

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 18 and 19, 2013
General Meeting**

Chair Chip Boring called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 18th day of June, 2013.

The following Commission members were in attendance: Chair Claude “Chip” Boring, Richard DeNapoli, Darla Furst and Poul Hornsleth. Commissioner Podolsky was in attendance in person at 1:00 p.m. Vice-Chair Roger Enzor was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Christine Arzillo (via video), Jennifer Blakeman, Daniel Brackett (via video), Al Cheneler (via video), Daniel David (via video), Josh Kendrick, Leigh Matchett (via video), Ann Prescott (via video), Lauren Roderick and Joseph Solla, Assistant General Counsels; Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Legal Agenda Schedule

Commissioner Podolsky appeared via teleconference.

Tab R – Melvin Slawik, SL 601080, Case No. 201056993 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Eric Vasquez, Esquire, also present. 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 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 Podolsky; motion passed 3 to 1 to impose the following sanctions:

Action Taken: Suspension for 60 days; \$1,000.00 fine; investigative costs, 6 months probation. **Violation:** Section 475.25(1)(m), Florida Statutes, by misrepresenting on his application for licensure by answering “no” to questions thirteen (13) when his North Carolina broker license had been revoked; Section 475.25(1)(g), Florida Statutes, when his North Carolina broker license was revoked; the Florida Office of Financial Regulation suspended the Respondent’s mortgage broker license number MB0823842.

Tab M – Stephen M. Moranis, BK 3009973, Case No. 2011023811 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. Ms. Arzillo stated that the department would drop Count II of the Administrative Complaint. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth; motion passed without dissent to dismiss the Administrative Complaint.

Action Taken: Case dismissed.

Tab AI – Timothy Joseph Hoban, BK 3026696, Case No. 2011013316 – Settlement Stipulation

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

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

Penalty imposed: \$500.00; investigative costs; attend one FREC-approved 3-hour ethics course. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by having pled guilty to felony battery; Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty to felony battery.

Action taken: Settlement Stipulation accepted.

Tab AD – Best NNN Properties, LLC, CQ 1034822, Case No. 2012001540 – Settlement Stipulation

Respondent was not present. Respondent was represented by Roderick Coleman, Esquire, present. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Penalty imposed: \$750.00; investigative costs; probation for 18 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to immediately deposit the escrow into the escrow account and allowed its sales associate to be a signatory on an account used for escrow; Rule 61J2-5.016, Florida Administrative Code, by Associate Landau being an officer and/or director of Best NNN; Rule 61J2-14.012, Florida Administrative Code, when Respondent failed to make the records available and failed to provide monthly reconciliations; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected Buyer’s escrow into Respondent’s and Best NNN’s operating account; Section 475.25(1)(u), Florida Statutes; Section 475.25(1)(v), Florida Statutes; Section 475.5015, Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab AJ – Burton Landau, BK 3115123, Case No. 2012001531 – Settlement Stipulation

Respondent was present and represented by Roderick Coleman, Esquire, also present. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Penalty imposed: \$2,000.00; investigative costs; must complete a 28-hour reactivation education course; must attend one 2-day FREC general meeting; probation for 18 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to immediately deposit the escrow into the escrow account and allowed his sales associate to be a signatory on an account used for escrow; Rule 61J2-5.016, Florida Administrative Code, by Associate Landau being an officer and/or director of Best NNN; Rule 61J2-14.012, Florida Administrative Code, when Respondent failed to make the records available and failed to provide monthly reconciliations; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected Buyer's escrow into Respondent's and Best NNN's operating account; Section 475.25(1)(u), Florida Statutes; Section 475.25(1)(v), Florida Statutes; Section 475.5015, Florida Statutes.

Action taken: Settlement Stipulation accepted as amended.

Tab AK – Steven D. Landau, SL 3070659, Case No. 2012001549 – Settlement Stipulation

Respondent was present and represented by Roderick Coleman, Esquire, also present. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Penalty imposed: \$2,000.00; investigative costs; must complete a 28-hour reactivation education course; must attend one 2-day FREC general meeting; probation for 18 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to deliver the escrow to the broker by the end of the next business day after it was received and facilitating the deposit into the operating account; Rule 61J2-5.016, Florida Administrative Code, by Associate Landau being an officer and/or director of Best NNN; Section 475.42(1)(b), Florida Statutes; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected Buyer's escrow into Respondent's and Best NNN's operating account.

Action taken: Settlement Stipulation accepted as amended.

Tab K – Fred William Lampert, III, SL 3104090, Case No. 2012035771 – Respondent's Request for an Informal Hearing

Respondent was not present. Respondent was represented by James Harwood, Esquire, present. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

Ms. Matchett represented the department and presented the case to the Commission. Mr. Harwood requested a continuance. Commissioner Furst moved; seconded by Chair Boring; motion passed without dissent to continue the matter.

Action Taken: Case continued to July 16, 2013.

Tab V – Amy S. Wagner, BK 680959, Case No. 2011029076 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present. Respondent was represented by James Harwood, Esquire, present. Commissioner Podolsky served on the probable cause panel. Commissioner Podolsky was excused and not present.

