dissent to continue the matter until April 16, 2013.

Action Taken: Case continued until April 16, 2013.

Agenda A, Tab I – Betty Jean 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, also present. No current Commission members were recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. Ms. Arzillo stated that the department would drop Count II. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to dismiss Count II of the Administrative Complaint provided the Respondent remove the objection of moving forward with an informal hearing for Count I of the Administrative Complaint. The Commission granted the informal hearing and entered into discussion. Ms. Campiglia presented a Motion to Amend Order of Continuance. Commissioner Podolsky moved; seconded by Vice-Chair Enzor; motion passed without dissent to deny Respondent’s Motion. Ms. Campiglia presented an ore tenus motion to dismiss the Administrative Complaint. Commissioner Podolsky moved; Vice-Chair Enzor seconded; the motion passed without dissent to deny Respondent’s motion to dismiss the Administrative Complaint. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to find the Respondent guilty of Count I as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: \$500.00 within 12 months; 6 months probation. **Violation:** Section 475.25(1)(f), Florida Statutes, when Respondent entered a plea of guilty and was adjudicated guilty.

Agenda A, Tab C – Theresia Marie Helton, BK 3077530 and 3248280, Case No. 2011018510 – Recommended Order w/Exceptions

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

Ms. Arzillo represented the Department and presented the case to the Commission. Mr. Villazon filed exceptions on behalf of the Respondent as to the penalty. Ms. Matchett filed a Response to Respondent’s Exceptions to the Recommended Order. The Commission entered into discussion. Commissioner Podolsky moved to accept the exception as to the penalty filed by the Respondent; seconded by Commissioner Hornsleth, motion passed 3 to 1. Commissioner Podolsky moved, seconded by Commissioner Hornsleth; motion passed 3 to 1 to adopt the Administrative Law Judge’s findings of fact and conclusions of law and to modify the penalty imposing the following sanctions:

Action Taken: Suspension for 5 years; \$5,000.00 fine; 28-hour reactivation course; 5 years probation concurrent with suspension. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, by acting with culpable negligence in accounting or committing a breach of trust when Respondent failed to deliver material documents or payments made by Tenant for the rental of Subject Property; violated Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to account or deliver material documents or payments made by Tenant for the rental of Subject Property as agreed upon or required by law.

Action taken: Adopted Recommended Order with modification.

Agenda A, Tab A; Agenda B, Tab D – Shirley Ann Copenhaver, SL 643653, Case No. 2009006401 – Settlement Stipulation

Respondent was present and was represented by Nancy P. Campiglia, Esquire, also present. Chair Boring 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 Hornsleth moved; seconded by Commissioner Podolsky to accept the Stipulated Settlement dropping Counts I and II of the Administrative Complaint. The motion passed without dissent.

Penalty imposed: \$250.00 fine; investigative costs; 46 hours of post-licensure courses; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by collecting money in Respondent's own name in connection with a real estate transaction.

Action taken: Settlement Stipulation accepted.

Agenda A, Tab F; Agenda B, Tab C; Agenda C, Tab A – Andy Mendez, SL 3180244, Case No. 2012037848 – Respondent's Request for an Informal Hearing

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

Ms. Roderick represented the department and presented the case to the Commission. Mr. Villazon requested a continuance until the April FREC meeting. Commissioner Podolsky moved; seconded by Commissioner Hornsleth; motion passed without dissent to continue the matter until April 16, 2013.

Action Taken: Case continued until April 16, 2013.

Agenda A, Tab G – Robert J. Smith, III, SL 3210890, Case No. 2009049533 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Daniel Villazon, Esquire. Chair Boring was recused due to participation on the probable cause panel. Commissioner DeNapoli participated on the probable cause panel. Commissioner DeNapoli was excused and not present.

Ms. Arzillo represented the department and presented the case to the Commission. Mr. Villazon requested a continuance until the April FREC meeting. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to continue the case.

Action Taken: Case continued until April 16, 2013.

Agenda A, Tab J – Jose P. Cazas, P.A., SL 651092, Case No. 2011016863 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. Mr. Villazon requested a continuance until the April FREC meeting. Commissioner Hornsleth moved; seconded by Commissioner Furst; motion passed without dissent to continue the matter until April 16, 2013.

Action Taken: Case continued until April 16, 2013.

Agenda B, Tab E – Judy Luiz, BK 3264513, Case No. 2013005394 – Voluntary Relinquishment of License

Respondent was not present. Respondent was represented by Daniel Villazon, Esquire, present. There was no probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Hornsleth to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Agenda C, Tab B – Rent Works, LLC, CQ 1042389, Case No. 2013005395 – Voluntary Relinquishment of License

Respondent was not present. Respondent was represented by Daniel Villazon, Esquire, present. There was no probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Hornsleth to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Agenda A, Tab D; Agenda B, Tab B – Cristine Marie Hollingsworth, SL 3185032, Case No. 2011051102 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Roderick represented the department and presented the case to the Commission. Ms. Roderick notified the Commission of a scrivener’s error contained in the Administrative Complaint relating to the statute reference in Count II, which should have read Section 475.25(1)(p), Florida Statutes. The Respondent requested a continuance. Commissioner Furst moved to deny the request for continuance. Vice-Chair Enzor seconded; the motion passed without dissent. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner Hornsleth; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint as orally amended. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent plead nolo contendere to grand theft; Section 475.25(1)(p), Florida Statutes, when Respondent failed to provide written notification to the Commission of her felony plea of nolo contendere within 30 days.

Agenda A, Tab E – Michael Richard Mazzoli, SL 3227275, Case No. 2012032200 – Respondent’s Request for an Informal Hearing

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

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

Action Taken: \$500.00; investigative costs; must complete an ethics course; 6 months probation.

Violation(s): Sections 455.227(1)(t) and 475.25(1)(e), Florida Statutes, by failing to inform the Commission in writing within 30 days after the Respondent entered a plea of nolo contendere to DUI Alcohol or Drugs 1st Offense, a misdemeanor, and was adjudicated guilty of same.

Agenda A, Tab H – Jeremy Waller, SL 3037732, Case No. 2012043771 – 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.

Ms. Roderick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner 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: \$500.00; investigative costs; attend two 2-day FREC meetings; 6 months probation.

Violation(s): Sections 455.227(1)(t) and 475.25(1)(e), Florida Statutes, by failing to report to the Commission that he pled guilty to Wholesale Promotion of Obscene Materials, within 30 days after entering his plea; Sections 455.227(1)(t) and 475.25(1)(e), Florida Statutes, by failing to inform the Commission in writing within 30 days after the Respondent entered a plea of nolo contendere to Reckless Driving First Offense and was adjudicated guilty of same.

Agenda A, Tab K; Agenda B, Tab A – Martin R. Beck, Jr., BK 3071793, Case No. 2012032201 – 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.

Ms. Roderick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner 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: \$500.00; investigative costs; 12 months probation. **Violation(s):** Sections 455.227(1)(t) and 475.25(1)(e), Florida Statutes, by failing to report to the Commission that he pled nolo contendere to DUI Alcohol or Drugs, within 30 days after entering his plea of nolo contendere or being found guilty of a crime in any jurisdiction.

Agenda A, Tab L – Sarah P. Messer, BK 3138208, Case No. 2012004125 – 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.

Ms. Roderick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner 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: \$500.00; investigative costs; 12 months probation. **Violation(s):** Sections 455.227(1)(t) and 475.25(1)(e), Florida Statutes, by failing to inform the Commission in writing within 30 days after the Respondent entered a plea of nolo contendere to Driving While License Suspended and was adjudicated guilty of same.

General Session

Rules Report

FREC Counsel Barnhart reported on the status of pending rules.

Review and Consideration of the Real Estate Continuing Education Course

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

FL 14 Hours Essential Residential Topics – New Course (14-hour CE) – Application No. 17920 – Amy Zanzinger, RealEstateCE.com

Ms. Zanzinger was not present. The Commission entered into discussion. Commissioner Furst 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 and for the reasons listed in the recommendation of the evaluator; Commissioner Podolsky seconded the motion. The motion passed without dissent.

Special Agenda

Correspondence from Mark Dickson

Deputy Director Johnson presented correspondence received from Mark Dickson requesting the Florida Real Estate Commission to consider allowing him to use master’s degree to substitute for 1 year of the 24-month experience requirement to become a broker. Commissioner Furst moved to recommend the division to send a letter explaining that the department or Commission does not have statutory authority to allow Mr. Dickson’s master’s degree to qualify for 1 year experience toward the 24-month experience requirement. Commissioner Podolsky seconded the motion; the motion passed without dissent.

Correspondence from Ashley Wolfington

Deputy Director Johnson presented correspondence from Ashley Wolfington expressing her appreciation of the sales associate with whom she had real estate dealings. The Commission appreciated Ms. Wolfington's letter and recommended that the division send a letter thanking her for her letter and suggest that she express her appreciation to the local Realtor Association and the licensee's broker.

Consent Agendas

Agenda A

The Commission considered 163 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 123 applicants and require 40 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abreu, Barbara	Gionfriddo, Rachael	Pierre Louis, Teddy PA
Adams, Jeremy	Grace, Steven	Pilson, Kendra
Albritton, Stephen	Guerrero, Nahum	Polsky, Brandon
Allen, Katrina	Hanna, Nagy	Price, Audrey
Arguello, Douglas	Harry, Ashlee	Quintana, Wilfredo
Bach, Melissa	Hayes, Clinton	Rancourt, Norman
Banasiak, Steven	Haynes, David	Reynolds, Adam
Barbano, Dominick	Herron, Justin	Rodriguez, Lariadne
Bedzow, Jeremy	Hoflund, Patricia	Ross, Mitchell II
Bezdek, James	Huffer, Peter	Rudd, Pamela
Bianco, John	Jaramillo, Carol	Sakeslos, Costas
Bosch, Abraham	Johnson, Diane	Sanders, Ronald Jr
Bostick, Amanda	Johnston, Darryl	Schereschewsky, Scott
Boyett, Jillian	Joy, David	Schlein, Yair
Brand, Ken	Joyner, Rex Jr.	Shakir, Wanda
Brooks, Lynne	Juarez, Mario	Shapton, Matthew
Brown, Jeffery	Kennedy, Brandy	Silva, Alan
Bunce, John	Kovacs, Alexander	Silva, Eddie
Cairns, Jodi	Lasseter, Karen	Sims, John III
Cannavino, John	Legg, David	Singh, Sandeep
Carithers, Brian	Licari, Brittany	Smith, David II
Caughman, Rica	Linde, Armando	Stanek, Char
Chrysakis, Phil	Lyons, Nancie	Stepps, Ladi
Clavijo, Sandra	Madison, Michele	Stoia, Matthew
Collins, Michael	Maldonado, Alfonso	Stuckey, Wendell
Connor, Craig	Marro, Christopher	Sullivan, Edward
Deardorff, Teri	McLain, Nikki	Swan, Christopher
Debeer, Hans	McMillian, Adrian	Thomson, Kathy
Deeley, Kevin	McWhorter, Erin	Tucciarone, Gene
Defoe, Venita	Mendes, Jose	Tyner, Wesley
Diaz, Roy	Mullinax, Michael	Tyson, Frederic
Dixon, Jennifer	Munevar, Monica	Urena, Milayda
Dovidio, Louis Jr.	Nogowski, Roy	Vascotto, Jamie
Doyle, Ian	Nzuzu, Emmanuel	Velez, Leonard
Droz, Rene	Pardee, Bobbie	Vogel, Bradford

Ellis, Rosemary
Eloi, Frantz
Fernandez Guillot, Taimi
Fernandez, Clara
Fleming, Karriem
Gaylord, Nathan

Parker, Mark
Pass, Mark
Pena, Irineo
Pena, Raybel
Perez, Anibal
Philuis, Jynio

Walton, Scott
Webber, Samuel Jr.
Weisbrot, Juliya
West, Scott
Whalen, Michael
Wickline, Frank

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

Baerga, Henry
Bain, Yahica
Bauer, Richard
Butler, William
Cesery, Christie
Crites, Andrew
Dahle, Mark
Dennis, Daniel
Drescher, Edward
Eagle, Cathy
English, Scott
Epsten, Richard
Estrada, Juan Jr.
Falzarano, Philip

Florian, Beth
Franco, Cesar
French, Christopher
Friese, Stephen
Giacomotti, Andres
Heiss, Jenna
Hypes, Lisa
Infantolino, Dean
Leszczynski, Michael
Letourneau, Andrew
Lockhart, Wendy Pa
Mendoza, Danilo
Mitchell, Donald

Morse, Calvin
Pasha, Bibi
Ramirez, Daniel
Rosillo, Joel
Salom, Beatrice
Sarta, Richard
Shwartzbach, Abraham
Taylor, Troy
Theune, Eric
Thibodeau, Beverly
Uncapher, Jason
Zapata, Jacob
Zurzolo, Anthony Jr.

Agenda B

The Commission considered 9 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 8 applicants and require 1 applicant to be placed on the Summary of Applicants Agenda; the motion passed without dissent.

The following applicants were approved:

Ballard, Justin
Bartolotta, Michael
Bermudez, Rene

Crabtree, John
Letts, Timothy
Mosher, Steve

Powers, Lisa
Vaughan, Todd

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

McHenry, Steven

Agenda C

The Commission considered 3 applicants from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 1 applicant and require 2 applicants to be placed on the Summary of Applicants Agenda; the motion passed without dissent.

The following applicant was approved:

Valentin, Nicholas

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

Crabtree, Jere

Wallace, Elissa

There being no further business and no objection, the Chair recessed the meeting at approximately 12:45 p.m. until 8:30 a.m. tomorrow.

March 20, 2013

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 20th day of March, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Darla Furst, Poul Hornsleth and Josh Podolsky. Commissioner Richard DeNapoli was excused and was not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Beverly Ridenauer, Government Analyst II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 47 Summary of Applicants requesting to sit for the real estate examination.

Tab AG – Seneca M. McMillan, present; represented by Mr. Randy Schwartz, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab A – Leslie Arouh, present – present; was represented by Daniel Villazon, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate. Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab B – Alexander Sena, present – present; was represented by Daniel Villazon, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered and approve the application for sales associate; the motion passed without dissent.

Tab C – Wesly Todd Tyner, not present; was represented by Daniel Villazon, Esquire, present – Applicant withdrew the informal hearing and withdrew the application.

Tab D – Asdiel Brunet Carcases, not present; represented by Daniel Villazon, Esquire, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab N – Ileana Fedo, present – present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab R – Eric Handte, not present; represented by Daniel Villazon, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Z – Victoria N. Lindsay, present; represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab AB – Brandy Lothian, present; represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AK – William R. Pierce, P.A., present; was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed 4 to 1.

Tab AR – Gustavo J. Sperman, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed without dissent.

Tab J – Judith M. Dale, not present; was represented by Nancy Campiglia, Esquire, present – Ms. Campiglia presented that the application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk's Office. Director Watkins presented that the application is not complete. Commissioner Podolsky moved; seconded by Commissioner Furst to deny the applicant's request for approval by the department by default upon reliance on Section 120.60(1), Florida Statutes; motion passed without dissent. Commissioner Podolsky moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab AD – Fernando G. Martinez, present; was represented by Nancy P. Campiglia, Esquire, present – Ms. Campiglia presented that the application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk's Office. The Director concurred. No action was required of the Commission.

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

Tab AO – Richard Simone, not present; was represented by Nancy P. Campiglia, Esquire, present – Ms. Campiglia presented that the application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk's Office. Director Watkins presented that the application is not complete. Commissioner Podolsky moved; seconded by Commissioner Furst to deny the applicant's request for approval by the department by default upon reliance on Section 120.60(1), Florida Statutes; motion failed. Upon further discussion, Commissioner Furst moved; seconded by Commissioner Hornsleth that the application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk's Office; the motion passed 4 to 1. No further action was required of the Commission.

Tab AT – Mario M. Velis, not present; was represented by Nancy P. Campiglia, Esquire, present – Ms. Campiglia presented that the application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk’s Office. Director Watkins presented that the application is not complete. Upon discussion, Commissioner Furst moved; seconded by Commissioner Podolsky that the application qualifies for approval by the department by default upon the applicant filing a Notice of Reliance on Section 120.60(1), Florida Statutes with the Agency Clerk’s Office; the motion passed 4 to 1. No further action was required of the Commission.

Director Watkins stated that the department receives approximately 2600 applications per month and that the Commission only sees about 10% of those applications and wanted to go on record to say that while she will not negate nor challenge that mistakes are made and perhaps there needs to be an adjustment to the process, she wanted to acknowledge the hard work of the application processing unit. Ms. Watkins further stated after the one application was approved by default last month, the department and division did exam the process and added the topic on the agenda to discuss applications relating to complete versus deficient so to resolve this issue.

Tab F – Jack R. Cauchois, present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed 3 to 2.

Tab I – Lucas Costello, Jr., present – Applicant withdrew the application and waived the 90-day requirement.

Tab E – John R. Canzoneri, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab K – Joseph E. DiPaula, Jr., present – Applicant withdrew the application and waived the 90-day requirement.

Tab L – Elgin A. Duley, III, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 1.

Tab M – Sharon R. Ecker, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab P – David D. Garner, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 3 to 2.

Tab Q – Eileen M. Griffin, present – Applicant withdrew the application and waived the 90-day requirement.

Tab S – Park K. Haws, present – Applicant withdrew the application and waived the 90-day requirement.

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

Tab V – Hunter Leon, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab W – Dennis C. Jackson, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AA – Jorge H. Llano, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for broker; the motion passed without dissent.

Tab AE – Anna M. McDonald, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Y – Elsie L. Lilly, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AF – Jerome O. McLean, P.A., present – Applicant withdrew the application and waived the 90-day requirement.

Tab AH – Steven C. Mogerman, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AL – Kevin M. Rao, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Commissioner Hornsleth was not present and did not participate in discussion or vote for the following applicants:

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

Tab AQ – Roger Lee Smith, present – Applicant withdrew the application and waived the 90-day requirement.

Tab G – Edward Condry, Jr., not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab H – Abigail L. Conrad, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab O – Donnie R. Galli, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab U – Joseph Humet, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab X – Kevin L. Kasarda, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 1.

Tab AC – Cornelius C. Martin, not present – Applicant continued the application to April 2013 and waived the 90-day requirement.

Tab AI – Richard A. Ontolchik, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AJ – Michael Petrevski, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AN – Ronald M. Schiller, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AS – Carly M. Thompson, not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AU – David B. Wilson, not present – Applicant continued the application to April 2013 and waived the 90-day requirement.

Commissioner Hornsleth returned to the meeting.

Vice-Chair Enzor was dismissed for the remainder of the meeting.

Tab J – Judith M. Dale, not present; was represented by Nancy Campiglia, Esquire, present – Ms. Campiglia requested the Commission reconsider the denial of the application and presented arguments in support of her request. Director Watkins responded that it is the department's position the application is not complete. The Commissioner entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to reconsider the denial; the vote was 2 to 2; the denial was not reconsidered.

Director's Comments

Scholarship Program

Director Watkins provided an update regarding the scholarship program. Ms. Watkins reported that division was required to submit to a formal proposal process following strict guidelines under state purchasing requirements and they are happy to report that a notice has been published that it is the department's intent to award the scholarship contract to the Florida Realtor Scholarship Education Foundation. Ms. Watkins stated that they are happy to be furthering their relationship with the vendor in light of the fantastic service previously under the program.

Applications

Director Watkins stated that the department and division have identified there is an issue regarding applications with incomplete or insufficient supporting documents. Ms. Watkins stated that the volume is increasing and that the current process should be evaluated and changed to accommodate the increase moving forward to avoid applicants becoming exam eligible by default. Ms. Watkins further stated that she would bring several proposals to the Commission next month and thanked them for their input.

Public Comments


The Commission received no comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:45 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for April 16 and 17, 2013, in Orlando, Florida.



Chip Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission