

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
April 19 and 20, 2016  
General Meeting**

Chair Dick Fryer, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 19<sup>th</sup> day of April, 2016.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Patricia Fitzgerald, Darla Furst, Poul Hornsleth and Thomas Luzier. 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; Sara Kimmig, Bureau Chief of Enforcement; Josh Kendrick, Chief Attorney; Megan Lloyd, Jennie Schwartz, Crystal Stephens and James Whealdon and Assistant General Counsels; Appearing via teleconference: Daniel David, Brande Miller, William Vogel and Maureen White Assistant General Counsels; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

**Approval of the Minutes**

Commissioner Furst moved to approve the Minutes of the March 15 and 16, 2016, General Meeting, as written. Vice-Chair Boring seconded the motion. The motion passed without dissent.

**Reports**

**Enforcement Trends and Escrow Audits Reports**

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

**Unlicensed Activity Report**

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

**Monthly Exam Performance Summary Report**

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

**Application and License Count Reports**

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

## **Legal Case Activity Report**

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

## **Legal Agenda Schedule**

### **Escrow Disbursement Orders**

Assistant General Counsel Whealdon presented 5 Escrow Disbursement Orders and 13 Orders for the Commission's consideration. The Commission entered into discussion. The Commission requested to issue EDOs in the following cases:

Tab M, Case No. 2016006608 – Commissioner Hornsleth moved; seconded by Commissioner Furst; the motion passed without dissent.

Tab K, Case No. 2016000823 – Commissioner Luzier moved; seconded by Commissioner Furst; the motion passed without dissent.

Tab O, Case No. 2016007138 – Commissioner Luzier moved; seconded by Commissioner Furst; the motion passed without dissent.

Commissioner Luzier moved to accept Tabs A through E, K, M, O, Q Escrow Disbursement Orders and 8 Orders. Commissioner Fitzgerald seconded the motion; the motion passed without dissent. Tab P was withdrawn.

### **Recovery Fund Cases**

#### **Tab A – John and Patricia Bottom v. Mark D. Goldberg, DBPR Case No. 2012-029617**

Mr. David presented the above matter to the Commission. Attorney Michael J. Pugh appeared on behalf of the Claimants. Attorney Daniel Villazon appeared on behalf of the Licensee. Mr. David 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 Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$50,000.00. Commissioner Furst seconded the motion. The motion passed without dissent.

#### **Tab B – David and Gillian Sheppard v. Mark D. Goldberg, DBPR Case No. 2012-029630**

Mr. David presented the above matter to the Commission. Attorney Michael J. Pugh appeared on behalf of the Claimants. The Licensee was not present. Mr. David 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 Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$50,000.00. Vice-Chair Boring seconded the motion. The motion passed without dissent.

### **Legal Appearance Docket**

#### **Tab AA – Deepak R. Khosa, BK 3220824; Case No. 2015037136 – Settlement Stipulation**

Respondent was present; Respondent was represented by Timothy Rossknecht, Esquire, present. Commissioner Furst was recused due to participation on the probable cause panel.

Ms. Lloyd represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier to accept the Stipulated Settlement as amended. The motion passed without dissent.

**Penalty:** Administrative fine of \$500.00; investigative costs of \$363.00; complete a 28-hour reactivation course. **Violation(s):** Section 455.227(1)(j) and 475.42(1)(b), Florida Statutes, by performing property management activities for Atlantic Property Services, LLC, an unlicensed entity and by collecting escrow deposits in the name of Atlantic Property Services, LLC, an unlicensed entity; Section 475.25(1)(k), Florida Statutes, by failing to place deposits into an escrow account and by failing to place deposits with his registered employer.

**Action taken:** Settlement Stipulation accepted as amended.

**Tab H – Heather Christina Grimes, BK 3109146; Case No. 2015009757 – Petitioner’s Motion for Informal Hearing**

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

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

**Penalty:** Investigative costs of \$1,303.50. **Violation(s):** Section 455.275(1), Florida Statutes, by failing to notify the Department of a change of address and/or failing to notify the Department of the licensee’s current place of practice.

**Tab I – Heather Christina Grimes, BK 3109146; Case No. 2015023593 – Petitioner’s Motion for Informal Hearing**

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

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

**Penalty:** Suspension for 6 months; downgrade broker license to sales associate; investigative costs of \$973.50; probation for 6 months. **Violation(s):** 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, or deposit.

**Tab J – Heather Christina Grimes, BK 3109146; Case No. 2015009757 – Petitioner’s Motion for Informal Hearing**

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

Mr. Miller 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 Vice-Chair Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Vice-Chair Boring; motion passed 5 to 1 to impose the following sanctions:

**Penalty:** Suspension for 6 months to run concurrent with Case No. 2015023593; downgrade broker license to sales associate; investigative costs of \$1,419.00; attend 2 complete FREC meetings; probation for 6 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to deliver the owner payment due to Ms. Ganapolsky in the amount of \$5,705.00 as agreed upon.

**Tab L – International Real Estate Company LLC, CQ 1042582; Case No. 2015033863 – Petitioner’s Motion for Informal Hearing**

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

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

**Penalty:** Revocation. **Violation(s):** 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, or deposit.

**Tab M – International Real Estate Company LLC, CQ 1042582; Case No. 2015016238 – Petitioner’s Motion for Informal Hearing**

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

Mr. Miller 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 Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to deliver the owner payment due to Ms. Ganapolsky in the amount of \$5,705.00 as agreed upon.

**Tab Y –Joanne Marie Raiano Kennedy, SL 520698; Case No. 2014049209 – Respondent’s Motion to Dismiss**

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Fitzgerald; motion passed 4 to 2 to dismiss the Administrative Complaint.

**Action taken:** Administrative Complaint dismissed.

**Tab D – Mary Jane Brunel, SL 675131; Case No. 2015022586 – Respondent’s Request for Informal Hearing**

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

Mr. Whealdon represented the department and presented the case to the Commission. Mr. Villazon requested a continuance on behalf of the Respondent. The Commission entered into discussion. Commissioner Furst moved; seconded by Vice-Chair Boring; motion passed to continue the case.

**Action taken:** Case continued.

**Tab O – Matthew Douglas Miller, SL 3283528; Case No. 2014050474 – Petitioner’s Motion for Informal Hearing**

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

Ms. Miller represented the department and presented the case to the Commission. The Commission granted an informal hearing and entered into discussion. Commissioner Hornsleth; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to defer the penalty phase until September 2016.

**Action taken:** Penalty phase deferred until September 2016.

**Tab P – Robert Edward Mulready, SL 697456; Case No. 2013025017 – Respondent’s Motion for Reconsideration**

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Vice-Chair Boring was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. Mr. Villazon presented mitigation in support of the request. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Fitzgerald to deny the request for reconsideration; the motion passed without dissent.

**Action taken:** Reconsideration request denied.

**Tab C – Cesar J. Vargas, SL 3253310; Case No. 2015033858 – Respondent’s Request for 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.

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier; seconded by Commissioner Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Luzier moved; seconded by Commissioner Furst; motion passed without dissent to defer the penalty phase until May 2016.

**Action taken:** Penalty phase deferred until May 2016.

**Tab Z – Bruce R. Bates, BK 427330; Case No. 2014047805 – Settlement Stipulation**

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

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

**Penalty:** Suspension for 30 days; administrative fine of \$2,000.00; investigative costs of \$327.00; complete a 4-hour escrow management course. **Violation(s):** Section 475.25(1)(k), Florida Statutes by failing to place an escrow deposit into a trust or escrow account; Section 475.25(1)(b), Florida Statutes, by depositing Buyer’s funds

into his operating account; by failing to immediately place buyer's earnest money deposit into an institution or account holding trust powers; by intermingling Buyer's earnest money deposit with Respondent's own money.

**Action taken:** Settlement Stipulation accepted.

**Tab A – 360Training.com INC, ZH 1002174; Case No. 2014052135 – Respondent's Motion to Reconsider in Part**

Respondent was present; Respondent was represented by John Allen Parvin, Esquire, present. Vice-Chair Boring was recused due to serving on the probable cause panel. Chair Fryer recused himself from participation.

Ms. Miller represented the department and presented the case to the Commission. Mr. Parvin requested a continuance to May 2016. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to continue the matter. The motion passed without dissent.

**Action taken:** Case continued to May 2016.

**Tab C – Thomas J. Assad, BK 3251391; Case No. 2015012239 – Respondent's Motion for Reconsideration**

Respondent was not present; Respondent was represented by Kim E. Howard, Esquire, not present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Lloyd represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Luzier to deny the request for reconsideration; the motion passed without dissent.

**Action taken:** Reconsideration request denied.

**Tab E – Raymond Lee Butterfield, BK 1043652; Case No. 2015039399 – Respondent's Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$2,000.00; investigative costs of \$1,211.10; complete a 4-hour escrow management course; attend 2 complete FREC meetings; probation for 6 months. **Violation(s):** Rule 61J2-14.012(2), Florida Administrative Code, by failing to sign the monthly reconciliation statements for Mango Florida; Section 475.25(1)(k), Florida Statutes, by failing to immediately place rental funds into an escrow account.

**Tab B – Juan Elias Acosta, SL 3053382; Case No. 2015011898 – Respondent's Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$214.00; attend 1 complete FREC meeting; probation for 3 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading nolo contendere to and being adjudicated guilty of Driving Under the Influence.

**Tab W – Evan M. Whelan, SL 3102045; Case No. 2015011866 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$1,000.00; investigative costs of \$75.90; attend 1 complete FREC meeting; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to report his plea of guilty to disorderly conduct to the Department within 30 days; Section 475.42(1)(b), Florida Statutes, by operating as a sales associate for Nestler Poletto Sotheby’s Realty before it was his registered employer; Section 475.41(1)(a), Florida Statutes, by operating as a sales associate without being the holder of a current, active license.

**Tab AF – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2014021836 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

**Tab AG – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2014050418 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present and was not represented by counsel. There was no probable cause panel.

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

**Tab AH – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2014050433 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

**Tab AI – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2015044291 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present and was not represented by counsel. There was no probable cause panel.

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

**Tab AJ – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2014035624 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

**Tab S – Thomas Senatore, SL 3303680; Case No. 2014050744 – Respondent’s Request for Reconsideration**

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

Mr. Whealdon represented the department and presented the case to the Commission. Respondent presented mitigation in support of his request. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to reconsider the penalties; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to modify the penalty deleting the attendance of two FREC meetings in this case; the motion passed without dissent.

**Action taken:** Reconsideration request granted; penalty modified.

**General Session continued**

**Review and Consideration of the Real Estate Education Courses**

**Tab H – 63 Hr Sales Associate Pre-Licensing – New Course (63 hours, internet and streaming on demand video) – Application No. 25644 – Robert E. Keller, Inc.**

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Vice-Chair Boring seconded the motion. The motion passed without dissent.

**Tab A – Advanced Contract Negotiation Workshop – New Course (3 hours specialty, classroom) – Application No. 26646 – Anderson & Brodersen, PA**

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab C – Sales Associate Pre License Course – Informal Hearing – New Course (63 hours, distance) – Application No. 25864 – Florida Real Estate Trainers, LLC**



The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to vacate the previous Notice of Intent to Deny; Vice-Chair Boring seconded the motion. The motion passed without dissent. Commissioner Furst moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab G** – *How Realtors Can Effectively Work With Investors and Become Real Estate Investors Themselves* – New Course (3 hours specialty, live streaming) – Application No. 26552 – Realty and Insurance U LLC

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab D** – *Real Estate Brokerage Management* – New Course (30 hours post, classroom) – Application No. 25745 – Gold Coast School of Real Estate.

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab I** – *FL Real Estate Sales Associate License Course* – Informal Hearing – New Course (63 hours, distance) – Application No. 25705 – The CE Shop, Inc.

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to vacate the previous Notice of Intent to Deny; Commissioner Fitzgerald seconded the motion. The motion passed without dissent. Chair Fryer moved to approve the course with conditions; Vice-Chair Boring seconded the motion. The motion passed without dissent.

**Agenda B, Tab B** – *Contractual Considerations and Obligations* – New Course (3 hour specialty, classroom) – Application No. 26196 – Law Offices of Barry Miller, P.A.

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

### **Legal Docket continued**

**Tab F – Emmanuel Garcon, BK 3024503; Case No. 2015030441 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Suspension for 6 months; administrative fine of \$1,000.00; investigative costs of \$157.74; attend 2 complete FREC meetings; complete a 3-hour core law course; probation for 6 months. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by intentionally representing that he was Thomas Noonan, not himself, while attempting to rent Subject Property.

**Tab G – Gemini Realty & Investments, Inc., CQ 1035689; Case No. 2015025522 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Revocation; investigative costs of \$346.50; complete a 3-hour core law course; probation for 3 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to provide the return of Dye's escrow funds upon closing; Section 475.42(1)(a), Florida Statutes, by operating without being the holder of a current, active license.

**Tab K – Mireille Hevey, BK 3035264; Case No. 2015019775 – Respondent's Request for Informal Hearing**

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

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

**Penalty:** Revocation; investigative costs of \$346.50; complete a 3-hour core law course; probation for 3 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to provide the return of Dye's escrow funds upon closing; Section 475.25(1)(b), Florida Statutes, by failing to provide the return of Dye's escrow funds upon closing; Rule 61J2-5.019, Florida Administrative Code, and therefore Section 475.25(1)(e), Florida Statutes, by failing to ensure that Gemini Realty & Investment Inc. maintained a current, active license.

**Tab N – Elizabeth F. Mastrole, BK 3028977; Case No. 2015018451 – Petitioner's Motion for Informal Hearing**

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier moved; seconded by Commissioner Fitzgerald; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Luzier moved; seconded by Vice-Chair Boring; motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of \$500.00; investigative costs of \$198.00; shall attend 1 complete FREC general meeting; complete a 3-hour core law course; probation for 26 months. **Violation(s):** Section 475.25 (1)(e), Florida Statutes, and thereby 475.42(1)(a), Florida Statutes, when Respondent facilitated the lease of property and received compensation for this facilitation while her license was in inactive status.

**Tab Q – Paul Alan Murray, SL 3311836; Case No. 2015018456 – Settlement Stipulation**

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

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$330.00; complete a 3-hour core law course; attend 1 complete FREC general meeting. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a

violation of Section 455.227(1)(t), Florida Statutes, by failing to report to the Petitioner his nolo contendere plea entered on June 18, 2014, to one count of Driving Under the Influence Outside of 10 Years (1<sup>st</sup> Degree Misdemeanor).

**Action taken:** Settlement Stipulation accepted.

**Tab R – Maria Lourdes Ramirez, SL 3290020; Case No. 2015033123 – Petitioner’s Motion for Informal Hearing**

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Furst was recused due to participation on the probable cause panel.

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

**Penalty:** Revocation; Investigative costs of \$561.00. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely disburse Complainant’s deposit upon demand; Section 475.25(1)(e), Florida Statutes, and Rule 61J2-14.012, Florida Administrative Code, by failing to allow Petitioner’s investigator to inspect her deposit slips, books, and accounts; Section 475.25(1)(k) Florida Statutes, by failing to place Complainant’s deposit into an escrow account.

**Tab T – Charles Seymour Smith, BK 3231843; Case No. 2013002503 – Petitioner’s Motion for Reconsideration and Grant an Informal Hearing**

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

Mr. David represented the department and presented the case to the Commission and presented mitigation in support of the request. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst to reconsider the matter and close the case; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Boring to dismiss the case; the motion passed without dissent.

**Action taken:** Reconsideration request granted; case dismissed and closed.

**Tab U – Jordana Tobel, BK 3237408; Case No. 2015006908 – Respondent’s Request for Informal Hearing**

Case continued.

**Tab X – Daniel Wolkoff LLC, SL 3168503; Case No. 2014042328 – Petitioner’s Motion for Informal Hearing**

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

Ms. Miller represented the department and presented the case to the Commission. Ms. Miller requested the matter be continued to May 2016. The Commission entered into discussion. Commissioner Luzier moved; seconded by Vice-Chair Boring to continue the matter. The motion passed without dissent.

**Action taken:** Case continued to May 2016.

**Tab AB, AC and AD – Candace A. Tamposi, BK 407073; Case Nos. 2014050432, 2015036498 and 2015034462 – Settlement Stipulation**

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

Ms. Miller represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Boring to accept the Settlement Stipulation. The motion passed without dissent.

**Penalty:** Suspended for 3 years; administrative fine of \$2,000.00; investigative costs of \$500.00; complete a 30-hour broker management course; attend 3 complete FREC general meetings; agrees to immediately voluntarily relinquish the Real Estate Corporation license for her brokerage, Metro New Homes & Interiors, Inc. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely account for or deliver the Escrow Deposits to Salagre upon demand; Respondent, as the qualifying Broker for Metro New Homes & Interiors, Inc., violated Section 475.25(1)(k), Florida Statutes, by failing to place Ms. Perez's escrow deposit for the potential rental of the residential property into an escrow account as required; Respondent, as the qualifying Broker for Metro New Homes, violated Section 475.25(1)(k), Florida Statutes, by failing to place Mr. Ellul's escrow deposit for the potential purchase of the residential property into an escrow account as required.

**Tab AE – Robert N. Beard, SL 32095671; Case No. 2015007549 – Voluntary Relinquishment of License for Permanent Revocation**

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

Mr. Vogel represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

**Action taken:** Accepted Voluntary Relinquishment of License for Permanent Revocation.

**Tab AK – Shantel Jackson, SL 3300382; Case No. 2015025497 – Motion for Waiver Hearing and Entry of a Final Order**

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

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

**Penalty:** Administrative fine of \$1,000.00, investigative costs of \$750.75.00; attend 2 complete FREC general meetings; probation for 5 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading guilty to and having adjudication withheld for Giving Worthless Checks.

**Tab AL – Anthony F. Lee, SL 3179698; Case No. 2015014210 – Motion for Final Order on Waiver**

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

Ms. Stephens represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Boring moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-

Chair Boring moved; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, in that Respondent failed to comply with the Final Order No. 2012018778 .

**Tab AM– Humberto Quibano, BK 683347; Case No. 2015039605 – Motion for Final Order on Waiver**

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

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

**Penalty:** Revocation, investigative costs \$478.50. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely disburse Complainant’s deposit upon demand; Section 475.25(1)(k), Florida Statutes, by failing to place Complainant’s deposit into an escrow account.

**Tab AN – Ozmani Valdes, SL 3154134; Case No. 2014048905 – Motion for Final Order on Waiver**

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

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

**Penalty:** Revocation, investigative costs of \$808.50. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by using the Salzedo Manor’s Wells Fargo business account to pay his personal expenses.

**General Session continued**

**Petition for Declaratory Statement received from Robert Ross – DS 2016-013**

FREC Counsel Barnhart presented a Final Order Denying Petition for Declaratory Statement for the Commission’s review and consideration as requested in February. FREC Counsel Barnhart recommended that the Commission issue a Final Order Denying Petition for Declaratory Statement. The Commission entered into discussion. The Commission entered into discussion. Commissioner Furst moved; Commissioner Luzier seconded the motion to deny issuing a Declaratory Statement predicated on possible anti-trust issues. The motion passed without dissent.

**Rule Discussion**

**Rule 612-10.025 – Advertising**

Director Watkins requested the Commission discuss this rule and allow for public comments. Mr. Jeff Fagan provided comments relating to team advertisements. Mr. Fagan requested that the Commission look at modifying the rule to compel the advertisement reflect the broker’s name be the same size or larger as the sales associate or team name. Mr. Fagan stated that he attended a meeting with several Florida brokers who said that they would be willing to submit appeals to the Commission regarding this issue. The Commissioners addressed

Mr. Fagan's comments. After discussion, the Commission scheduled a workshop for June 16, 2016, to address this issue and possible legislative proposals.

### **General Discussion**

Deputy Director Johnson requested to discuss Director Watkins' suggestions to consider relating to the broker syllabus effective January 1, 2017, listed four categories of students that would benefit from the change. Deputy Director reported the various methods the department will be notifying the providers.

Wayne Edgington, Director of Education for Watson Realty Corporation, provided comments relating to the passing score required in Rule 61J2- 3.008. The Commission addressed Mr. Edgington's comments.

### **Rule Discussion**

Rule 61J2-3.008 – Pre-licensing Education for Broker and Sales Associate Applicants

Chair Fryer requested to address this rule for discussion. The Commission reviewed Ms. Linda Crawford's suggestions and entered into discussion. Chair Fryer stated that he would wordsmith the language and bring it back next month for further discussion.

Rule 61J2-3.009 – Continuing Education for Broker and Sales Associate Applicants

The Commission reviewed Ms. Linda Crawford's suggestions and entered into discussion. Chair Fryer stated that he will wordsmith the language for this rule as well for further discussion next month.

Rule 61J2-24.002 – Citation Authority

The Commission reviewed Ms. Linda Crawford's suggestions and entered into discussion. The proposed changes will be provided for review and discussion next month.

Mr. Barnhart stated that he would notice Rules 10.038 and 24.002 for rule development for discussion in June, 2016.

### **Review and Consideration of the Real Estate Education Courses continued**

**Tab B** – *Transferring Property in Probate and Trust Estates* – New Course (1 hour specialty, classroom) – Application No. 26066 – Barbara M. Pizzolato, P.A.

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course for 2 hours; Vice-Chair Boring seconded the motion. The motion passed without dissent.

**Tab F** – *63 hour Sales Associate Pre-Licensing 39<sup>th</sup> Edition* – New Course; Conditional Approval (63 hours specialty, live online) – Application No. 25355 – Ray Suarez Real Estate School

Chair Fryer moved to approve the course; Vice-Chair Boring seconded the motion. The motion passed without dissent.

**Tab J** – *Yield Capitalization (Discounting)* – New Course (5 hours specialty, distance) – Application No. 26056 – Van Education Center

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Hornsleth seconded the motion. The motion passed 5 to 1.

**Tab K** – *The Ethics of Tech: Etiquette for the Age of Engage* – New Course (63 hours specialty, distance) – Application No. 26057 – Van Education Center

The applicant was not present in support of the application. The Commission entered into discussion. Vice-Chair Boring moved to deny the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Agenda B, Tab A – Gadgets and Gizmos – New Course (3 hours specialty, classroom) – Application No. 26206 – Flagler County Association of Realtors, Inc.**

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

The Commission deferred the remainder of the docket until tomorrow.

### **Public Comments**

The Commissioners offered but did not receive any comments from the audience.

### **Recess**

There being no objection, the Chair recessed the meeting at approximately 5:00 p.m. until 8:30 a.m. tomorrow.

### **April 20, 2016**

Chair Fryer reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 20th day of April, 2016.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Patricia Fitzgerald, Darla Furst, Poul Hornsleth and Thomas Luzier. 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; Josh Kendrick, Chief Attorney; Megan Lloyd, Crystal Stephens and James Whealdon and Assistant General Counsels; Jocelyn Pomales, Education Coordinator; Warren Sanger, Licensing Supervisor; Mike Davis, Regulatory Specialist III; Jeannie Adkinson, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

### **Summary of Applicants**

Licensing Supervisor Warren Sanger presented 84 Summary of Applicants requesting to sit for the real estate examination.

Commissioner Hornsleth had an excused late arrival.

### **Agenda A**

Tab H – Ginette Beltre, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Luzier moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AG – Barry Katz, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BR– Wendy Smith, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab L – Mark De La Torre, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab R – Jacqueline Fils, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AD – Pamela Hinds, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4 to 1.

#### Agenda B

Tab F – Roy Sipel, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

#### Agenda A

Tab BG – William Reese, present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AC – Thomas Zachary High, present; was represented by A. Joseph Benitez, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AP – Adam Christopher Lynn, present; was represented by Josh Alexander, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AA – Erica Leigh Heide, present; was represented by Duke Fagan, Esquire, present – Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab A – Victoria C. Larson, not present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without 4 to 1.

Tab C – John Pannenbacker, present – informal – Vice-Chair Boring moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny; the motion passed without dissent. Vice-Chair Boring moved; seconded by Chair Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab D – Susana Skott, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab E – Jessica Smith, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed 4 to 1.

Tab F – Victor J. Ascencio, present – Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed without dissent.

Tab G – Laurel Beaver, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for broker; the motion passed 4 to 1.

Tab I – Theron Burns, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.



Tab J – Priscilla Castellano, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab K – Edwin Eliezer Colon, present – Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab M – Justin Derwort, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab O – Justin Falta, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab S – Blair Banning Fox, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab T – David Brian Gaudreault, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab U – Matthew Eastberg, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab V – Ivan Gonzalez, present – Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab X – Juan R. Gonzalez, present – Applicant withdrew the application.

Tab Z – Mercedes Gyorgy, present – Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AB – Ralph Hernandez, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve application for sales associate with conditions; the motion passed without dissent.

Tab AF – Edith Lorena Iglesias, present – Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AI – James Richard Kingsbury, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Peter Lambie, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AK – Nathan LaPointe, present – Applicant withdrew the application.

Tab AL – Chad Allen Lazzari, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AN – Jesse Joseph Levy, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AS – Cameron Meritt, present – Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AT – Diana Mignogna, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AU – Michael Milam, present – Commissioner Furst; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AV – Jose Miranda, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AW – Susan Mirzadeh, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BB – Melody Navarro, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BC – Latahsa S. Neloms, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BD – Erik Newton, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BF – Milton Rampersad, present – Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BJ– Billy Rosario, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BL– Bilal Sad Saleem, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BM– Romano Thomas Samarin, present – Commissioner Fitzgerald moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BO – Darlene Shriver, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab BQ – Gabriel Smith, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab BS – Sammie Lee Stirks, Jr., present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BT– Johnathan Kwame Terry, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BV – Justin Mills Tvergerg, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BW– Jay Vilbert, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

#### Agenda B

Tab A – Michelle Beniot, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab C – Megan Cosgrove, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab E – Gerson Sepulveda, present – Commissioner Fitzgerald moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab G – John Bernadine Wilson, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab B – Adriana Rosa Burattini, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

#### Agenda A

Tab AE – Alexandra Houy, present – Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AM– Joshua Andrew Levine, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Commissioner Hornsleth joined the meeting at 2:15 p.m.

Tab AQ – Mohamad Ali Mattar, present – Commissioner Fitzgerald moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AZ – Alexandra Muzzarelli, present – Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab BE– Sheri Lynn Ragsdale, present – Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BP – Stephanie Silva, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BY – Luciano Carmen Zappitelli, II, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab B – Vanessa Menedez, not present – Informal – Applicant requested a continuance.

Tab N – Andrew Frank Desimone, not present – Applicant withdrew the application.

Tab P – Lloyd Nelson Fernandez, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab Q – Ramonda Elise Fields, not present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.

Tab W – Jonathan Gabriel Gonzalez, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab Y – Scott Green, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AH – Evan Katz, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AO – Jesse Litvak, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AR – Ana Cristina McNeil, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AX – Goran Mladen, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AY – Miguel Antonio Murciano, not present – Commissioner Furst moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab BA – Kristopher Nathan, not present – Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BH – Shanna Denise Rhodes, not present – Commissioner Luzier moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab BI – Yasheen Shaneeka Robinson, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BK– Estefania Salas, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 5 to 1.

Tab BN – Ivan A. Savushkin, not present – Vice-Chair Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BU– Jennifer Trauben, present – Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab BX– Jerry L. Young, not present – Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Agenda B

Tab D– Larry Roy Davis, Jr., not present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for broker; the motion passed without dissent.

Consent Agenda A

The Commission considered 56 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve 47 applicants and require 9 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Arjona, Raymond I.	Kellezi, Indrit	Sigars, Mark
Bennett, Connie Renee	King, Nora	Siguenza, Fanny Vanessa
Brisebois, Jaclyn	Krell, James	Sisney, Brandon
Cooper, Kandy Lynn	Lawson, Katharine	Smith, Dennis James
Coppernoll, Randy	McCray I, Anthony	Supertino, Robert
Cruz, Joseph Anthony	McFadden, Samantha Lee	Swan, Douglas S.
Fils Aime, Gerard Louis	Moore, David	Tomita, Janiana Nohara
Francis, Claudette J.	Negron, Mariaisabel	Venafro, David A.
Gozleveli, Aydin Tamer	Norris, Joshua Alonzo	Warren, Chrystal
Guzman, Alex Eurasio Jr.	Pacheco, Clara	West, Cheryl P.
Hida, Bouchra	Perillo, Nicolas Robert	White, Cathy
Hussey, Patrick	Regis, Marlon	Wilborn, Jonnetta
Hutcheson, Ryan M.	Reynolds, Robert Can	Williams Brenda Lee
Johnson, Kathy Elaine	Rue, Evan Lee	Williams, Michael
Kampf, Katelyn	Seufert, Christopher David	Williams, Michelle

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

Balbin, Emma Maria	DiGiacomo, Nicholas Anthony	Logalbo, Thomas Russell
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Burke, Ian Michael  
Diaz, Gwendolyn Beth

Farrell, Daniel James  
Hancock, Thomas John

Martin, Keith  
Porter, Bradford Bryan

### **Consent Agenda B**

The Commission considered 7 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve 4 applicants and require 3 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

McCoy, Clayton  
Mercado, Claudia Patricia  
Riveron, Huberto  
Scherer, Christopher

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

Nevadomski, Thomas  
Roshay, Tenaya George  
Walker, Barnett James

### **Review and Consideration of the Real Estate Education Courses continued**

**Tab E** – *Florida Real Estate Broker Licensing Course* – New Course (72 hours, classroom) – Application No. 26397 – Moseley Real Estate Schools

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Vice-Chair Boring seconded the motion. The motion passed without dissent.

### **Special Agenda**

#### **Approvable Guidelines**

Director Watkins presented the Commissioners with a copy of the Application Approval Guidelines they amended in June 2014. Ms. Watkins requested the Commissioners review the list again to determine if they would be amenable to expand the approvable guidelines to address the significant increase in the number of applications. The Commission reviewed guidelines and entered into discussion. Following discussion, the Commission agreed to include additional approvable guidelines. The Commission addressed additional questions from Director Watkins and Deputy Director Johnson. Ms. Johnson stated that the Division would bring back an amended list next month for final approval.

#### **Director's Comments**

Director Watkins reported that DBPR Headquarters is moving and that there will be a few rules that will require amendments, however, the amendments will only require a technical change.

Director Watkins stated a couple of months ago she reported that the department renegotiated the contact with Pearson VUE. The negotiations resulted in a slight increase of \$5.25 for broker, sales associate and instructor applications. Ms. Watkins stated that the department is requesting the Commission consider absorbing the \$5.25 as a reduction to the initial application fees to compensate for the increase. The Commission said they would take it under consideration.

Director Watkins reported that the dates have been set for the Instructor Seminars as follows: Miami – June 23<sup>rd</sup>; Tallahassee – July 15<sup>th</sup>; and Orlando – August 24<sup>th</sup>. Ms. Watkins stated that the notifications would be mailed out soon.

**Chair’s Remarks**

Commissioner Furst reported that she and Mr. Sanger spoke before members of the Manatee Realtor Association and stated that he did a wonderful job.

Commissioner Furst requested to discuss cases opened as a result of failing to comply with a Final Order. Director Watkins provided a summary of the process. Commissioner Furst stated that she would like to see these types of cases be processed more quickly and inquired if there was an alternative method available to the department to expedite the process. Director Watkins responded that the division would discuss the Commission’s comments regarding the current process.

Commissioner Furst inquired if anyone read the Washington Post recent report about a company that has a business model whereby it offers a menu of services provided by its staff and when the services requires a real estate license, the company refers it out to sales associates who are under a broker, somehow paying the sales associates directly. This this company is operating in 46 states. Commissioner Furst stated that she would forward the article to Director Watkins.

**Public Comments**

The Commission offered but did not receive any comments.

**Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:20 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 17 and 18, 2016, in Orlando, Florida.



Dick Fryer, Chair  
Florida Real Estate Commission



Juana Watkins, Director  
Florida Real Estate Commission