Mr. Kendrick represented the department and presented the case to the Commission. Mr. Harwood stated that the facts are in dispute and requested the matter be referred to the Division of Administrative Hearings for a formal hearing or at the least a continuance to research the matter further. Commissioner Hornsleth moved; seconded by Commissioner Furst; motion passed without dissent to deny the request for informal hearing. Commissioner Furst moved; seconded by Commissioner DeNapoli; motion passed without dissent to continue the matter.

Action Taken: Case continued.

Tab O – Michael Powell, SL 3228666, Case No. 2012026170 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was not represented by counsel. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Action Taken: Investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent committed breach of trust.

Tab N – Warren H. Newell, SL 347150, Case No. 2008033896 – Respondent’s Request for an Informal Hearing

Respondent was present and was not represented by counsel. No current members served on the probable cause panel.

Ms. Roderick represented the department and presented the case to the Commission. Ms. Roderick stated that Count I of the Administrative had been dismissed in a previous proceeding. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner DeNapoli; motion passed without dissent to dismiss Count III of the Administrative Complaint and find the Respondent guilty as charged in Count II of the Administrative Complaint. Commissioner Furst moved, seconded by Chair Boring; motion passed 3 to 1 to impose the following sanctions:

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing.

Tab F – Anna Diaz-Ferrer, SL 3202727, Case No. 2010049055 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Nancy Campiglia, Esquire, also present. Vice-Chair Enzor served on the probable cause panel. Vice-Chair Enzor was excused and not present.

Mr. Kendrick represented the department and presented the case to the Commission and stated that he and Ms. Campiglia have agreed to dismiss Count II of the Administrative Complaint and move forward with an informal hearing. The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Furst; motion passed without dissent to dismiss Count II of the Administrative Complaint and find the Respondent guilty as charged in Count I of the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled nolo contendere and was adjudicated guilty of accessory after the fact to leaving the scene of an accident, a felony.

Commissioner Poldolsky reappeared via teleconference for Tabs AN and AM.

Tab AN – Maurice L. Wilson, Jr., SL 3064021, Case No. 2012028845 – Settlement Stipulation

Respondent was present. Respondent was not represented by counsel. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Penalty imposed: \$2,000.00; investigative costs; complete 30 hours of continuing education; attend one 2-day FREC general meeting; 18 months probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to immediately deposit the escrow into the escrow account and allowed his sales associate to be a signatory on an account used for escrow; Rule 61J2-5.016, Florida Administrative Code, by Associate Wilson being an officer and/or director of The Wilson Group; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected the escrow into The Wilson Group’s operating account; Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker while licensed as a sales associate.

Action taken: Settlement Stipulation accepted.

Tab AM – The Wilson Group, LLC, CQ 1037022, Case No. 2012035567 – Settlement Stipulation

Respondent was not present. Respondent Maurice L. Wilson appeared on behalf of The Wilson Group, LLC. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Penalty imposed: \$500.00; investigative costs; 18 months probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to immediately deposit the escrow into the escrow account and allowed its sales associate to be a signatory on an account used for escrow; Rule 61J2-5.016, Florida Administrative Code, by Associate Wilson being an officer and/or director of The Wilson Group; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected the escrow into The Wilson Group's operating account.

Action taken: Settlement Stipulation accepted.

Commissioner Podolsky signed off the teleconference.

Tab Y – Guirlande Mardy, BK 3048239, Case No. 2011023486 – Recommended Order

Respondent was not present and was 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. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner DeNapoli; motion without dissent to adopt the Administrative Law Judge's findings of fact and conclusions of law and impose the following sanctions:

Action taken: Revocation. **Violation:** Section 475.25(1)(b), Florida Statutes, when Respondent acted dishonestly or with culpable negligence in facilitating the lease of Subject Property; Section 475.42(1)(i), Florida Statutes, when Respondent obstructed or hindered the enforcement of Chapter 475, Florida Statutes; 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; 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 with Respondent; 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 J – Ben Holland Griffin, SL 682886, Case No. 2011039147 – Respondent's Request for an Informal Hearing

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

Ms. Arzillo 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 DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Chair Boring; motion passed 3 to 1 to impose the following sanctions:

Penalty imposed: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order issued under the provisions of Chapters 475 and 455, Florida Statutes; Section 455.227(1)(q), Florida Statutes, when Respondent failed to comply with a lawful order issued by the Florida Real Estate Commission.

Tab T – Joshua S. Unger, LLC, SL 3116319, Case No. 2012018027 – Stipulation

Respondent was present and was represented by Steven Johnson, Esquire, also present. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$1,000.00; investigative costs; attend one 2-day FREC general meeting. **Violation(s):** Section 455.277(1)(t), Florida Statutes (2011), and Section 475.42(1)(a), Florida Statutes (2011), when Respondent failed to timely self-report being found guilty of driving under the influence, second offense, a misdemeanor.

Action taken: Settlement Stipulation accepted.

Tab AC – Joshua S. Unger, LLC, SL 3116319, Case No. 2012036852 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Steven Johnson, Esquire, also present. 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. Mr. Johnson requested a continuance to the July 2013 FREC meeting. Commission Podolsky moved; seconded by Commissioner Hornsleth; to grant an extension to the July 2013 FREC meeting; motion failed. Commissioner Furst moved; seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty and being adjudicated guilty of conspiracy to commit mail and wire fraud; Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty and being adjudicated guilty of conspiracy to commit mail and wire fraud; Section 455.277(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty and being adjudicated guilty of conspiracy to commit mail and wire fraud.

Tab H – Effort Realty, Inc., CQ 245833, Case No. 2010042875 – Settlement Stipulation

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

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

Penalty imposed: Suspension for 45 days; investigative costs. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when Respondent failed to place an escrow in an escrow account until properly disbursed with written authorization from the depositor; Section 475.25(1)(e), Florida Statutes by violating Rule 61J2-14.011, Florida Administrative Code; Section 475.25(1)(b), Florida Statutes, by breaching trust and violating a duty in a real estate transaction.

Action taken: Settlement Stipulation accepted.

Tab S – Timothy C. Tritschler, BK 3120032 and 364281, Case No. 2010044797 – Settlement Stipulation

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

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

Penalty imposed: Suspension for 45 days; \$3,000.00 fine; investigative costs; 60 hours of post-licensure education, which will include a 30-hour course entitled Broker Investment and a 30-hour course entitled Broker Management; attend two 2-day FREC general meetings. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when Respondent failed to place an escrow in an escrow account until properly disbursed with written authorization from the depositor; Section 475.25(1)(e), Florida Statutes by violating Rule 61J2-14.011, Florida Administrative Code; Section 475.25(1)(b), Florida Statutes, by breaching trust and violating a duty in a real estate transaction.

Action taken: Settlement Stipulation accepted.

Tab D – Mudwinga Busuman, SL 3247817, Case No. 2012044248 – Respondent’s Request for Informal Hearing

Respondent was present and represented by Herbert Strelitz, III, Esquire, also present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action taken: Suspension for 60 days; \$500.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of crimes involving moral turpitude or fraudulent or dishonest dealing.

General Session

Commissioner Podolsky was present in person for the remainder of the meeting.

Monthly Exam Performance Summary Report and Presentation by BET

Director Watkins introduced Mr. Gus Ashoo, Bureau Chief and Mr. Alex Bosque, Exam Development Supervisor and Susan Barner, Research Associate. Mr. Ashoo presented a power-point overview of the testing services provided to FREC by BET, examination updates (timeline and process), examination pass rates, distribution of scores, recommendations and results of survey question (classroom vs. distance learning). Mr. Ashoo stated that the sales associate update was launched on February 19, 2013, and at the same time the launched took place the vendor was facing technological challenges. Mr. Ashoo reported that BET requested the assistance of the vendor to resolve the issue and the vendor took immediate action which resulted in improvement. Mr. Ashoo stated that Chair Boring and Commissioner Podolsky participated in an exam review and requested the Commissioners provide their input. Chair Boring and Commissioner Podolsky provided comments and recommendations including updating the syllabus and implementing pilot testing questions. Mr. Ashoo responded that BET has several plans and projects in the near future to remedy the issues relating to exam performance and provided some examples.

The Commission received comments from Ms. Linda Crawford, Dearborn Educators, Mr. John Greer, Gold Coast Schools and Dick Fryer, IFREC Schools. Mr. Bosque addressed comments and questions from the Commission and members of the audience. Mr. Bosque discussed further some of BET's plans and projects which include: 1) looking into updating the syllabus with assistance from a taskforce; 2) consider amending the rules to offer part credit to subject matter experts to entice more participation; 3) pilot testing item on a routine basis which will be moving forward in September 2013; 4) possibly utilizing a scaled score; and 5) discuss creating a syllabus for the post-licensure education. Chair Boring stated that what he would suggest is that in the next 2 weeks, submit to the department names of people who are willing to sit on the taskforce and that he would also appoint a Commissioner. The Commission thanked Mr. Ashoo and Mr. Bosque for their presentation.

Legal Agenda Schedule continued

Tab G – Jacques Duplessis, SL 3131462, Case No. 2013000548 – Respondent's Request for an Informal Hearing

Respondent was present and was 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: Suspension for 6 months; 250.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, for pleading and being adjudicated guilty of introducing into interstate misbranded medical devices and entry of goods into the United States by means of false statement.

Tab A – Estes George Baxter, SL 3012774, Case No. 2011014075 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct and Informal Hearing

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

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

Action taken: Complete the penalties in the previous Final Order, Case No. 2007001237 of a \$700 fine and investigative costs; Case No. 2011014075 – investigative costs; all sanctions must be completed by July 31, 2013, or Respondent's sales associate license will be revoked. **Violation:** Section 475.25(1)(f), Florida Statutes, by pleading nolo contendere to aggravated stalking, which is a crime of moral turpitude.

Tab C – Jaime Lyn Bruce, SL 3051412, Case No. 2012021349 – Respondent's Request for an Informal Hearing

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

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

Action taken: Suspension of license until September 5, 2017; \$1,000 fine; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled nolo contendere to Insurance Fraud by False Claim and Criminal Use of Personal ID Info.

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 16 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Mr. Solla stated that items J and L have been settled and item C has been withdrawn. Commissioner Hornsleth moved to accept the 13 Escrow Disbursement Orders and 4 Orders. Commissioner Furst seconded the motion. The motion passed without dissent.

Recovery Fund Case

Tab A – Donald and Jeannine Duchateau v. Ray Glynn, DBPR Case No. 2013000881

Assistant General Counsel Solla presented a Request for Administrative Order and Trial Before Administrative Law Judge received from Ms. Gwendolyn Tuggle, Esquire. Ms. Tuggle was not present. The Commission considered the request. Commissioner Podolsky moved to send the Claimant's Amended Petition from February 7, 2013, and the Claimant's most recent Petition for an Evidentiary Hearing filed on May 10, 2013, with a cover letter explaining that the FREC is unclear as to the material issues of fact before it and that an evidentiary hearing be considered by the Division of Administrative Hearings; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

General Session continued

Petition for Declaratory Statement of Section 475.01, Florida Statutes

Director Watkins presented the petition to the Commission. Mr. Scott Gleason and Mr. Peter Healy appeared via teleconference in support of the petitioner and to address any questions. The Commission considered the petition. Commissioner DeNapoli moved that the Commission approve the petition and that the Final Order, drafted by Mr. Barnhart, include language substantially to read "So long as there is a publically traded umbrella organization that owns real estate assets in Florida through its special purpose limited liability company which is 100% wholly owned by that umbrella organization they may use unlicensed employees so long as they are paid a salary and not commission." Commissioner Podolsky seconded the motion; the motion passed without dissent.

Special Agenda – Summary of Applicant

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

Rules Discussion

Rule 61J2-14.010 – Real Estate Broker

Ms. Watkins presented the rule for discussion. Ms. Margy Grant, Vice-President, Florida Realtors (FR), stated that there was an inquiry to the FR Legal Department from one of its large brokers regarding allowances of brokers to use personal funds in order to forward payments of rents that had not cleared banks and wanted to make sure that the FREC has the same understanding of the rule with relation to the \$5000.00 into an escrow account as well as what could be put into an operating account of the broker's own funds. The Commission entered into discussion. The Commission concluded that the rule relates to the escrow account only and the rule does not need to be amended to include language relating to operating accounts. Ms. Grant thanked the Commission for their input. The Commission stated that they may entertain discussion of this matter further upon request.

Public Comments

There were no public comments.

There being no further business and no objection, the Chair recessed the meeting at approximately 5:10 p.m. until 8:30 a.m. tomorrow.

June 19, 2013

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

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Josh Kendrick and Lauren Roderick, Assistant General

Counsels; Jocelyn Pomales, 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 Pomales presented 41 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Scott R. English, not present; represented by Daniel Villazon, Esquire, present – informal hearing – The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously entered. Applicant withdrew the application and waived the 90-day requirement.

Tab B – Cornelius C. Martin, III, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab S – Darrell J. Leamy, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AB – Stephen Saunders, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab E – Nicholas C. Armstrong, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 2.

Tab F – Michael G. Boyle, present – Commissioner Furst moved; seconded by Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab I – Mark F. Dahle, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab M – Luis R. Garcia, present; was represented by Nancy Campiglia, Esquire, also present – The applicant requested a continuance until July 2013 and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Furst to grant a continuance until July 2013; the motion passed without dissent.

Tab AF – Richard Trinidad, present; represented by James Harwood, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab N – David G. Ghysels, Jr., present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab P – Thomas E. Jackson, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab Q – Carrie L. Kirkland, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab R – Jimmie P. Kiser, Jr., present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed 4 to 1.

Tab J – Joanna Danko, present – Applicant withdrew the application and waived the 90-day requirement.

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

Tab U – Michael T. Lwin, present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to grant a continuance until the August 2013 general meeting; the motion passed without dissent.

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

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

Tab X – Richmond McDonald, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab Z – Eduardo J. Morales, Jr., present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AA – Luis G. Penate, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AC – Katrina J. Scheiber, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AD – George Tamasi, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab C – Christopher D. Acklin, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab D – Lea M. Agustin, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab G – William G. Capece, Jr., not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab H – Russell R. Cappelen, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for broker; the motion passed without dissent.

Tab K – Kevin Egnaczyk, not present – Applicant withdrew the application.

Tab L – Thiago L. Franca, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab O – Stelios Hiotis, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab Y – Talmadge B. McLean, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AE – Terrence P. Taylor, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Special Agenda

Correspondence from Ana Malavet

Director Watkins presented correspondence received from Ana Malavet requesting the Florida Real Estate Commission to consider allowing her to offer pre-licensure sales associate course with alternative timelines. Ms. Malavet was present in support of her request. Commissioner Furst moved to accept the alternative delivery method. Commissioner DeNapoli seconded the motion; the motion passed without dissent.

Consent Agendas

Agenda A

The Commission considered 94 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 83 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adkins, Valerie	Frederic, Merlyn	Perdue Willett, Patty
Andre, Erica	Frye, Diana	Perez, Michael
Angulo, Hugo	Garcia, Andres	Perez, Victoria
Bell, Ashley	Garnelo, Yonathan	Puschendorf, Aldo
Benigni, Brandon	Garofalo, David	Ramos, Timothy
Bennett, Roni	Ghalayini, Amanda	Richman, Randy
Bibikos, Toni	Groene, Juan	Ripoli, Ciji
Blakeney, Keith	Hardin, Marcy	Robbins, Kari
Brelsford, Sean	Heldman, Andreas	Robertson, Stephen
Bryant, Brandi	Hida, Bouchra	Sepulveda, Chery
Camino, Luis Jr.	Hogan, Dennis	Sheffler, Eric
Caputo, Nicholas	Ibarra, Robin	Sherburne, Lukas
Carpenter, Caleb	Jackel, Ryan	Southard, Matthew
Carrasquillo, Lizabeth	Jimenez, Kari	St. John, Lynette
Cherro, Adrian	Kellam, Austin	Suah, David
Ciallella, Anthony	Khan Maly, Sharmila	Supervietlle, Sergio
Clark, John	Laurent, Zakiya	Sykes, Keith
Colbert, Rosa	Lemarbre, Rita	Tablada, Stephanie
Combs, Kelly	Lewis, Deniece	Tancrede, Lee
Cordero Gonzalez, Yahaira	Lombillo, Joel	Upchurch, Garret
Creekmore, Tonya	Lovett, Gordon	Vargas, Dagoberto
Cunningham, James	Lowensten, Kelly	Walker, Douglas

Dashner Nathan, Alexander	Martinez, Gabriel	Wantuck, Charles Jr.
Echevarria, Jennifer	Molle, Christal	Weekes, Brent
Feltenstein, Cindy	Neal, Leonard	Williams, Jeffrey
Fletcher, Nathalie	Ortiz, Jose	Wohl, Michelle
Floyd, Kelly	Ortiz, Mark	Zimmer, Mark
Fray, Armando	Patrick, Carney Sr.	

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

Archer, William	Greber, Glenn	Mejido, Joseph
Baldwin, Thomas	Gross, Kimberly	Petrova, Stoyanka
Carroll, Larry	Lipsky, Alan	Pichardo, David
Gonzalez, Arnaldo Jr.	Mechesney, Susie	

Agenda B

The Commission considered 37 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve 36 applicants and require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Allen, Brian	Garvey, Scott	Moore, Sherri
Baker, John	Grippo, Allan	Morales, Christian
Baron, Tim	Hammock, Michael	Naif, Nayef
Brawley, William	Jacques, Billy	Pasechnikova, Valeria
Bullock, Robert	Keefe, Erin	Reatequi, Jose
Coleman, Jessica	Kranich, Justin	Riordan, Sean
Dandrow, Ellen	Kretzinger, Michael	Share, Pamela
Davis, Laurel	Lago, Jose Jr.	Singh, Andrew
Dietz, Rhonda	Lavery, Michael	Taylor, Jessie
Dixon, Jaimee	Lee, Edward	Tobin, James
Edouard, Hughes	Malcolm, Marvalyn	Valiquett, Melford
Frazier, Crystal	Masters, Karl	Vasquez, Zara

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

Reyes, Jose

Agenda C

The Commission considered 49 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve 46 applicants and require 3 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alfonso, Monica	Gould, Kendra	Nisbett, Magala
Batcho Wilton, Patricia	Gutapfel, Karen	Payne, Justin
Benyola, Rocco	Havekotte, JJ	Poplawski, Evona
Berns, John	Howe, Hunter	Randall, Kenyatta
Bertram, Anthon	Hussein, Alaa	Reid, Cheryl
Busch, Diane	Iannucci, David	Rivas, Carlos

Caniff, Robert
Centeno, Richard
Cervantes, Monica
Dean, John
Denave, Charles
Dinov, Jacob
Escorcia, Jose
Espinosa, Crystal
Flynn, James Jr.
Gates, George

Jaffe, Robert
Joseph, Nicholas
Karpovich, Leonid
Kuhl, Kris
Macias, Jose Jr.
Matson, Ann
May, Ethan
Morales, Luz
Ney, Nadia

Shadden, James
Singh, Vinod
Stephens, Aaron
Swan, Jason
Valentine, Phillip
Walker, Shawn
Ward, Bettie
Zack, Robert
Zakher, Devid

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

Blank, Heather

Gilbert, John II

Phelps, Marcella

Legal Final Order Docket

Tab B – Michael Bonadio, BK 509670, Case No. 2013001393 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. Prescott 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 Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab E – D A Pruett Properties, Inc., CQ 1041251, Case No. 2012017807 – Respondent’s Request for an Informal Hearing

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

Mr. Kendrick 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; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes (2011), when Respondent failed to account and deliver, to any person, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft.

Tab I – Terrance Lee Grable, BK 509775, Case No. 2012044761 – Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Action Taken: Revocation; investigative costs. **Violation(s):** Sections 475.25(1)(e), and 455.227(1)(t), Florida Statutes, by failing to provide written notification to the FREC of being convicted of crimes in any jurisdiction; Section 475.25(1)(f), Florida Statutes, by being found guilty of crimes which directly relates to activities of a licensed broker or sales associate or involving moral turpitude or fraudulent or dishonest dealing.

Tab L – Lawrence M. Maloney, SL 619969, Case No. 2011018012 – Respondent’s Request for an Informal Hearing

Respondent was not present. Respondent was represented by Sheldon Stevens, Esquire, present. Commissioner Podolsky 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 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:

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent entered a plea of guilty to Communications Fraud.

Tab P – Neal Rubin, SL 619969, Case No. 2011041186 – Respondent’s Request for an Informal Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was found guilty of a crime which directly relates to activities of a licensed broker or sales associate or involving moral turpitude or fraudulent or dishonest dealing; Section 475.25(1)(n), Florida Statutes, by being incarcerated at the Suwannee Correctional Institution.

Tab Q – Rony Ludner Sait Eloi, SL 557762, Case No. 2010049014 – Respondent’s Request for a Waiver Hearing

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

Mr. David 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 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:

Action Taken: Revocation; investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent breached Bunsic's trust and engaged in dishonest dealings by failing to timely return a \$900.00 deposit security deposit upon demand and by dispersing funds to himself and Busnic's agent as commission out of the \$900.00 security deposit; violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account for and deliver the security deposit; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.012(2), Florida Administrative Code, by failing to prepare monthly reconciliation statements.

Tab U – Adolfo David Vega, BK 694995, Case No. 2011038995 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct and Informal Hearing

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

Mr. Kendrick 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 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:

Action Taken: Revocation; investigative costs. **Violation:** Section 475.5015, Florida Statutes, and therefore, Section 475.25(1)(e), Florida Statutes, when Respondent failed to make available records pertaining to a real estate transaction for inspection by Petitioner; Section 475.42(1)(h), Florida Statutes, and therefore, Section 475.25(1)(a), Florida Statutes.

Tabs W and X – Jorge E. Gomez, SL 3238409, Case Nos. 2012019724 and 2012020433 – Voluntary Relinquishment of License for Permanent Revocation

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

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab Z – Oleg Nazarenko, SL 3235515, Case No. 2012035578 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct and Informal Hearing

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

Mr. Cheneler 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: Suspension for 90 days; \$1,000.00 fine; investigative costs. **Violation:** Section 475.25(1)(b), Florida Statutes, when Respondent committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or device, culpable negligence or breach of trust; Section 475.42(1)(d), Florida Statutes, when Respondent failed to place any money to be escrowed with his registered employer; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Code, when Respondent failed to deliver the Remaining Remittance to his employer; Section 475.25(1)(k), Florida Statutes.

Tab AA – Virginia A. Poe, SL 677825, Case No. 2012034755 – Voluntary Relinquishment of License for Permanent Revocation

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

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab AB – David Allen Rossman, BK 3078655, Case No. 2011014093 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present and was not represented by counsel. Vice-Chair Enzor participated on the probable cause panel. Vice-Chair Enzor was excused and not present.

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab AE – Fernando Javier Branca, SL 3133159, Case No. 2012027008 – Settlement Stipulation

Respondent was not present. Respondent was represented by Gary Silberman, Esquire, not present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action taken: \$1,000.00 fine; investigative costs; complete a 3-hour ethics course; attend one 2-day FREC general meeting; 18 months probation. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when Respondent failed to place any money to be escrowed with his registered employer; Section 475.25(1)(e), Florida Statutes by violating Rule 61J2-14.009, Florida Administrative Code, when Respondent failed to deliver the escrow check to his employer; Section 475.42(1)(d), Florida Statutes.

Tab AF – Fernando Javier Branca, SL 3133159, Case No. 2012030099 – Settlement Stipulation

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

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

Action taken: \$1,000.00 fine; investigative costs; complete a 3-hour ethics course; attend one 2-day FREC general meeting; 18 months probation. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when Respondent failed to place any money to be escrowed with his registered employer; Section 475.25(1)(e), Florida Statutes by violating Rule 61J2-14.009, Florida Administrative Code, when Respondent failed to deliver the escrow check to his employer; Section 475.42(1)(d), Florida Statutes.

Tab AG – William John Fitzsimmons, BK 460170, Case No. 2011027645 – Settlement Stipulation

Respondent was not present and was not represented by counsel. No current members served on the Probable Cause Panel.

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

Action taken: \$500.00 fine; investigative costs; attend one 2-day FREC general meeting. **Violation(s):** Section 475.42(1)(c), Florida Statutes, when Respondent employed a person without a valid and current license to engaged in real estate activities.

Tab AL – Pablo Martin Urquizo, BK 460170, Case No. 2009050993 – Settlement Stipulation

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

Ms. Matchett 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.

Action taken: \$250.00 fine; investigative costs. **Violation(s):** Section 475.42(1)(a), Florida Statutes, when Respondent entered into a contract for real estate services and collected a fee, there in, to perform real estate services without a current, active license.

Tab AO – Advantage International Realty, Inc., CQ 571436, Case No. 2013004422 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not 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 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:

Action taken: Revocation, \$3,500.00 fine, investigative costs. **Violation(s):** Respondent violated Section 475.25(1)(d)1, Florida Statutes, by failing to deliver Rodriguez' \$1,400.00 deposit for the Subject Property upon demand; Section 475.25(1)(b), Florida Statutes, by receiving an escrow deposit of \$1,400.00 and failing to return the escrow deposit to Rodriguez as demanded.

Tab AR – Jennifer Briceno, BK 3211443, Case No. 2012033446 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

Action taken: Revocation; \$3,000.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, 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 person property such as money, fund, deposit, check, draft; Section 475.25(1)(e), Florida Statutes, by violated Rule 61J2-14.010(1), Florida Administrative Code, when Respondent failed to immediately deposit Buyer's check into an escrow or trust account; Section 475.5015, Florida Statutes, when Respondent failed to provide her brokerage business records to the Department for inspection.

Tab AP – Mavis Almestica, BK 3028553, Case No. 2011056113 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.42(1)(i), Florida Statutes, by placing a lien on a property which purports to affect the title of, or encumber, any real property, without authorization from the property owner or by contractual agreement; Section 475.42(1)(h), Florida Statutes, by obstructing or hindering an investigation by failing to provide the Department with documentation after repeated attempts to speak with the Respondent; Section 475.42(1)(a), Florida Statutes, when Respondent operated as a sales associate while her license was suspended by the Department of Business and Professional Regulation on or about September 23, 2011, for failing to comply with a Final Order.

Tab AQ – Laurie E. Breton, BK 472257, Case No. 2012032204 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Roderick represented the department and presented the case to the Commission. The Commission granted the 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:

Action taken: Revocation. **Violation(s):** Sections 475.25(1)(e) and 455.227(1)(t), Florida Statutes, by failing to timely provide written notification to FREC within 30 days of pleading guilty to resisting an officer with violence, disorderly intoxication in a public place causing a disturbance and battery on an officer firefighter EMT; Section 475.25(1)(f), Florida Statutes, by being found guilty of crimes involving moral turpitude.

Tab AS – Marco A. Dieter, BK 472257, Case No. 2010055999 – Respondent’s Motion for Waiver Hearing

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

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

Action taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to larceny – grand theft great than \$300.00 but less than \$5,000.00; Sections 475.25(1)(p), Florida Statutes, when Respondent failed to inform the FREC in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty to a felony.

Tab AT – Wayne Michael Ellis, SL 3123416, Case No. 2012004312 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission 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:

Action taken: \$500.00 fine; investigative costs; attend two 2-day FREC general meetings; 6 months probation. **Violation(s):** Section and 455.227(1)(t), Florida Statutes, by failing to inform the FREC in writing within 30 days after being adjudicated guilty to a crime, thereby violating Section 475.25(1)(a), Florida Statutes.

Tab AU – Dianelys Garcia, SL 3164028, Case No. 2011048314 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner 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:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of conspiracy to commit bank fraud.

Tab AV – Kimberly Tara Henry, BK 3036222, Case No. 2012048189 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Furst 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 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 DeNapoli; motion passed without dissent to impose the following sanctions:

Action taken: Revocation; \$5,500.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, by failing to deliver Prillaman’s \$15,000.00 escrow deposit for Subject Property who had a valid claim to the deposit; Section 475.25(1)(b), Florida Statutes, when Respondent committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or device, culpable negligence or breach of trust in any business transaction; Section 475.5015, Florida Statutes, by failing to make available her brokerage business records to the Department for inspection; Section 475.42(1)(h), Florida Statutes, by preventing the Department conducting obstructing a reasonable statutorily permitted audit and by failing to make available her brokerage business records and escrow account records to the Department for inspection.

Tab AW – Brandon Christian Keene, SL 3245829, Case No. 2012005314 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Mr. Kendrick 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:

Action taken: \$750.00 fine; investigative costs; attend two 2-day FREC general meetings; 6 months probation. **Violation(s):** Section and 455.227(1)(t), Florida Statutes, by failing to inform the FREC in writing within 30 days after pleading no contest to possession of less than 20 grams of marijuana, thereby violating Section 475.25(1)(a), Florida Statutes.

Tab AX – Kimberly & Associates Real Estate, LLC, CQ 1032418, Case No. 2012048192 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Furst 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 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:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, by failing to deliver Prillaman’s \$15,000.00 escrow deposit for Subject Property who had a valid claim to the deposit.

Tab AY – Sandra E. King, SL 3021043, Case No. 2010063060 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not 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 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:

Action taken: Revocation; investigative costs. **Violation(s):** Respondent violated Section 475.42(1)(b), Florida Statutes, by acting as a broker by collecting a total of \$9,000.00 during a real estate transaction which was not under the direction or supervision of her broker; Section 475.42(1)(d), Florida Statutes, by receiving 4 deposits totaling \$9,000.00 and failing to deliver those checks to her broker, by failing to notify her broker of the transaction and by collecting money made out to her personally.

Tab AZ – Patricia A. Mulreany, BK 3140106, Case No. 2011005988 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Furst 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 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:

Action taken: Suspension for 90 days; \$1,000.00 fine; investigative costs; complete an escrow management course; attend one 2-day FREC general meeting; 6 months probation. **Violation(s):** Rule 61J2-14.012, Florida Administrative Code, by failing to reconcile her escrow account monthly.

Tab BA – Virginia Anne Poe, SL 677825, Case No. 2011000375 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner DeNapoli to accept the dismissal of this case; the motion passed without dissent. Respondent's license was revoked in Case No. 2012034755 upon the Commission's acceptance of a Settlement Agreement to Relinquish License for Permanent Revocation on June 18, 2013.

Action taken: Case dismissed based on previous acceptance of the Relinquishment of License for Permanent Revocation.

Tab BB – Juan Rafael Prieto, SL 3106189, Case No. 2011048335 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion carried unanimously 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:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of misprision of felony.

Tab BC – David A. Pruett, BK 3097568, Case No. 2012017805 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes (2011), 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 person property such as money, fund, deposit, check, draft; Section 475.25(1)(b), Florida Statutes (2011), when Respondent committed fraud,

misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or device, culpable negligence or breach of trust in any business transaction.

Tab BD – Jock Vernon Rankin, BK 604424, Case No. 2011000370 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Matchett represented the department and presented the case to the Commission. Respondent requested a continuance until the July FREC meeting. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to continue the matter until July 16, 2013. The motion passed without dissent.

Action taken: Case continued until July 16, 2013.

Tab BE – Alina Rubi, SL 3245991, Case No. 2011048307 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of 1 count of conspiracy to commit bank fraud, 17 counts of bank fraud and 1 count of providing gifts for procuring loans.

Tab BF – Ava Diana Rush, SL 573741, Case No. 2012004267 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Mr. Kendrick 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:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading nolo contendere to Second Degree Grand Theft.

Tab BG – Gregory Zane Scileny, SL 3102522, Case No. 2012041961 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Mr. Kendrick 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 carried unanimously 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:

Action taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2012), by having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or dishonest dealing.

Case(s) Continued or Withdrawn

Tab K – Fred William Lampert, III, Case No. 2012035771

Tab V – Amy S. Wagner, Case No. 2011029076

Tab AH – Ernesto Hildago, Case No. 2012000766

Tab BD – Jock Vernon Rankin, Case No. 2011000370

General Session continued

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner Podolsky to approve the Minutes of the May 14 and 15, 2013, General Meeting, as written. The motion passed without dissent.

Reports

Unlicensed Activity Report

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

Report Regarding Legal Case Activity

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

Commissioner Hornsleth was excused for the remainder of the meeting.

Report Regarding Enforcement Trends and Escrow Audits

Director Watkins presented the report regarding Complaint Trends and Escrow Audit Summary. Ms. Watkins addressed questions and comments from the Commission.

Rules Report

FREC Counsel Barnhart reported on the status of pending rules. Counsel Barnhart and Ms. Watkins addressed questions and comments from the Commission.

Review and Consideration of the Real Estate Continuing Education Course

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

- A. Real Estate, Title, Escrow & Culture -- New Course (3-hour Specialty CE) -- Application No. 18585 -- Allison McDermott, Fidelity National Title Insurance Company

Ms. McDermott was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed 3 to 1.

Special Agenda

Communication from Roger Portaro Regarding End-of-Course Exam

Director Watkins presented communication received from Roger Portaro requesting that the Commission provide input on what might be needed by the FREC to allow Florida real estate schools to administer the end-of-course exam electronically. Mr. Portaro was not present. The Commission entered into discussion and expressed its concerns. After discussion, the Commissioners stated that they were not in favor of pursuing this process at this time and requested that Ms. Watkins respond on the Commissioners behalf to express their sentiments.

Director's Comments

Director Watkins requested the Commission provide feed back regarding possible changes they would like the Legislature to consider for the 2014 Legislative Session. The Commission provided several recommendations.

FREC Comments

Commissioner Furst asked about the progress in filling the vacate position on the Commission and if there are any candidates or if the Commissioners should encourage consumer members to apply. Director Watkins stated that she would explore whether the Department is looking for additional candidates; however, she reported that she is aware that the Appointments Office is working on appointments of all boards.

Commissioner Furst stated that she would not be attending the FREC meeting in July and requested an excused absence.

The Commission thanked Ms. Roderick for her services and commended her for her excellent lawyering skills and wishes her the best with her future endeavors.

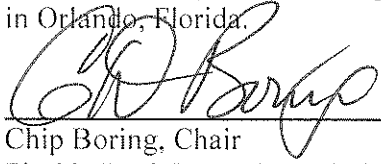
Director Watkins stated that the Department has reversed its policy which prevents licensees who have outstanding financial obligations from renewing their license or pursuing another license, therefore, the licensees will be able to renew their license regardless if there are any monetary expectations. Ms. Watkins addressed comments from the Commission.

Public Comments

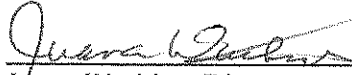
The Commission received comments from Ms. Elizabeth Stout and Mr. Edwin Rodriguez.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 16 and 17, 2013, in Orlando, Florida.



Chip Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission