

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
May 17 and 18, 2011
General Meeting**

Chair Richard DeNapoli called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, Florida, on this 17th day of May, 2011.

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

Division staff present at the meeting: Juana C. Watkins, Director; James Harwood, Chief Attorney; Patrick Cunningham, Nicole McClaren and Joseph Solla, Senior Attorneys; Denise Johnson, Operation Management Consultant II; Jocelyn Pomales, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Legal Docket Final Order

Tab M – Brian Todd Spaulding, BK 569229, Case No. 2009049806 – Respondent's Request for an Informal Hearing

Respondent was not present. Respondent was represented by Michael McConnell, present. Commissioner Ruffier and Commissioner McCoig were recused due to participation on the probable cause panel.

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

Penalty imposed: Revoke. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes.

Approval of the Minutes

Vice-Chair Guju moved; Commissioner Ruffier seconded to approve the Minutes of the April 26 and 27, 2011, General Meeting, as written. Motion carried unanimously.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and reported that the division has seen a tremendous increase in the number of timeshare complaints and in an effort to devote sufficient resources to timeshare complaints this division has begun referring many of these complaints to the Division of Florida Condominiums, Timeshares and Mobile Homes. Director Watkins addressed questions from the Commission. Vice-Chair Guju requested a follow-up report relating to the shift of timeshare complaints to the Division of Florida Condominiums, Timeshares and Mobile Homes. Director Watkins stated that she would provide a report at the general meeting in August.

Monthly Exam Performance Summary Report

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

Legislative Update

Director Watkins provided an update regarding House Bill 5007, which was a department bill covering a large number of professions under the Department of Business and Professional Regulation. Director Watkins reported that the most significant change pertained to a request that the Legislature decriminalize rule violations of several board and commissions so not to expose the licensee to possible criminal charges for minor rule violations and in looking at the language, the department and the Legislature felt that was not the intent of the statute. Director Watkins further reported the other change was related to education requirement exemptions per a request by the department to change the language to state "a 4-year degree or higher". Unfortunately, HB5007 did not pass; however, the department will try again next year. Director Watkins addressed questions from the Commission.

Recovery Fund Claim Final Orders

Eustache Besancon v. Joel Aramis – DBPR Case No. 2010045758 – Senior Attorney Solla presented this matter to the Commission. Mr. Patrick Russell, Esquire appeared on behalf of the Claimants in support of the claim. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Ruffier moved to approve the order granting the claim in the amount of \$35,000.00. Vice-Chair Guju seconded the motion. The motion carried unanimously.

Carol Hayden and New York Associates, Inc. v. Michelle B. Johncola – DBPR Case No. 2011014428 – Senior Attorney Solla presented this matter to the Commission. Mr. David Jordan, Esquire, appeared on behalf of the Claimant in support of the claim. Mr. Solla advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Ruffier moved to approve the order denying the claim. Commissioner Furst seconded the motion. The motion carried unanimously.

Legal Final Order Docket continued

Tab D – Michelle Johncola, BK 685072, 3210601, 3211011, 3237938; Case No. 2008066878 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and represented by Martin Pedata, Esquire, present. Commissioner Enzor was recused due to participation on the probable cause panel.

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

Penalty imposed: Reprimand; \$762.30 costs; six months probation; attend one 2-day FREC general meeting. **Violation:** Guilty of failure to pay a judgment in the amount of \$7,735.00 in violation of Section 475.25(1)(d)1., Florida Statutes.

Tab A – Amie Layne Bennis, SL 3111713, Case No. 2008035864 – Recommended Order

Respondent was present and represented by Richard Withers, Esquire, present. Commissioner Enzor was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission considered the Recommended Order and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair Guju; motion carried unanimously to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order of the Administrative Law Judge.

Action taken: Administrative Complaint dismissed.

Tab E – Glenn Smith, BK 694718, Case No. 2008066937– Respondent’s Request for an Informal Hearing

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

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

Penalty imposed: \$500.00 fine, \$257.40 costs, one year probation, attend two 2-day FREC general meetings. **Violation:** Guilty of having entered a plea of nolo contendere to Offense to intellectual property in violation of Section 475.25(1)(f), Florida Statutes; guilty of failure to inform the Commission in writing within 30 day after pleading nolo contendere to a felony criminal offence in violation of Section 475.25(1)(p), Florida Statutes.

Tab N – Charles Winkelman, BK 3098931, Case No. 2008023336 – Respondent’s Request for an Informal Hearing

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

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

Penalty imposed: Suspension for 6 months, \$518.10 costs, 90 days probation, attend one 2-day FREC general meeting. **Violation:** Guilty of failure to preserve at least one copy and make available to the Petitioner, all books, accounts, and records pertaining to the broker or transaction files for the Subject Property in violation of Sections 475.5015 and 475.25(1)(e), Florida Statutes.

Tab B – Pamela Sue Simmons, SL 695141, Case No. 2008021977; and Karle John Simmons, SL 3106888, Case No. 2008021976 – Recommended Order

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission considered the Recommended Order and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Enzor; motion carried unanimously to adopt the Findings of Fact and Conclusions of Law, accept the Recommended Order and impose the following sanctions:

Penalty imposed: Revoke the licenses of both Respondents, fines of \$1,000.00 each. **Violation:** Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes.

Tab C – April Asker, BK 633990, Case No. 2008058677 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revoke, \$5,000 fine, \$544.50 costs. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of failure to direct, control or manage a broker associate employed by her in violation of Section 425.25(1)(u), Florida Statutes.

Tab F – Kevin Michael Dyer, SL 3125260, Case No. 2008066306 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revoke, \$330.00 costs. **Violation:** Guilty of having entered a plea of nolo contendere to Obtaining Property in Return for Worthless Checks in violation of Section 475.25(1)(f), Florida Statutes; guilty of failure to inform the Commission in writing within 30 days of the effective date of the enactment of 455.227(1)(t), Florida Statutes that he plead nolo contendere to Obtaining Property in Return for Worthless Checks.

Tab G and H – Patricia Eileen Ellison, SL 411683, Case Nos. 2009029833 and 2010062557 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revocation.

Tab I – Eric S. Fountain, SL 3045527, Case No. 2008052972 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revoke, \$5,000 fine, \$570.90 costs. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of breach of trust in any business transaction in violation of Section 425.25(1)(b), Florida Statutes.

Tab J – Antonia Guia, SL 3175918, Case No. 2008035051 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revocation.

Tab K – Kenneth Frank Pornovets, SL 653290, Case No. 2008034856 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revoke, \$620.40 costs. Violation: Guilty of failure to inform the Commission in writing within 30 days after entering a plead of guilty to Grand Theft, More Than \$20,000, a Second Degree Felony in violation of Section 475.25(1)(p), Florida Statutes; guilty of having been convicted of Grand Theft, More Than \$20,000 in violation of Section 475.25(1)(f), Florida Statutes.

Tab L – Larry Smith, SL 3111715, Case No. 2007057469 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revoke, \$5,000 fine, \$1,732.50 costs. **Violation:** Guilty of having been adjudicated guilty of First Degree Grand Theft in violation of Section 475.25(1)(f), Florida Statutes; guilty of failure to inform the Commission in writing within 30 days after being convicted of Grand Theft in violation of Section 475.25(1)(p), Florida Statutes; guilty of failure to inform the Commission in writing within 30 days of the effective date of Section 455.227(1)(t), Florida Statutes, of his conviction.

Review and Consideration of the Real Estate Continuing Education Course

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

1. NAR's Green Designation Core Course – New Course – Application No. 14096

Mr. William C. Campbell, Florida Realtors, and Mr. Dick Fryer, IFREC, appeared in support of the new course. The Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Enzor seconded the motion. The motion carried unanimously.

2. NAR's Green Residential Elective Course – New Course – Application No. 14097

Mr. William C. Campbell, Florida Realtors, and Mr. Dick Fryer, IFREC, appeared in support of the new course. The Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Enzor seconded the motion. The motion carried unanimously.

3. NAR's Green Designation Commercial Elective Course – New Course – Application No. 14098

Mr. William C. Campbell, Florida Realtors, and Mr. Dick Fryer, IFREC, appeared in support of the new course. The Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Enzor seconded the motion. The motion carried unanimously.

4. NAR's Green Designation Property Management Elective Course – New Course – Application No. 14099

Mr. William C. Campbell, Florida Realtors, and Mr. Dick Fryer, IFREC, appeared in support of the new course. The Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Enzor seconded the motion. The motion carried unanimously.

5. Generational Buy – New Course – Application No. 14203

Mr. William C. Campbell, Florida Realtors, and Mr. Dick Fryer, IFREC, appeared in support of the new course. The Commission entered into discussion. Commissioner Enzor moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Furst seconded the motion. The motion carried 5 to 1.

6. Global Real Estate: Local Markets – New Course – Application No. 14100

Mr. William C. Campbell, Florida Realtors, and Mr. Dick Fryer, IFREC, appeared in support of the new course. The Commission entered into discussion. Commissioner Ruffier moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

7. Restorative Drying for Loss Control – New Course – Application No. 14175

Ms. Amanda Green, Servpro Industries, did not appear in support of the new course. The Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Furst seconded the motion. The motion carried unanimously.

8. Restoring Contaminated Buildings – New Course – Application No. 14176

Ms. Amanda Green, Servpro Industries, did not appear in support of the new course. The Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Furst seconded the motion. The motion carried unanimously.

9. Restorative Drying for Water Damage – New Course – Application No. 14177

Ms. Amanda Green, Servpro Industries, did not appear in support of the new course. The Commission entered into discussion. Commissioner Enzor moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

10. Hurricane Planning & Disaster Recovery Are You Ready?– New Course – Application No. 14178

Ms. Amanda Green, Servpro Industries, did not appear in support of the new course. The Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Enzor seconded the motion. The motion carried unanimously.

11. Memory Applications Course for Real Estate Professionals – New Course – Application No. 14359

Mr. David Meyers, Freedom Personal Development, did not appear in support of the new course. The Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

Enforcement Timeline

Director Watkins provided the Commissioners with a set of charts reflecting three groupings: Cases in Investigations representing the total number of cases in the investigative field for FREC and FREAB beginning July 2009 – April 2011; FREC Cases in Investigations > 365 days, beginning July 2009 – April 2011; and Caseload per FTE Investigator, beginning July 2009 – April 2011. The Commission expressed concerns of the number of aged cases and the lack of investigator to conduct random audits. Director Watkins stated that she intends to address these issues and others when the new bureau chief comes on board. Director Watkins addressed additional questions and comments from the Commission and the audience. Vice-Chair Guju requested the future reports reflect FREC cases only.

Consent Agenda A

The Commission considered 134 applicants from the Consent Agenda; Chair DeNapoli moved; seconded by Commissioner Furst to approve 99 applicants and require 35 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Aguilera, Francisco	Gadsden, Lisa	Messer, Marty D
Akiba, Jonathan	Garcia, Juan F	Messinger, Frank R Sr
Alexander, Latasha	Garcia, Robinson M	Mills, Morris L Jf
Alston, Shannon T	Gladding, Stacey	Montgomery, Mildred
Alvarez, Raul E	Gonzalez, Daniel R	Mustachio, Joseph N
Amador, Kelly	Grad, Dolianny N	Payton, Mark A Jr
Bellant, Anthony	Green, Michael E	Pelissier, Francesca T
Bennett, David R	Guadagnano, Angelo P	Reed, Christopher C
Blankenship, John D	Hale, Daniel C	Reibling, Christopher C
Burdick, Charles	Halsey, David M	Rich, Ryan M
Campbell, Darren	Hamilton, Nancy L	Richardson, Michael C
Cannon, Lakiesha	Heinzman, Ross P	Rowan, Brian J
Cecil, Daniel M	Hernandez, Wendy	Sanchez, Nadiuska M
Clark, Linda K	Herrera, Oreste E	Schuemann, Christopher
Clifton, Linda S	Hill, Thomas	Scotland, Ulric A
Colley, Joel A	Hughes, Jonathan R	Scott, Gerald R
Connolly, Paul G	Izzo, Daniel J	Shermer, Michele E
Cooper Vanneste, Sarrah	Jenkins, Nicholas	Sigcha, Luis E
Cox, Kevin	Jennings, Ryan	Simons, Juan M
Cullin, Thomas PA	Jimeno, Giancarlo	Skala, Blaine J
Decamillis, Anthony	Jospeh, Jeannie M	Smith, Douglas L
Demaio, Joseph A	Kent, Chelsea E	Smith, Sonja S
Desrochers, Danielle L	Kirby, Jennifer R	Speciale, Todd
Ditirro, Raymond M	Lacourt, Anthony F	Speismacher, A
Dixon, Ethel M	Losch, Scott A	Steiner, Michael C
Dixon, James Brownlee	Louis, Marie J	Tauch, Vanna V
Duroure, David A	Lovern, Elizabeth K	Tawil, Abdel
Dyas, Michael C	Mack, Joseph Jr	Tomalewski, Stanley T
Earls, Aaron E	Malave, Andres	Warthen Walter, Mildred
Endsley, John	Martinez, Eduardo	Westwood, Benjamin D
Feldman, Lawrence	Mathis, Anthony M	Widger, John D
Fries, Philipp	McDonnell, A	Wike, Leah M
Fusi, Micheal J	McNeely, Gregory	Williams, John

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

Amador, Frank N	Gindel, Michael J	Mullins, Steven A
Barlow, Stephanie D	Guerrero, Nelson H Jr	Nealy, Brandon C
Briceno, Darwin A	Hedley, Tilden S	Peake, Rickie G
Briceno, Jennifer R	Howard, Jason M	Poppell, Samuel
Cisson, Albert T	Kocer, Kristi	Quero, Jason M
Copeland, Nicholas C	Krieger, Sheldon	Ruby, Steven P

Dawkins, Adrienne
Elfakir, Mohamad B
Failds, Kelly A
Falke, Angela L
Fontana, Rolando
Frustaci, Alana N

Lamp, Jordan J
Manfredi, John
Martinez, Anthony
Mazzuchelli, Michael J
Mendoza, Arturo G Jr
Mirabal, Pablo A Jr

Sarvis, Mark M
Schuler, Michael P
Simonson, Todd
Spencer, Richard L III
Ward, Stephen P

Consent Agenda B

The Commission considered 2 applicants from the Consent Agenda B; Chair DeNapoli moved; seconded by Commissioner Furst to require 2 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

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

Mercy, Richard
Zackey, Kelly L

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

May 18, 2011

Chair Richard DeNapoli reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of May, 2011.

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

Division staff present at the meeting: Juana C. Watkins, Director; James Harwood, Chief Attorney; Jennifer Blakeman, Senior Attorney; Denise Johnson, OMC II; Janice Taylor, Government Analyst I; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; JoEllen Peacock, Education Coordinator; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Ms. Denise Johnson, OMC II, presented 46 Summary of Applicants requesting to sit for the real estate examination.

Tab I – Gabris, Joseph A.; present and represented by Attorney William W. Blue; present – Commissioner Furst moved; seconded by Commissioner Ruffier to approve the application for broker; motion carried unanimously.

Tab R – Johnson, Mark A.; present and represented by Attorney Michele Vargas; present – Application withdrawn and waived the 90-day requirement.

Tab M – Hernandez, Grace M.; present and represented by Attorney Daniel Villazon; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab L – Hagopian, Nancy S.; present and represented by Attorney Nancy P. Campiglia; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion failed 2 to 4. Vice-Chair Guju moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried 4 to 2.

Tab AK – Stoddard, Larry O., Jr.; present and represented by Attorney Daniel Villazon; present – Application withdrawn and waived the 90-day requirement.

Tab U – Marrero, Jesus A.; present and represented by Attorney Roberto Mareno; present – Application withdrawn and waived the 90-day requirement.

Tab S – Kalicharan, Gowkarran D.; present and represented by Attorney Nancy P. Campiglia; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab V – Maurer, William I.; present and represented by Attorney Nancy P. Campiglia; present – Commissioner Boring moved; seconded by Vice-Chair Guju to approve the application for broker; motion carried 4 to 2.

Tab A – Anderson, Michael J.; not present – Applicant requested a continuance to June and waived the 90-day requirement.

Tab B – Baez, Brenda L.; not present – Vice-Chair Guju moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab C – Brooks, Albert J.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for broker; motion carried unanimously.

Tab D – Burk, Mark Alan.; not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Ruffier; seconded by Vice-Chair Guju to grant the continuance; motion carried unanimously.

Tab E – Campbell, Deshante; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried 5 to 1.

Tab F – Chaplin, James D.; not present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 5 to 1.

Tab G – Dukes, Crystal; present – Commissioner Furst moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried unanimously.

Tab H – Folson, Tanyai L.; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab J – Gambrell, Amanda B.; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab K – Gutierrez, Nicole M.; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for broker; motion carried 5 to 1.

Tab N – Hopper, Sara R.; not present – Commissioner Furst moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab O – Hunter, Wendy R.; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to deny the application for sales associate; motion carried unanimously.

Tab P – Isgut, Isabel; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab Q – Johnson, Chetwood F.; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 5 to 1.

Tab T – Keck, Tina M.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab W – McCone, Kenya E.; present – Application withdrawn and waived the 90-day requirement.

Tab X – Miranda, Eddy; not present – Vice-Chair Guju moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab Y – Ohearn, Kyle J.; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 5 to 1.

Tab Z – Palmer, Johnathan; present – Application withdrawn and waived the 90-day requirement.

Tab AA – Pastor, Victor; present – Commissioner Enzor moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AB – Perez, Barbara M.; not present – Commissioner Enzor moved; seconded by Vice-Chair Guju to deny the application for sales associate; motion carried unanimously.

Tab AC – Piedra, Jane; not present – Commissioner Furst moved; seconded by Vice-Chair Guju to deny the application for sales associate; motion carried unanimously.

Tab AD – Pozzi, Juan A.; present – Application withdrawn and waived the 90-day requirement.

Tab AE – Rodriguez, Richard; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab AF – Scruggs, Jabari F.; not present – Applicant requested a continuance to June and waived the 90-day requirement.

Tab AG – Shaikh, Mohammed; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for broker; motion carried unanimously.

Tab AH – Siegel, Marc H., not present – Applicant requested a continuance to June and waived the 90-day requirement.

Tab AI – Stevenson, Frank; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab AJ – Stewart, Catherine R.M.; not present – Applicant requested a continuance to June and waived the 90-day requirement.

Tab AL – T Hart, Naima; not present – Vice-Chair Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; motion carried unanimously.

Tab AM – Tagoe, Shehu; present – Application withdrawn and waived the 90-day requirement.

Tab AN – Theckson, Daryl A.; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for broker; motion carried unanimously.

Tab AO – Thomas, Kimberlee; not present – Commissioner Furst moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab AP – Wallace, Jessica L.; not present - Commissioner Furst moved; seconded by Vice-Chair Guju to deny the application for broker; motion carried unanimously.

Tab AQ – Warner, Linda; present – Application withdrawn and waived the 90-day requirement.

Tab AR – Warren, James; present – Application withdrawn and waived the 90-day requirement.

Tab AS – Watkins, Jeffrey S.; not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Ruffier moved; seconded by Vice-Chair Guju to grant the continuance; motion carried unanimously.

Tab AT – Williams, Brian C.; not present – Commissioner Enzor moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

General Counsel Layne Smith Addresses the Commission

Director Watkins introduced Layne Smith who was recently announced as the General Counsel for the Department of Business and Professional Regulation and stated that he comes to the department with extensive experience in criminal, civil and administrative law. Director Watkins turned the floor over to Mr. Smith. Mr. Smith stated that he wanted the opportunity to meet the Commission and plans to contact the Commissioners individually as he is interested in knowing what they feel the department is doing well and how the department could be more beneficial.

Vice-Chair Guju inquired as to what General Counsel Smith's thoughts are about reducing the backlog. Mr. Smith stated that everyone is concerned with the resources the department has and therefore, we need to find a way to prioritize the more serious cases wherein there is public harm and

screen out the cases that are less serious and find a way to work those through. Vice-Chair Guju stated that he believes the general consensus of the Commissioners is the timely handling of the investigations and legal review so that the cases move more quickly to resolution. Vice-Chair Guju stated that the Commission has mentioned a number of things to which Director Watkins has been very open-minded and commended her for that. Mr. Smith thanked the Commission for their comments.

Commission's Comments

Commissioner Ruffier commented that one duty the Commission is charged with is imposing sanctions which always projects negatively and perhaps in an effort to project more positively, the Commission could issue a letter of commendation to a licensee in the state for providing outstanding public service.


Commissioner Furst commented that in the past at major Florida Realtor events, a current Commissioner and the counsel for the Florida Realtor organization would bring to light reoccurring issues that resulted in discipline by the Commission and it would pack the room. Commissioner Furst stated that there is no better way to learn about good practice than to hear about bad practice that is brought before the Commission. Director Watkins responded that the division does provide a wealth of outreach at the Florida Realtor and other real estate industry-related estate events and that she will make it a point in the future to inform the Commission under the Director's Comments when an employee from the division attends an event.

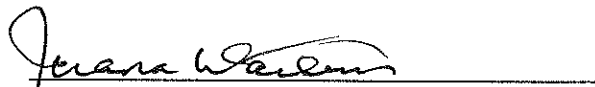
Public Comments

The Commission addressed comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for June 21 and 22, 2011, in Orlando, Florida.


Richard DeNapoli, Chair
Florida Real Estate Commission


Juana C. Watkins, Director
Florida Real Estate Commission