

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
May 15 and 16, 2012
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, Florida, on this 15th day of May, 2012.

The following Commission members were in attendance: Chair Darla Furst, Richard DeNapoli, Poul Hornsleth and Josh Podolsky. Commissioners Roger Enzor and Michael Guju were excused. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Department and Division staff present at the meeting: Juana C. Watkins, Director; Patrick Cunningham, Chief Attorney; Christina Arzillo, Megan Demartini, Andrew Fier, LaDawna Fleckenstein, Leigh Matchett, Assistant General Counsel; Jocelyn Pomales, Operation Management Consult II; JoEllen Peacock, Education Coordinator; Susan Bailey, Administrative Assistant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the Minutes of the April 17 and 18, 2012, General Meeting, as written. The motion passed without dissent.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and addressed questions and comments from the Commission.

Report Regarding Enforcement Trends

Director Watkins presented the Report Regarding Complaint Trends and addressed questions and comments from the Commission.

Report Regarding Office Inspection/Escrow Audits

Director Watkins reported that the Office Inspection/Escrow Audits and addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

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

Report Regarding Legal Case Activity

Chief Attorney Cunningham presented the monthly report regarding legal case activity and stated that the numbers continue to trend downwards. Chief Attorney Cunningham addressed comments and questions from the Commission.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 8 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 8 Escrow Disbursement Orders and 3 Orders, as presented. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Recovery Fund Claim

Tab A – Suzanne Kane v. Anne Woodward, DBPR Case No. 2011030831

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$3,594.00. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Applicant Recommended Order

Tab A – Angelica Lopez v. DBPR, Florida Real Estate Commission – DOAH Case No. 12-0415

FREC Counsel Rachel Clark presented the Recommended Order of the Administrative Law Judge. Petitioner was not present. The Commission considered the Recommended Order of the Division of Administrative Hearings recommending the FREC issue a final Order announcing its intention to continue to process Petitioner's application for licensure as a real estate sales associate. Commissioner Podolsky moved to vacate the Notice of Intent to Deny the Commission, filed December 28, 2011, and adopt the Recommended Order and allow the applicant to move forward with her application. Vice-Chair Boring seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab W – Neybis Veronica Sanchez-Antoniuzzi, BK 3021711, Case No. 2008023972 – Settlement Stipulation

Respondent was not present and represented by Nancy Campiglia, Esquire, present. Vice-Chair Boring and Commissioner Guju served on the probable cause panel. Vice-Chair Boring was recused due to participation on the probable cause panel. Commissioner Guju was excused and not in attendance.

Mr. Fier represented the department and presented the case to the Commission. Ms. Campiglia requested a continuance until June 2012. Commissioner Podolsky moved; seconded by Commissioner DeNapoli to grant a continuance until June 19, 2012. The motion passed without dissent.

Action taken: Case continued until June 19, 2012.

Agenda B, Tab A and Tab B – Theresia Marie Helton, BK 3077530, Case Nos. 2010031610 and 2011018510 – Respondent’s Request for Reconsideration of the Final Order

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

Ms. Arzillo represented the department and presented the case to the Commission. Commissioner Hornsleth, seconded by Commissioner Podolsky; motion passed without dissent to deny the request for reconsideration of the Final Order.

Action Taken: Reconsideration request denied.

Tab T – Gerald M. Levy, SL 602544, Case No. 2011016103 – Settlement Stipulation

Respondent not present and represented by Daniel Villazon, Esquire, present. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed 4 to 1.

Penalty imposed: License suspended 6 months, \$500.00 fine, \$429.00 investigative costs within 3 months from the Effective Date of the Final Order. **Violation:** Respondent violated Section 455.227(1)(t), Florida Statutes (2011), when Respondent failed to report in writing to the board within thirty days of the effective date of Section 455.227(1)(t), Florida Statutes (2011), of Respondent’s guilty plea of five felonies in the United States District Court, North District of Florida.

Action taken: Settlement Stipulation accepted.

Tab S– Jaime Gamboa, BK 3154102, Case No. 2009063190 – Settlement Stipulation

Respondent not present and represented by Mark Hutner, Esquire, present. No current members were recused due to participation on the probable cause panel.

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

Penalty imposed: \$2,500.00 fine, \$412.50 investigative costs within 3 months from the Effective Date of the Final Order, must attend one 2-day FREC meeting within 6 months from the Effective Date of the Final Order. **Violation:** Respondent violated Sections 475.5015 and 475.25(1)(e), Florida Statutes, by failing 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 Subject Property 1; violated Section 475.42(1)(i), Florida Statutes, by obstructing or hindering ongoing investigations by failing to provide the department with true and complete copies of requested broker transaction files for Subject Properties 1 and 3.

Action taken: Settlement Stipulation accepted.

Tab A – Juan Carlos Avila, SL 3088704, Case No. 2010035674 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Demartini represented the Department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner DeNapoli; 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 without dissent to impose the following sanctions:

Action Taken: Suspension for 6 months, \$1,000.00, \$66.00 investigative costs, 6 months probation.

Violation: Respondent violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the Commission in writing within 30 days of entering a guilty plea to a felony charge; violated Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to a crime involving moral turpitude or fraudulent or dishonest dealing.

Tab G – Serge A. Ferrer, BK 2022678, Case No. 2010015157 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and represented by Mark Bakay, Esquire, present. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Action Taken: Revocation, \$3,000.00, \$396.00 investigative costs. **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, when Respondent employed Vencatasawmy to engage in real estate activities without being the holder of a valid current license; violated Section 455.227(1)(j), Florida Statutes, when Respondent aided and assisted Vencatasawmy engage in unlicensed real estate activities; violated Section 475.25(1)(e), Florida Statutes, when Respondent violated Rule 61J2-5.019, Florida Administrative Code, by failing to assure that Almighty’s officers, directors, and salespersons were holders of current registrations and licenses.

Tab Q – Leslie Sue Potter, SL 3186058, Case No. 2010031426 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Matchett represented the Department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Boring; motion passed without dissent to find the Respondent guilty as charged in the

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

Action Taken: Revocation, \$2,000.00, \$948.75 investigative costs. **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, by operating as a broker while licensed as a sales associate, and therefore in violation of Section 475.25(1)(e), Florida Statutes; violated Section 455.227(1)(j), Florida Statutes, by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

Tab R – Robert Eugene Suhrie, SL 3041108, Case No. 2010036939 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Fier represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by 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 without dissent to impose the following sanctions:

Action Taken: \$478.50 investigative costs, 6 months probation, attend one 2-day FREC meeting. **Violation:** Respondent violated Section 475.25(1)(b) Florida Statutes, when Respondent engaged in dishonest dealing.

FREC General Discussion

Following discussion of the above case, the Commission requested the division schedule a workshop for a future FREC meeting to discuss short sale mitigation. Attorney Randy Schwartz suggested that the division extend invitations to a member of the Unlicensed Practice Law Committee, representatives from the Attorney General’s Office as various representatives within the real estate industry. Director Watkins stated she would proceed accordingly.

Tab AB – William Gray MacGuire, SL 626140, Case No. 2009010662 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was present and not represented by counsel. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Action Taken: Six months suspension, \$500.00 fine, \$247.50 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, by being found guilty in the United States District Court, Puerto Rico, of structuring transactions to avoid reporting requirements, and aiding and abetting; violated Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after being found guilty in the United States District Court, Puerto Rico, of structuring transactions to avoid reporting requirements, and aiding and abetting.

Tab B – Bruce R. Bates, BK 427330, Case No. 2011036199 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$1,500.00, \$270.60 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when Respondent plead guilty to one count of conspiracy to commit mail and wire fraud, a crime which involves fraudulent or dishonest dealings.

Tab C – Gustavo A. Christlieb, SL 622043, Case No. 2008015931 – Respondent’s Request for an Extension of Time to Comply with Final Order

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Boring; motion passed 4 to 1 to deny an extension to complete the requirements of the Final Order.

Action Taken: Extension request denied.

Tab D – Gustavo A. Christlieb, SL 622043, Case No. 2008023918 – Respondent’s Request for an Extension of Time to Comply with Final Order

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner DeNapoli; motion passed 4 to 1 to deny an extension to complete the requirements of the Final Order.

Action Taken: Extension request denied.

Tab H – Alicia Garcia, BK 381024, Case No. 2011054246 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

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

Action Taken: Revocation, \$6,500.00, \$1,105.50 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent misappropriated funds required to be held in escrow, altered bank statements or delivered altered bank statements to the Petitioner, or allowed her clients' escrow funds to become missing and unaccounted; violated Section 475.42(1)(i), Florida Statutes, when Respondent altered bank statements or delivered altered bank statements to the Petitioner in furtherance of an investigation; violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account and deliver, upon demand, funds that were required to be held in escrow by Respondent; violated Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, by failing to keep an accurate account of each deposit transaction wherein funds were deposited into Garcia Realty's Account; violated Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, when Respondent failed to maintain an insured escrow or trust account for deposits, funds, money, checks, drafts, personal property, or items of value that were received by Respondent in connection with real estate transactions.

Tab I – Michelle Gonzalez, BK 702537, Case No. 2009064001 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$2,000.00, \$101.50 investigative costs. **Violation:** Respondent violated Section 475.25(1)(e), Florida Statutes (2011), through violation of Rule 61J2-14.010(1) by not placing the Owner's rent proceeds in a trust or escrow account for holding.

Tab J – Jose Venancio Gutierrez, BK 459368, Case No. 2010052730 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and represented by Genesis Gutierrez, Esquire, also present. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Action Taken: Suspension for 30 days, \$500.00 fine, \$135.30 investigative costs, 4-hour ethics course, 6 months probation. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, by being adjudicated guilty of Possession of Cannabis with Intent to Sell.

Tab K – Eva W. Little, SL 3032935, Case No. 2012007409 – Voluntary Relinquishment of License

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

Ms. Arzillo represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Vice-Chair Boring to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Tab U – Carl Presto, BK 3022910, Case No. 2010019545 – Settlement Stipulation

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

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

Penalty imposed: \$250.00 fine, \$646.80 investigative costs all within 12 months from the Effective Date of the Final Order. **Violation:** Respondent violated Section 475.25(1)(s), Florida Statutes, when the Florida Division of Professions accepted the stipulation disciplining Respondent in case number 2009009943.

Action taken: Settlement Stipulation accepted.

Tab V – Edwin Luis Rodriquez, SL 683903, Case No. 2009059117 – Settlement Stipulation

Respondent was not present and not represented by counsel. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Penalty imposed: \$1,250.00 fine, \$180.00 investigative costs, attend one 2-day FREC meeting all within 12 months from the Effective Date of the Final Order. **Violation:** Respondent violated Sections 475.42(1)(b), and 475.25(1)(b), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab X – Elizabeth C. Seither, BK 311552, Case No. 2008030550 – Settlement Stipulation

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

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

Penalty imposed: \$750.00 fine, \$455.40 investigative costs, complete a 4-hour escrow management course and a 30-hour post-license management class all within 12 months from the Effective Date of the Final Order; **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab Y – Mary D’Nette Allen, SL 3183760, Case No. 2010015024 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Suspension 5 years, \$1,000.00 fine, \$321.75 investigative costs. **Violation:** Respondent violated Section 475.42(1)(d), Florida Statutes, by receiving a commission and failing to deliver the money to her broker, by failing to notify her broker of the transaction and by personally keeping the commission received for real estate services rendered.

Tab Z – Leonor Chandia, SL 695261, Case No. 2010056692 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was present and not represented by counsel. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Penalty imposed: Revocation, \$2,000.00 fine, \$666.25 investigative costs. **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, when Respondent facilitated a lease agreement as complainant’s agent, and directed rent proceeds paid to Respondent’s corporation, Lolo Consulting, Inc.; violated Section 475.25(1)(b), Florida Statutes, when Respondent misrepresented herself as a real estate broker, concealed real estate transactions from her registered brokers, and directed tenants to make rent payments directly to Lolo Consulting, Inc.

Tab AA – Charles E. Culpepper, Jr., BK 580593, Case No. 2010059829 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Action Taken: Suspension 5 years; \$1,000.00 fine, \$849.75 investigative costs, 5 years probation.
Violation: Respondent violated Section 475.25(1)(f), Florida Statutes, when Respondent plead nolo contendere to possession of stolen or fictitious driver's license, possession/fraudulent use of personal identification, and grand theft; violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to provide written notification to the FREC of his felony plea of nolo contendere within 30 days.

Tab AC – Odine M. Sejour, BK 469898, Case No. 2010040539 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Guju served on the probable cause panel. Commissioner Guju was excused and was not in attendance.

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

Action Taken: Revocation, \$3,000.00 fine, \$825.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent misappropriated Complainant's funds without her knowledge or consent; violated Section 475.42(1)(i), Florida Statutes, when Respondent failed to produce records and documentation upon Petitioner's request and in furtherance of an investigation; Respondent violated Section 475.5015, Florida Statutes, when Respondent failed to make available transaction files and bank records or Sejour Realty, upon the demand of the department.

The following cases were continued or withdrawn

Tab E – Debra E. Cunningham, Case No. 2011036065
Tab F – Manuel A. De La Fuente, Case No. 2010002882
Tab L – Gerardo Magallon, Case No. 2008061970
Tab M – Michael McLaughlin – Case No.2008066770
Tab N – Luis A. Monsalve, Case No. 2011003027
Tab O – Luis A. Monsalve, Case No. 2011015101
Tab P – Luis A. Monsalve, Case No. 2011017733

FREC General Discussion cont.

Consent Agenda

The Commission considered 128 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve 96 applicants and require 32 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Absher, Jack Jr.	Henke, Kenneth	Ramjohn, Brian
Aliberti, Anthony	Hanke, Megan	Rangel, Luis
Aloia, Kathy	Hill, Bruce	Raskett, Deborah
Ames, Amy	Hodnovich, Edward	Rettig, Zachary
Anthony Mims, Jennifer	Horen, Timothy	Rutledge, Richard
Aviles, Carmelita	Hough, Thomas	Saenz, Robert

Ayala, Ricardo
Baker, Benjamin
Begley, John
Benitez, Nicole
Benson, Michelle
Bove, Maria
Braden, Scott
Caisse, Noah
Carballada, Ileana
Celestin, Steven
Chaney, John
Coats, Jacquelyn
Connor, Heidi
Corticchia, Maurizio
DeBarros, Enrique
Deems, Philip
Dyer, Michael
Effenberger, Mary
Ekonomou, Ann
Favela, Aron
Glazer, Eran
Gonzalez, Tamara
Good, Daniel
Griffin, Todd
Griffis, Carl
Hannachi, Sofiane

Hunter, Beverly
Hurtado, Sandra
Jean, Richard
Johnson, James
Kimmey, Michael
Laing, Sherry
Lopez, Janely
Lourim, Stephen
Lyons, Kiye
Maldonado, Humberto
Martinez, Jorge
Masengale, Wanda
Maybin, Dale
McManus, William
Melford, Jeff
Mendez, Nestor
Milce, Neschna
Miller, Matthew
Mosa, Chanraem
Mullen, Sean
Norton, Lisa
Paul, Fabiola
Pendergrast, Nicholas
Phillips, George
Pitchford, Tory
Proesel, Hollie

Sainz, Edgar
Sapp, Danny
Schneider, Leann
Seymour, Debra
Shepherd, William
Sherf, Zachary
Simmons, Sean
Sotomayor, Miguel
Stensby, Christopher
Stipp, Michael
Stoker, Richard
Stratman, Mark Jr.
Strong, James
Tassy, Errol
Twyman, Michael
Vallone, David
Valluzzi, Valerie
Walker, Darin
Weil, Jason
Weis, Barbara
White, James
Williams, Joshua
Williams, Nikita
Womack, Michael
Yongue, James
Zablo, Alan

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

Bajwa, Nasir
Benzan, Johnny
Berringer, Thomas
Bispo, Christopher
Buker, Amy
Colan, Thomas
Correa, Ricardo
Curriden, Cameron
Dinnell, Larry
Epps, Lorenzo
Escalett, Yamila

Fales, Joshua
Foust, Rondrietta
Goodson, Althea
Halstead, Jason
Lanahan, Christopher
Lorissaint, Angelet
Martin, Julie
Midolo, Justin
Miranda, Joseph
Pena, Daniel
Polk, Christa

Pollog, Linda
Rodriguez, Joseph
Schreiber, Kevin
Shoop, Caroline
Slaughter, Franklin
Stafford, Ronald
Vazquez, Robert
Wagner, Staci
Washington, Richard
Whittenberg, David

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:45 p.m.

May 16, 2012

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of May, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Chip Boring, Richard DeNapoli, Poul Hornsleth and Josh Podolsky. Commissioners Roger Enzor and Michael Guju were excused. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Department and Division staff present at the meeting: Juana C. Watkins, Director; Patrick Cunningham, Chief Attorney; Andrew Fier, Assistant General Counsel; Jocelyn Pomaes, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomaes presented 37 Summary of Applicants requesting to sit for the real estate examination.

Tab L – Flikshteyn, Alexander, present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab R – Hawley, Gerald S., not present; represented by Daniel Villazon, Esquire, present – Vice-Chair Boring moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab V – Marquez, Julio D., present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab Y – Pabla, Surinder, present; represented by Daniel Villazon, Esquire, present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AI – Ventura, Luis A., not present; represented by Daniel Villazon, Esquire, present – Applicant withdrew application and waived the 90-day requirement.

Tab U – LaPrade, David M., present; represented by Bob Dwyer, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 4 to 1.

Tab Z – Pappas, Alexandros, Jr., present; represented by Nancy Campiglia, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab A – Betsinger, Matthew James, not present – The Commission granted the informal hearing and entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Podolsky to uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab B – Cook, Ernell, present – Commission Podolsky moved, seconded by Commissioner DeNapoli to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent. The applicant withdrew the application and waived the 90-day requirement.

Tab C – McFadden, Joshua, present – informal hearing – Commission DeNapoli moved, seconded by Vice-Chair Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the

application for sales associate; the motion passed without dissent. The applicant withdrew the application and waived the 90-day requirement.

Tab D – Timofeev, Evgenii, present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried without dissent.

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

Tab F – Arena, Vincent, present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab G – Barkett, John P., not present – Applicant withdrew application and waived the 90-day requirement.

Tab H – Bohannon, Deshane W., present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab AK – Zuniga, Carlos R., present – Applicant withdrew application and waived the 90-day requirement.

Tab I – Cosentino, Paul A., present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab J – Danziger, Jeanette M., present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

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

Tab M – Gay, Ashley F., present – Vice-Chair Boring moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab N – Glover, Rickey G., not present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab O – Golsen, Gene, present – Applicant withdrew application and waived the 90-day requirement.

Tab P – Gray, Troy, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab Q – Hammonds, Sonya R., present – Applicant withdrew the application and waived the 90-day requirement.

Tab S – Hendrix, Jack E., not present – Applicant withdrew the application.

Tab T – Keeny, Susan C., not present – Applicant waived the 90-day requirement

Tab W – Osborn, Josef D., present – Vice-Chair Boring moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 1.

Tab X – Ottensmann, James D., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab AA – Patterson, Sharon M., not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AB – Riggio, Caryl Jean, not present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab AC – Santiago, Luis, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AD – Santiago, Sabra M., present – Applicant withdrew the application and waived the 90-day requirement.

Tab AE – Scott, Valerie, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AF – Serur, Luis E., present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AG – Uglem, Chad E., present – Applicant withdrew the application and waived the 90-day requirement.

Tab AH – VanWagner, William B., present – Applicant withdrew the application.

Tab AJ – Weber, Florence M., present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Director's Comments

Director Watkins asked Chair Furst if there will be more than one Commissioner to participate in the examination review in June. Vice-Chair Boring volunteered to participate.

Director Watkins requested the Commission's guidance relating to the issuance of multiple real estate licenses to individuals having pending cases or disciplinary actions and provided a brief summary of the process. The Commission entered into discussion. Director Watkins addressed questions and comments from the Commission. The Commission requested that Director Watkins place applicants requesting a multiple license under this criterion be placed on the Summary of Applicant agenda. The Commission also suggested that the attorneys include language in stipulations to address this issue.

Director Watkins reported that she attended Lake City Board of Realtors as a guest speaker allowing her the opportunity to provide continued outreach to the real estate industry.

Public Comments

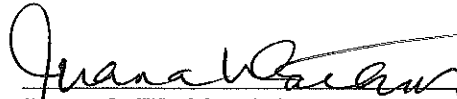
The Commission received comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for June 19 and 20, 2012, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana C. Watkins, Director
Florida Real Estate Commission