

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
March 11 and 12, 2014
General Meeting**

Vice-Chair Poul Hornsleth, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 11th day of March, 2014.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Jenny Schwartz, Assistant General Counsel; Appearing via teleconference: Sean Anderson, Christine Arzillo, Daniel Brackett, Daniel David, Josh Kendrick, Ann Prescott, Katie Sabo and Susan Williams, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Jocelyn Pomales, Operation Management Consultant II; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner Podolsky to approve the Minutes of the February 18 and 19, 2014, General Meeting, as written. The motion passed without dissent.

Reports

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.

Report Regarding Application and License Count Reports

Ms. Pomales presented the License Count 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 and addressed comments and questions from the Commission. Director Watkins also addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 15 Escrow Disbursement Orders and 6 Orders for the Commission's consideration. Commissioner Podolsky moved to accept 15 Escrow Disbursement Orders and 4 Orders. Commissioner Chotas seconded the motion. The motion passed without dissent.

Recovery Fund Cases

Tab B – Vanessa Calver and Linda Stewart v. Gregory Don Christner, DBPR Case No. 2009012226

Assistant General Counsel Arzillo presented this matter to the Commission. Mr. Michael Pugh, Esquire, appeared on behalf of the Claimants and presented mitigation to support receiving payment from the recovery fund. The Licensee was not present. Ms. Arzillo 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 Podolsky moved to continue the matter for 60 days. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab A – Jacob and Cynthia Zaagman v. Tara Bolesta, DBPR Case No. 2013036958

Assistant General Counsel Arzillo presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Ms. Arzillo 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 Podolsky moved to approve the order denying the claim in the amount. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab C – Bonnie Jeanne Toner v. Albert Deering, DBPR Case No. 2011042473

Assistant General Counsel Cheneler presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Cheneler 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 Podolsky moved to approve the order granting the claim in the amount of \$2,625.00. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab D – Steven Cates v. Noelvis Gamez, DBPR Case No. 2012-025756 – Withdrawn.

Tab E – Ami Segev v. Darryl Patterson, DBPR Case No. 2013-045651 – Withdrawn.

Legal Appearance Docket

Tab W – Denise R. Winter, SL 3256786, Case No. 2013032956 – Settlement Stipulation

Respondent was present and was represented by David Ristoff, Esquire, also present. Commissioner Podolsky was recused due to participation on the probable cause panel.

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

Penalty: \$1,000.00 fine; investigative costs; attend 1 complete FREC general meeting; complete 30 hours of FREC-approved continuing education course. **Violation(s):** Respondent neither admits nor denies violating Section 475.42(1)(b), Florida Statutes, by operating as a broker while licensed as a sales associate and, therefore, violated Section 475.25(1)(e), Florida Statutes; Section 475.42(1)(d), Florida Statutes, by collecting deposits not in the name of her employer or with the express consent of her employer and, therefore, violated Section 475.25(1)(e), Florida Statutes; Rule 61J2-14.009, Florida Administrative Code, by failing to deliver said deposits to her employer and, therefore, violated Section 475.25(1)(e), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab Q – Jose Alejandro Laricchia, SL 3132542, Case No. 2012011156 – Settlement Stipulation

Respondent was present and was represented by Ravi Vaidya, Esquire, appearing on behalf of Troy Nader, Esquire. Commissioner Furst was recused due to participation on the probable cause panel.

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

Penalty: \$5,000.00 fine; investigative costs; attend 1 complete FREC general meeting; complete a FREC-approved 3-hour ethics course. **Violation(s):** Respondent neither admits nor denies violating Section 475.42(1)(d) when Respondent, as a sales associate, collected \$8000 as a commission in connection with the real estate brokerage transaction of sale of the subject property business opportunity and without the express consent of Genesis Realty.

Action taken: Settlement Stipulation accepted.

Tab O – Akzahara Cobreiro, SL 3147421, Case No. 2012021542 – Settlement Stipulation

Respondent was present and was represented by C. Ryan Maloney, Esquire, also present. Commissioner Podolsky was recused due to participation on the probable cause panel.

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

Penalty: \$1,000.00 fine; investigative costs; attend 2 complete FREC general meetings. **Violation(s):** Respondent neither admits nor denies violating Section 475.42(1)(b), Florida Statutes, by operating as a

broker while licensed as a sales associate; Section 475.42(1)(d) when Respondent, as a sales associate, collecting security deposits for Subject Properties 1-5 without the express consent of Sago Real Estate Company.

Action taken: Settlement Stipulation accepted.

Tab AH – Victoria P. Phillips, BK 3090042, Case No. 2013024548 – Petitioner’s Motion for Informal Hearing, and if Granted Enter a Final Order

Respondent was present and was represented by Steven Johnson, Esquire, also present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

Ms. Prescott represented the department and presented the case to the Commission. Mr. Johnson requested a continuance until April 15, 2014. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Furst; motion passed without dissent to continue the case until April 15, 2014.

Action taken: Case continued until April 15, 2014.

Tab AG – Victoria P. Phillips, BK 3090042, Case No. 2013011392 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was present and was represented by Steven Johnson, Esquire, also present. Commissioner Boring was recused due to participation on the probable cause panel.

Ms. Prescott represented the department and presented the case to the Commission. Mr. Johnson requested a continuance until April 15, 2014. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Podolsky; motion passed without dissent to continue the case until April 15, 2014.

Action taken: Case continued until April 15, 2014.

Tab AI – Sibling Solutions, Inc., CQ 1029111, Case No. 2013011397 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was present and was represented by Steven Johnson, Esquire, also present. Commissioner Boring was recused due to participation on the probable cause panel.

Ms. Prescott represented the department and presented the case to the Commission. Mr. Johnson requested a continuance until April 15, 2014. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Podolsky; motion passed without dissent to continue the case until April 15, 2014.

Action taken: Case continued until April 15, 2014.

Tab K – James U. Rose, BK 3251159, Case No. 2013010378 – Respondent’s Motion to Dismiss

Respondent was present and was represented by Steven Johnson, Esquire, also present. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Brackett represented the department and presented the case to the Commission. Mr. Johnson presented a Motion to Dismiss. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Boring; motion carried unanimously to deny the Motion to Dismiss.

Action taken: Motion to Dismiss denied.

Tab L – Jessica Alejia Santiago, SL 3218199, Case No. 2013007774 – Respondent’s Request for an Informal Hearing

Respondent was present and was represented by Steven Johnson, Esquire, also present. Commissioner Boring was recused due to participation on the probable cause panel.

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

Action taken: Suspension for 6 months; \$500.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to Marriage Fraud, a felony.

Tab AK– Joyce Lee Smith, SL 518821, Case No. 2013017985 – Respondent’s Motion to Dismiss

Respondent was present and was represented by Steven Johnson, Esquire, also present. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Anderson represented the department and presented the case to the Commission. Mr. Johnson presented a Motion to Dismiss. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Chotas; motion carried unanimously to deny the Motion to Dismiss. Commissioner Chotas moved, seconded by Commissioner Furst; motion passed without dissent to refer the matter to the Division of Administrative Hearings.

Action Taken: Case referred to DOAH.

Tab AJ – Maria Elena Silverio, SL , Case No. 2012038523 – Petitioner’s Motion for Waiver Hearing

Continued.

Tab F – Andrea M. Dutra, SL 3198969, Case No. 2012044487 – Respondent’s Request for an Informal Hearing

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

Ms. Prescott represented the department and presented the case to the Commission. Mr. Harwood requested a continuance until May 20, 2014. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Chotas; motion carried unanimously to continue the matter until May 20, 2014

Action taken: Continued until May 20, 2014.

Tab I – Robert Edward Mulready, SL, Case No. 2013025017 – Petitioner’s Request for an Informal Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. Mr. Harwood requested a continuance until May 20, 2014. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion carried unanimously to continue the matter until May 20, 2014

Action taken: Continued until May 20, 2014.

Tab V – Reginald L. Tharp, SL 3023765, Case No. 2012051948 – Settlement Stipulation

Respondent was not present; Respondent was represented by James Harwood, Esquire, present. Chair Enzor served on probable cause. Chair Enzor was excused and was not present.

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

Penalty: Suspension for 30 days; \$500.00 fine; investigative costs; complete a 30-hour post-licensure course; attend 1 complete FREC general meeting. **Violation(s):** Respondent neither admits nor denies violating Section 475.42(1)(b), Florida Statutes (2011), when Respondent operated as a broker and not under the direction, control or management of his broker; Section 475.42(1)(d), Florida Statutes (2011), when Respondent collected money in connection with a real estate brokerage transaction as a deposit, not in the name of his employer and without the express consent of his employer; Section 475.25(1)(e), Florida Statutes (2011), by violating Rule 61J2-14.009, Florida Administrative Code (2011), when Respondent collected a payment connected to a real estate transaction and failed to deliver the payment to Respondent’s employer by the end of the next business day following receipt of the payment.

Action taken: Settlement Stipulation accepted.

Tab R – Charles Marchica, Jr., SL 3197532, Case No. 2012017021 – Settlement Stipulation

Respondent was not present; Respondent was represented by James Harwood, Esquire, present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

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

Penalty: Suspension for 90 days; \$1,000.00 fine; investigative costs; attend 2 complete FREC general meetings. **Violation(s):** Respondent neither admits nor denies Section 472.25(1)(f) when Respondent was found guilty of the felony crime of possession with intent distribute marijuana, a crime of moral turpitude.

Action taken: Settlement Stipulation accepted.

Tab M – Angel Raul Wagner, BK 608793, Case No. 2011020261 – Respondent’s Request for an Informal Hearing

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

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

Action taken: Suspension for 6 months, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty in the United States District Court, Middle District of Florida, Fort Myers Division, of Income Tax Evasion.

Tab N – Stuart P. Birke, SL 680633, Case No. 2013008618 – Settlement Stipulation

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

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

Penalty: \$1,000.00 fine; investigative costs; attend 2 complete FREC general meetings. **Violation(s):** Respondent neither admits nor denies violating Section 475.25(1)(e), Florida Statutes, and thereby Section 475.42(1)(a), Florida Statutes, when Respondent was listed as the authorized agent for an Exclusive Right of Sale Listing Agreement while his license was in inactive status.

Action taken: Settlement Stipulation accepted.

Tab E – Lance David Donovan, BK 3204022, Case No. 2012024175 – Respondent’s Request for an Informal Hearing

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

Ms. Prescott represented the department and presented the case to the Commission. Mr. Villazon requested a continuance until April 15, 2014. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Hornsleth; motion passed 3 to 1 to continue the case until April 15, 2014.

Action taken: Case continued until April 15, 2014.

Tab B – Leonardo Betancurth, SL 609622, Case No. 2013013749 – Respondent’s Request for an Informal Hearing

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

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

Action taken: \$750.00 fine; investigative costs; must attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to and being adjudicated guilty of Conspiracy to Distribute and Possess with Intent to Distribute; Section 475.25(1)(p), Florida Statutes and Section 475.25(1)(t), Florida Statutes, by failing to inform the FREC within 30 days after entering a plea of guilty to and being adjudicated guilty of Conspiracy to Distribute and Possess with Intent to Distribute.

Tab P – Delma Feliz Koessler, BK 3154579, BK 3253029 and BK 3262542, Case No. 2012004370 – Settlement Stipulation

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

Mr. Brackett represented the department and presented the case to the Commission. The Commission entered into discussion. Respondent neither admits nor denies the factual allegations in the Administrative Complaint. Commissioner Podolsky moved; seconded by Commissioner Boring to accept the Stipulated Settlement. The motion passed 3 to 1.

Penalty: \$1,000.00 fine; investigative costs; attend 2 complete FREC general meetings. **Violation(s):** Respondent neither admits nor denies violating Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), F.A.C., when she failed to immediately deposit Buyer's check into an escrow or trust account; Rule 61J2-14.012 by failing to reconcile her trust accounts monthly .

Action taken: Settlement Stipulation accepted.

Tab S – Lloyd Vinson Osman, BK 3232930, Case No. 2013037130 – Settlement Stipulation

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Furst to accept the Stipulated Settlement. The motion passed 3 to 1.

Penalty: \$500.00 fine; investigative costs; attend 1 complete FREC general meeting. **Violation(s):** Respondent neither admits nor denies violating Section 475.25(1)(m), Florida Statutes when Respondent answered "NO" to question #3 of the application.

Action taken: Settlement Stipulation accepted.

Tab U – Arthur Edward Suskevich, BK 3259669 and 3228361, Case No. 2012020047 – Settlement Stipulation

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

Mr. Brackett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Boring moved; seconded by Commissioner Furst to accept the Stipulated Settlement dropping Count II of the Administrative Complaint. The motion passed without dissent.

Penalty: Investigative costs; attend 1 complete FREC general meeting. **Violation(s):** Respondent neither admits nor denies violating Section 475.25 (1)(d)1, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft.

Action taken: Settlement Stipulation accepted.

Tab D – Marco A. Dieter, BK 3204580, Case No. 2013035494 – Respondent’s Request for an Informal Hearing

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

Mr. David 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 Chotas; 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: Suspension for 1 year; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering an open plea to, and being adjudicated guilty of, two counts of sell, manufacture, deliver or possess a controlled substance; Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering an open plea and being adjudicated guilty to two counts of sell, manufacture, deliver or possess a controlled substance.

Tab A – Gloria E. Arias, P.A., SL 3148328, Case No. 2013030803 – Respondent’s Request for an Informal Hearing

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

Mr. Anderson 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 Chotas; 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: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to and was adjudicated guilty of one count of False Statements to a Financial Institution.

Tab C – Barbara M. Diaz, BK 3147709, Case No. 2012029008 – Respondent’s Request for an Informal Hearing

Respondent was not present; Respondent was represented by Christopher Lyons, Esquire, present telephonically. Chair Enzor served on probable cause. Chair Enzor was excused and was not present.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Boring; motion passed 4 to 1 to impose the following sanctions:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to and was adjudicated guilty of one count of Conspiracy to Commit Wire Fraud.

Tab G – Curt Douglas Francis, BK 3017470, Case No. 2013016701 – Petitioner’s Motion for Informal Hearing

Continued.

Tab T – Miguel Alfonso Rodriguez, SL 3235883, Case No. 2012017058 – Settlement Stipulation

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

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

Penalty: \$750.00 fine; investigative costs; attend 2 complete FREC general meetings. **Violation(s):** Respondent neither admits nor denies violating Section 455.227(1)(t), Florida Statutes, by pleading no contest and failing to report his plea of no contest to knowingly driving with a suspended license to the Department within 30 days.

Action taken: Settlement Stipulation accepted.

Tab H – Christopher Michael Hutchins, SL 3016311, Case No. 2013037965 – Respondent’s Request for Final Order

Withdrawn.

Tab J – John Grant Powell, SL 631499, Case No. 2012042224 – Respondent’s Request for an Informal Hearing

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

Mr. Anderson represented the department and presented the case to the Commission. Mr. Hoskins requested a continuance until April 15, 2014. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion passed without dissent to continue the case until April 15, 2014.

Action taken: Case continued until April 15, 2014.

Tab X– Jose Armando Alvarado, SL 631493, Case No. 2012006704 – Petitioner’s Request for Waiver Hearing and Enter a Final Order

Respondent was not present and was not represented by counsel. Commissioner 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 Furst moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was Convicted or Found Guilty of Wire Fraud and Bank Fraud.

Tab Y – J. Patrick Brester, SL 3046564, Case No. 2012036680 – Petitioner’s Request for Waiver Hearing and Enter a Final Order

Respondent was not present; Respondent was represented by Victor Martinez, Esquire, not present. Commissioner Podolsky was recused due to participation on the probable cause panel.

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

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of one felony of Conspiracy to Commit Wire Fraud and three felonies of Wire Fraud with a special finding that the offense affected a financial institution.

Tab Z – Michael Bukowski, SL 3218393, Case No. 2013005532 – Respondent’s Request for Final Order

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

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

Action taken: \$1,000.00 fine; investigative costs. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the FREC in writing within 30 days after entering a plea of nolo contendere to and being adjudicated guilty of Leaving the Scene of a Crash Involving Damage to Property of \$50 or less, a second degree misdemeanor.

Tab AA – Robert Benton Ellis, BK 3032786, Case No. 2012049560 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Withdrawn.

Tab AB – Alexei S. Gomez, SL 3178942, Case No. 2013027041 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Ms. Williams 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 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: Revocation; investigative costs. **Violation(s):** Section 475.42(1)(b), Florida Statutes by operating as a broker while licensed as a sales associate and not under the management, direction, or control of his broker and, therefore, violated Section 475.25(1)(e), Florida Statutes; Section 475.42(1)(d), Florida Statutes, by collecting a deposit not in the name of his employer and without the express consent of his employer and, therefore, violated Section 475.25(1)(e), Florida Statutes; Rule 61J2-14.009, Florida Administrative Code, by failing to deliver an escrow deposit to his employer and, therefore, violated Section 475.25(1)(e), Florida Statutes; Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account for or deliver Vegas’ deposit upon demand or at any time thereafter; Section 475.25(1)(b), Florida Statutes, when he concealed his representation of Vegas in the purchase of real property from his broker; concealed his collection of an escrow deposit from Vegas from his broker; failed to present the purchase offer from Vegas; and failed to return Escrow Deposit to Vegas.

Tab AC – Robert Andrew Lea, BK , Case No. 2012049560 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by pleading nolo contendere to Violating the Florida Pawnbroking Act and Fraud Entry and failing to report his plea to the DBPR within 30 days of his conviction.

Tab AD – Andre Mark McFarlane, BK 3071518, Case No. 2012038804 – Petitioner’s Request for a Waiver Hearing

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

Ms. Williams represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner Chotas; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Hornsleth; motion passed 3 to 1 to impose the following sanctions:

Action taken: Suspension for 6 months; \$1,000.00 fine; investigative costs; probation for 6 months; must complete a 28-hour reactivation course; attend 1 complete FREC general meeting. **Violation(s):** Section 475.5015, Florida Statutes, (thereby violating Section 475.25(1)(e), Florida Statutes) when he failed to provide Investigator with the transaction file for Subject Property and failed to appear for Investigator’s scheduled office inspection and audit; Section 455.275(1), Florida Statutes, (thereby violating Section 455.227(1)(q), Florida Statutes) when Respondent failed to notify the Department of a change of address for Respondent’s place of practice. Respondent thereby also violated Section 475.25(1)(a), Florida Statutes.

Tab AE – Chelsea M. Nevius, BL 3046364, Case No. 2013023023 – Respondent’s Request for Final Order

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

Ms. Sabo 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 Furst; motion carried unanimously 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: \$1,000.00; investigative costs; attend 2 complete FREC general meetings; probation for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, F.A.C., when he failed to deliver the security deposit check to his broker or employer.

Tab AF – Reyna Josefina Orts, SL 3127364, Case No. 2012006703 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of Wire Fraud and Bank Fraud.

Tab AL – Wayne E. Vaughan, BL 271545, Case No. 2012048324 – Petitioner’s Motion for Informal Hearing

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

Ms. Prescott 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 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: Suspension for 6 months; \$500.00 fine, investigative costs. **Violation(s):** Section 475.42(1)(a) when Respondent operated as a sales associate by advertising rental property under the name of a brokerage while his license was suspended.

General Business continued

Review and Consideration of the Real Estate Education Courses

Tab G – Florida Real Estate Law Update – New Course (14 hours Specialty CE; – classroom) – Application No. 19826 – Maryglenn Blanks, Moseley Real Estate Schools, Inc.

Ms. Blanks was not present, however, submitted additional information in support of the application. The Commission reviewed the supplemental information and entered into discussion. Commissioner Furst moved to continue the application until April 15, 2014, to provide the Commissioners an opportunity to review the second updated information. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Tab H – *Florida Real Estate 63-Hour Pre-Licensing Course* – New Course (63 hours SL Pre-Licensure – Distance Ed. Internet Delivery) – Application No. 20013 – Joe Fitzpatrick, RealtySchool.com, LLC - Reconsideration

Mr. Fitzpatrick was not present, however, provided a response to the Notice of Intent to Deny and in support of his pre-licensing course. The Commission entered into discussion. Commissioner Podolsky moved to table the discussion until tomorrow; Commissioner Chotas seconded the motion. The motion passed without dissent.

Consent Agendas

Agenda A

The Commission considered 62 applicants from the Consent Agenda A; Vice-Chair Hornsleth moved; seconded by Commission Boring to approve 43 applicants and require 19 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Assis, Nilza	Hageman, Don	Rendon, Alexis
Atlee, Michael	He, Yiqian	Rivero, Socrates
Battistini, Leo	Hebert, Jerry	Schacknow, Sharma
Bielawski, Greg	Henderson, Linda	Sonderegger, Stephanie
Boudreaux, Kevin	Johnson, Kurteris	Sprigler, Kurt
Boussoffara, Ali	Lack, Jonathan	Steele, Brian
Casey, John	Lima, James	Stubenvoll, Christopher
Coffee, Brenda	Maves, Robert Jr.	Sweet, Stacy
Corell, Christopher	Mighty, Marllon	Tarshis, Steven
Costa, Debra	Moreira, Javier	Vause, Paul
Dawes, Charles	Orndorff, Benjamin	Vitale, Brendt
Kinkins, Stephanie	Pilecki, Gabriel	Wendell, David
Dougherty, Frank	Rahmani, Zakaria	White, Wendy
Franza, Timothy	Rasmussen, Julia	Willis, Dewayne
Friebis, Krystin		

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

Boyd, Kayla	Jones, Vernon Jr.	Nandram, Sherona
Daoud, Arnold	Kalina, Keith	Pepper, Terry
Dublin, Willie Jr.	Latterman, Michael	Rill, Alexander
Fattahi, Baktash	Martin, Sheldon	Schneider, Kimberly
Gardinski, Ronald II	Mesa, Jose	Sieg, Brian
Gordon, Jeannette	Naman, David	Simpson, Kevin
Grow, Haileigh		

Agenda B

The Commission considered 29 applicants from the Consent Agenda B; Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve 22 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Arguello, Alejandro	Kudick, Kathleen	Rizea, Tina
Bashir, Adam	Legg, Michael	Seebaran, Sanjay
Bromet, Laura	McDonald, Alexa	Skubak, Mitchell
Capela, Justin	Means, Jerry	Stevens, Jason
Clauss, Chance	Morgan, Linda	Vigon, Jose
Diaz, Ricardo	Neris, Angel	Wacek, Cara
Goodrich, Arthur	Ravana, Gaetano	Wright, Elizabeth
Habony, Michael		

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

Fields, Ronald	Long, Justin	Sinaeian, Shiva
Harris, Kenneth	Rosales, Albert	Villar, Eliahoud
Johnson, Tanya		

Public Comments

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

Recess

There being no further business and no objection, the Chair recessed the meeting at approximately 4:05 p.m. until 8:30 a.m. tomorrow.

March 12, 2014

Vice-Chair Hornsleth reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 12th day of March, 2014.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Jenny Schwartz, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant 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 60 Summary of Applicants requesting to sit for the real estate examination.

Agenda B, Tab A – Joshua Ryan Kobrin, present and was represented by Andrea Roebuck, Esquire, also present – reconsideration – The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Boring 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 A – Eddie Dewayne Carlisle, was not present and was represented by Daniel Villazon, Esquire, present – informal hearing – The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered. Mr. Villazon withdrew the application and waived the 90-day requirement.

Tab E – Thursday Wyyette Bell, was not present and was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab X – Abel Henriquez, was not present and was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Chotas to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab AD – Marquies Rashad Johnson; was present and was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AO – Romina Navarrete, not present and was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

Tab AY – Christopher D. Starr, present and was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

Tab K – Thomas William Daugherty, present and was represented by Steven Johnson, Esquire, also present – Commissioner Fryer moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab AT – John D. Roberts, not present and was represented by Stacy Robinson Nickerson, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BA – Joshua Kendrick Stewart, present and was represented by Stacy Robinson Nickerson, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab J – Juan Carlos Cruz – present – Applicant withdrew the application and waived the 90-day requirement.

Tab D – Brian Frederick Bauer, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab F – Samantha Lynn Boyd, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab G – Melodi Kristen Brown –present – Commissioner Podolsky moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab H – Doug Campion – present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab N – Darlene Denise Dice –present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

Tab O – Daniel Michael Dowsett – present – Commissioner Podolsky moved; seconded by Commissioner Boring to approve the application for sales associate with conditions; the motion passed without dissent.

Tab P – Christopher V. Eardley – present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab Q – Cimone Swift Edwards – present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab T – Quentin Maurice Green – present – Commissioner Podolsky moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab U – David Michael Grosfeld – present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab V – Rhonda Sue Harvey – present – Commissioner Podolsky moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab AA – Gabriel P. Huntsman – present – Commissioner Podolsky moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AC – Charles Edward Jewell, III – present – Applicant withdrew the application and waived the 90-day requirement.

Tab Y – Jazmin Hernandez – present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Furst to grant a continuance until April 2014.

Tab Z – Maria M. Hincapie – present – Commissioner Podolsky moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AG – Sergio Kaplan – present – Commissioner Chotas moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AH – Charles T. Langjahr – present – Commissioner Podolsky moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AE – Andrea D. Jones – present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab AI – Robert J. Lehman – present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for broker; the motion passed 4 to 2.

Tab AK – Lee Maman – present – Commissioner Podolsky moved; seconded by Commissioner Furst to allow the applicant to withdraw the application for sales associate; the motion passed 4 to 2. The applicant withdrew the application.

Commissioner Podolsky left the room and did not participate in the following discussion:

Tab AP – Michael David Owens – present – Commissioner Furst moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Commissioner Podolsky returned.

Tab AR – Gregory Durrell Powell – present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AU – Derrick Vincent Salveston – present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 2.

Tab AX – Marwin Soto – present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab BB – Chad F. Stites – present – Commissioner Podolsky moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab BD – Donna Jean Waddell – present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 2.

General Discussion continued

Review and Consideration of the Real Estate Education Courses

Tab H – *Florida Real Estate 63-Hour Pre-Licensing Course* – New Course (63 hours SL Pre-Licensure – Distance Ed. Internet Delivery) – Application No. 20013 – Joe Fitzpatrick, RealtySchool.com, LLC - Reconsideration

Mr. Fitzpatrick was present via telephone. The Commission entered into discussion. Commissioner Podolsky moved to withdraw the denial previously entered; Commissioner Furst seconded the motion; the motion passed without dissent. Commissioner Podolsky moved to approve the pre-licensing course with conditions; Commissioner Boring seconded the motion. The motion passed without dissent.

Summary of Applicants continued

Tab BE – Derrick Whittier – present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Furst to grant a continuance; the motion passed without dissent.

Tab B – Nadine Rhodes – not present – Applicant requested a continuance and waived the 90-day requirement.

Tab C – Carlos Alberto Banguera – not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab I – Rolan Colon, not present; was represented by James Harwood, Esquire, not present – Mr. Harwood requested a continuance to May 2014 and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Furst to grant a continuance; the motion passed without dissent.

Tab L – Giacinto Rocco Derenzo – not present – Commissioner Fryer moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

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

Tab R – Paul Fischetti – not present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 1.

Tab S – Hillary Gillings – not present – Commissioner Furst moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab W – Barry Hazan – not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AB – Maylin Blanco Jerena – not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AF – Jasmine A. Jordan-Stewart – not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AJ – Jason Levine – not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AL – Anthony Manaia – not present – Applicant requested a continuance to April 2014 and waived the 90-day requirement.

Tab AM – Fernando Enrique Marca – not present – Commissioner Podolsky moved; seconded by Commissioner Boring to approve the application for broker; the motion passed without dissent.

Tab AN – Louis Robert Mitchell – not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AQ – Travis Michael Parr – not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AS – Pierre Francis Remy – not present – Commissioner Chotas moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AV – Paul Schmittauer – not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AW – Lloyd Bruce Sokolow – not present – Applicant requested a continuance to April 2014 and waived the 90-day requirement.

Tab AZ – Charles C. Stella – not present – Applicant requested a continuance to April 2014 and waived the 90-day requirement.

Tab BC – Amy Vandiver – not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab BF – Ricco Wilkerson – not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab BG – Tatiana Young – not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Director's Comments

Director Watkins provided the following comments:

- Reported that Commissioner's Furst's appointment was confirmed by the Legislature.
- The Division has begun the planning process of its conference/meeting room, which includes replacing the recording system and microphones.
- Examination/Education – Director Watkins responded to the Commission's inquiry, during yesterday's session, of why the pass rate has been improving. Director Watkins reported that the Bureau of Education and Testing (BET) has added an instructor's email blast box to its website and emails are being sent on a regular basis to any instructor or school who signs up to receive them. Director Watkins explained that perhaps it is attributed to the email blasts BET has been sending to instructors and school owners which includes statistical information as well as information that BET has identified as underperforming item topics to help the instructors and school owners see where students may need to improve in terms of their studying.
- House Bill 1319 is currently the only bill that she is aware of that may impact the Real Estate Commission directly. This bill attempts to possibly address the exemption under short-term rentals by redefining the definition of broker to include short-term property managers. However, she reported that there is no companion Senate bill, so it appears that there is no momentum to move forward with the language. Director Watkins reported that she will continue to monitor this and will keep the Commissioners apprised of the status of this bill. Director Watkins addressed questions from the Commission.

Commission's Remarks

Vice-Chair Hornsleth reported that he attended the Chair and Vice-Chair Leadership Symposium and reported that it was very interesting.

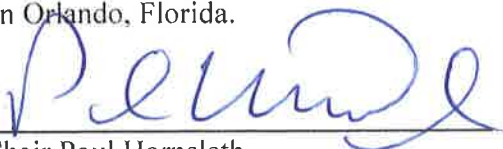
Commissioner Furst reported that Ms. Marie Powell, who was a former Commissioner and past FREC Chair, passed away last week and asked that the Department send their condolences to Ms. Powell's family.

Public Comments

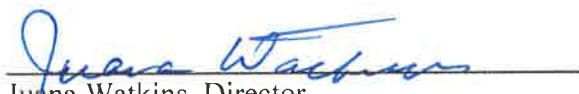
The Commission invited but did not receive comments from the audience.

Adjournment

There being no further business and no objection, the Vice-Chair adjourned the meeting at approximately 2:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for April 15 and 16, 2014, in Orlando, Florida.



Vice-Chair Poul Hornsleth
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission