

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 17 and 18, 2014
General Meeting**

Vice-Chair Poul Hornsleth, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., in Orlando, Florida, on this 17th day of June, 2014. Chair Enzor was delayed and joined the meeting at approximately 9:30 a.m.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Patrick Cunningham, Chief Attorney; Sean Anderson, Daniel Brackett and Jenny Schwartz, Assistant General Counsels; Appearing via teleconference: Daniel David, Josh Kendrick, Ann Prescott, Katie Sabo and Susan Williams, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Brian McAvoy, ULA Investigator Supervisor; Travis Day, ULA Investigator; Jocelyn Pomales, Education Coordinator; Debora Spady, Licensing Supervisor; Janice Taylor, Government Analyst I; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner Boring to approve the Minutes of the May 20 and 21, 2014, General Meeting, as written. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

Bureau Chief Kimmig presented the report regarding Complaint Trends and Escrow Audit Summary.

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

Ms. Pomales presented the monthly Exam Performance Summary Report and addressed questions and comments from the Commission.

Application and License Count Reports

Ms. Spady presented the Application and License Count Reports and addressed questions and comments from the Commission.

Legal Case Activity Report

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 8 Escrow Disbursement Orders and 5 Orders for the Commission's consideration. Commissioner Chotas moved to accept 8 Escrow Disbursement Orders and 5 Orders; Commissioner Furst seconded the motion; the motion passed without dissent.

Recovery Fund Cases

Tab B – John A. Pollard v. Letriona Shaunta Carter, DBPR Case No. 2011-030828

Mr. Cheneler presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Cheneler advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the Final Order denying the claim. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab C – Sheila Davis v. Albert Deering, DBPR Case No. 2013-017927

Mr. Brackett presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Brackett advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the Final Order denying the claim. Commissioner Chotas seconded the motion. The motion passed without dissent.

Tab D – Carlos Oliveros v. Kimberly Tara Henry, DBPR Case No. 2013-004640

Mr. Cheneler presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Cheneler advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the Final Order denying the claim. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab F – Ian Andrew Parsons v. Robert Gregory Zahn, DBPR Case No. 2012-042460

Mr. Cheneler presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Cheneler advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Boring moved to approve the Final Order denying the claim. Commissioner Furst seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab R – Joyce Lee Smith, SL 518821, Case No. 2013017985 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven W. Johnson, Esquire, also present. Commissioner Podolsky served on probable cause. Commissioner Podolsky was excused and was not in attendance.

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

Penalty: \$300.00 fine; investigative costs; attend one complete FREC general meeting. **Violation(s):** Respondent neither admits nor denies that she allegedly violated Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to grand theft, a crime involving moral turpitude or fraudulent or dishonest dealing.

Action taken: Settlement Stipulation accepted.

Recovery Fund Claims continued

Tab A – Cape Coral Apartments, LLC v. Michael James Bartlett, DBPR Case No. 2013-045629

Mr. David presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. David advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Boring moved to approve the Final Order denying the claim. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab E – Alexander Preston Cole v. Rafael A. Velasquez, DBPR Case No. 2013-004610

Mr. David presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. David advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the Final Order denying the claim. Commissioner Boring seconded the motion. The motion passed without dissent.

Special Agenda

Tab A – Joaquin Blanco, Case No. 2010035301 – Request to Present Motion for Reconsideration received from James Harwood, Esquire, on behalf of Respondent

Respondent was present and was represented by James Harwood, Esquire, also present.

Mr. Harwood presented a Motion for Reconsideration and offered mitigation. The Commission entered into discussion. Commissioner Chotas moved to deny the Respondent's motion for reconsideration of the Final Order; Commissioner Furst seconded the motion; the motion passed without dissent.

Chair Enzor joined the meeting at approximately 9:30 a.m.

Legal Docket continued

Tab H – Maria Elena Silverio, SL 3120685, Case No. 2012038523 – Respondent's Request for Informal Hearing

Respondent was not present; Respondent was represented by Pedro Rodriquez, Esquire, present. Commissioner Podolsky served on probable cause. Commissioner Podolsky was excused and was not in attendance.

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

Action taken: Suspension for 1 year; suspension status will remain in effect until all Final Order requirements in Case No. 2009056618 are completed. **Violation(s):** Section 475.25 (1)(e) Florida Statutes, by failing to comply with a lawful order made or issued under the provisions of Chapter 455 and 475.

Tab P – Louis H. Loguercio, SL 609113, Case No. 2012048008 – Settlement Stipulation

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

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

Penalty imposed: Suspension for 30 days; \$4,000.00 fine; complete an ethics course; attend 2 complete FREC General meetings. **Violation(s):** Respondent neither admits nor denies that he allegedly violated the following: Section 475.42(1)(d) of Florida Statutes (2010), when Respondent collected money in connection with a real estate brokerage transaction not in the name of his employer and without the express consent of his employer; Section 475.42(1)(b), Florida Statutes (2010), when Respondent operated as a broker and not under the direction, control or management of his broker.

Action taken: Settlement Stipulation accepted.

Tab C – William Girardeau Eaton, Jr., SL 653742, Case No. 2013051874 – Respondent's Request for an Informal Hearing

Respondent was not present and was represented by Guyte P. McCord II, Esquire, present. Commissioner Boring was recused due to participation on the probable cause panel.

Mr. Anderson represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Chotas; motion passed 3 to 1 to impose the following sanctions:

Action taken: Suspension for 5 years; \$2,000.00 fine. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2013), Respondent pled guilty to one count of Willfully Attempting to Evade or Defeat Tax, and one count of False Statements Relating to Health Care Matters in the United States District Court for the Northern District of Florida.

Tab I – Brian J. Strnad, SL 3179432, Case No. 2013026414 – Petitioner’s Motion for Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. Mr. Crabill requested an extension. The Commission entered into discussion. Vice-Chair Hornsleth moved, seconded by Commissioner Furst; motion passed without dissent to continue the matter until July 15, 2014.

Action taken: Case continued until July 15, 2014.

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

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

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

Action taken: \$3,000.00 fine; investigative costs; attend 2 complete FREC general meetings; probation for 1 year. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2011), when Respondent failed to notify her broker of the sales contract on subject property; Section 475.42(1)(a), Florida Statutes (2011), when Respondent failed to act under the supervision of her broker in connections concerning subject property.

Tab D – Curt Douglas Francis, BK 3148818, Case No. 2013016701 – Petitioner’s Motion for Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. Mr. Villazon requested an extension. The Commission entered into discussion. Vice-Chair Hornsleth moved, seconded by Commissioner Chotas; motion passed without dissent to continue the matter until July 15, 2014.

Action taken: Case continued until July 15, 2014.

Tab L – Dominique James Corpora, BK 3053352 and 3231927, Case No. 2012010004 – Settlement Stipulation

Respondent was not present; Respondent was represented by Howard Hochman, Esquire, also not present; Daniel Villazon appeared on behalf of Mr. Hochman. Commissioner Furst was recused due to participation on the probable cause panel.

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

Penalty: \$2,500.00 fine; investigative costs; complete an escrow management course and a 28-hour reactivation course; attend one 2-day FREC general meeting. **Violation(s):** Respondent neither admits nor denies that he allegedly violated the following: Section 475.25(1)(e), Florida Statutes, by failing to maintain an office and failing to maintain a sign or about the entrance of the principal office in violation Section 475.22(1), Florida Statutes; Section 475.25(1)(e), Florida Statutes, by failing to notify the Department of the current place of practice for his company, Corpora Corporation, in violation of Section 455.275(1), Florida Statutes; Section 475.25(1)(e), Florida Statutes, by failing to make available to the department his reconciliation statements, monthly bank statements, and transaction files after the department asked to inspect these records in violation Section 475.5015, Florida Statutes; Section 475.42(1)(i), Florida Statutes, by obstructing or hindering the investigation by failing on several occasions to provide the reconciliation statements, monthly bank statements, and transaction files after the Department asked to inspect these records, and therefore, in violation of Section 475.25(1)(a), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab G – Victor Pichs, SL 633831, Case No. 2013024573 – Respondent’s Request for Informal Hearing

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

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

Action taken: \$300.00 fine; investigative costs; complete a 28-hour reactivation course; probation for 6 months. **Violation(s):** Section 475.42(1)(d), Florida Statutes (2011), when Respondent collected money in connection with a real estate brokerage transaction and failed to deliver the check to his broker or a title/escrow company; Section 475.42(1)(b), Florida Statutes (2011), when Respondent operated as a broker and not under the direction, control or management of his broker.

Tab Q – Tatiana Samarina, BK 3166805, Case No. 2013022801 – Settlement Stipulation

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

Mr. David represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Chotas moved; seconded by Vice-Chair Hornsleth to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: \$1,000.00 fine; investigative costs; attend 2 complete FREC general meetings; Respondent has paid full restitution to Complainant's lawyer. **Violation(s):** Respondent neither admits nor denies that she allegedly violated the following: Section 472.25(1)(d)1, Florida Statutes, by receiving a \$1,000 deposit from complainant to be used for purchase of a property and failing to return this deposit to complainant upon demand after the transaction fell through; Section 475.25(1)(v), Florida Statutes, by not using one of her accounts as an escrow account to hold funds entrusted to her and by receiving a \$1,000 deposit from complainant, depositing it into her account on or about April 25, 2013 but only having \$7.91 in that account on or about July 12, 2013 and having no explanation for this shortage; Rule 61J2-14.012(2), Florida Administrative Code, and thus Section 475.25(1)(e), Florida Statutes, by failing to perform monthly reconciliation statements on either of her accounts.

Action taken: Settlement Stipulation accepted.

Tab A – Margelly Beltran, SL 3084332, Case No. 2013047138 – Respondent's Request for an Informal Hearing

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

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

Action taken: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the Final Order in DBPR Case Number 2009-045176.

Tab E – Charles Henry Golden, SL 3095359, Case No. 2014001663 – Respondent's Request for Final Order

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

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

Action taken: \$750.00 fine; investigative costs; must complete an ethics course; attend 1 complete FREC General meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to knowingly compiled for issuance and issued false statistics and information as a report of the United States and any of its agencies, namely, false form FSA-578 acreage reports.

Tab F – Leslie Henry Gugel, SL 3095359, Case No. 2013032702 – Petitioner’s Motion for Informal Hearing

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

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

Penalty imposed: Revocation. **Violation:** Section 475.25 (1)(e) Florida Statutes, by failing to comply with a lawful order made or issued under the provisions of Chapter 475.

Tab J – David Nelson Weiker, SL 5819863, Case No. 2013000579 – Petitioner’s Motion for Informal Hearing

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

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

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was adjudicated guilty to 1 count of Organized Fraud and 32 counts of Communications Fraud.

Tab K – John D. Williams, PA, SL 705052, Case No. 2011051107 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair 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, when he pled guilty to Organized Scheme to Defraud Greater than \$50,000; and to Fraudulent Use of Personal Identification Information.

Tab M and N – John Earles, IV, BK 3045494, Case Nos. 2011053266 and 2011061023 – Settlement Stipulation

Respondent was not present; Respondent was represented by Steven Bauman, Esquire, also not present. Chair Enzor was recused due to participation on the probable cause panel.

Mr. David represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Chotas to reject the Stipulated Settlement. The motion passed without dissent.

Action taken: Settlement Stipulation rejected.

Tab O – Delma Feliz Koessler, BK 3154579, 3253029 and 3262542, Case No. 2011056602– Settlement Stipulation

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

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

Penalty imposed: \$2,500.00 fine, investigative costs; complete 20 hours of FREC-approved CE courses, to include a 4-hour escrow management course. **Violation(s):** Respondent neither admits nor denies that she allegedly violated Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, when she failed to immediately deposit Buyer's funds into an escrow or trust account.

Action taken: Settlement Stipulation accepted.

Tab S – Jeremy Waller, SL 3037732, Case No. 2013046686 – Voluntary Relinquishment of License for Permanent Revocation

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

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

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

Tab T – Dean C. Dollar, BK 593354, Case No. 2013037135 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, when he failed to immediately deposit Buyer's check into an escrow or trust account.

Tab U – Donna Louise Rosellini, BK 3190662 and BK 3087576, Case No. 2013033625 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account for or deliver Complainant's deposit upon request or at any time thereafter.

General Business continued

Petition for Declaratory Statement of Section 475.15, Florida Statutes

Director Watkins presented the petition received from Christine Knize. Ms. Knize was not present. The Commission considered the petition. Director Watkins stated that Top Notch Realty LLC no longer exists as Ms. Knize registered the Top Notch as a corporation in May 2014. The Commissioner entered into discussion. Vice-Chair Hornsleth moved to deny the Petition for Declaratory Statement because the Petitioner's question is now moot since the LLC no longer exists and is no longer a substantially affected party. Commissioner Furst seconded the motion; the motion passed without dissent.

Petition for Declaratory Statement of Sections 475.01 and 475.011, Florida Statutes

Director Watkins presented the petition received from W. D. Schorsch, LLC and Lawrence J. Stark, Esquire. Mr. Schorsch was not present. The Commission considered the petition and entered into discussion. Commissioner Boring moved that the Commission grant the petition based on the facts as the Petitioner presented. Vice-Chair Hornsleth seconded the motion; the motion passed without dissent.

Review and Consideration of the Real Estate Education Courses

Tab E – *How to buy Real Estate and Alternative Assets in IRAs and Qualified Plans* – New Course (8 hours CE; Specialty – Class Room) – Application No. 21009 – Jon Galane, Mountain West IRA, Inc.

Mr. Galane was present. The Commission entered into discussion. Mr. Galane requested to continue the application and waived the 90-day requirement. Vice-Chair Hornsleth moved to continue the application to a future meeting; Commissioner Furst seconded the motion; the motion passed without dissent.

Tab F – *Using Real Estate and Related Investments in IRAs and Qualified Plans* – New Course (3 hours CE; Specialty – Class Room) – Application No. 21076 – Jon Galane, Mountain West IRA, Inc.

Mr. Galane was present. The Commission entered into discussion. Mr. Galane requested to continue the application and waived the 90-day requirement. Vice-Chair Hornsleth moved to continue the application to a future meeting; Commissioner Furst seconded the motion; the motion passed without dissent.

Tab C – *Intro iPad for Realtors* – New Course (3 hours Specialty CE; Specialty – Class Room) – Application No. 20987 – James Long, Digital Life Training, Inc.

Mr. Long was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above; Vice-Chair Hornsleth seconded the motion. The motion passed without dissent.

Tab C – *Realtor iPad Applications* – New Course (3 hours Specialty CE; Specialty – Class Room) – Application No. 20988 – James Long, Digital Life Training, Inc.

Mr. Long was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above; Vice-Chair Hornsleth seconded the motion. The motion passed without dissent.

Tab D – *Expert Witness Testimony To Do or Not to Do* – New Course (7 hours Specialty CE; Specialty – Class Room) – Application No. 21077 – Jackie Vincent, McKissock, LP

Ms. Vincent was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above; Commissioner Boring seconded the motion. The motion passed without dissent.

Rule Discussion

Rules Report

FREC Counsel Barnhart reported on the status of the rules currently open for discussion, workshop or rulemaking. Mr. Barnhart addressed questions and comments from the Commission.

Annual Regulatory Plan and Rules Review for 61J2, Florida Administrative Code

FREC Counsel Barnhart presented the 2014-2015 Annual Regulatory Plan for the Commission's review and consideration. Mr. Barnhart explained that the plan submitted to the Governor's Office OFFAR provides a preview of rules which may be reviewed by the Commission during the 2014-2015 Fiscal Year. Mr. Barnhart explained that this is a preliminary list and other rules may be included if necessary. Following review and discussion, Commissioner Furst moved; seconded by Commissioner Boring to accept the outline of the 2014-2015 Annual Regulatory Plan as presented; the motion carried without dissent.

Special Agenda

Request to Reinstate License of Jean Max Marcelus

Director Watkins presented an informal hearing request from Attorney Rosalind R. Griffie on behalf of Mr. Marcelus, pursuant to Chapter 120 of the Florida Statutes. Neither Mr. Marcelus nor Ms. Griffie was present. Ms. Pomales reported that she spoke with Ms. Griffie and explained the deficiencies as to why the license became null and void and also provided written communication of same. The Commission granted the informal hearing and entered into discussion. Ms. Pomales presented an outline of the license history of

Jean Max Marcelus. Vice-Chair Hornsleth moved to deny Mr. Marcelus's request to reinstate his null and void real estate broker license; Commissioner Furst seconded the motion; the motion passed without dissent.

Application Approval Guidelines

Director Watkins presented the Commissioners with a copy of the Application Approval Guidelines they amended in April 2013. Ms. Watkins requested the Commissioners review the list again to determine if they would be amenable to increasing the approvable guidelines to address the significant increase in the number of applications. The Commission reviewed guidelines and entered into discussion. Following discussion, Vice-Chair Hornsleth moved to approve the approvable guideline list as amended; Commissioner Furst seconded the motion; the motion passed without dissent. The Commission requested the Division provide a report within the next few months reflecting the results of the changes.

Consent Agendas

Agenda A

The Commission considered 105 applicants from the Consent Agenda A; Vice-Chair Hornsleth moved; seconded by Commission Furst to approve 81 applicants and require 24 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abboud, Ronald	Fournier, Cori	Mundy, Bryan
Afrasa, Zemene	Franklin, Frenel	Ojeda, Mario PA
Ali, Paola	Franks, Beau	Padilla, Jemell
Arana, Jairo	Gallo, Micol	Pedrosa, Angelo
Asnani, Kumar	Gonzalez, Aida	Pintacuda, Alexander
Aviles, John	Gordon, Jeannette	Popovic, Charles
Bailey, Rodney	Greene, Tiffany	Popovits, William
Baquerizo Guzman, Jose	Holsey, William II	Pregen, Ari
Batchelor, Christine	Housley, Cooper	Quintana, Victor
Bazzani, Paolo	Howard, Danielle	Rowe, Joni
Bertisch, Diego	Hunt, Kimberly	Saporta, Jonathan
Bickelmann, Joseph	Johnson, Tanya	Schaefer, Christopher
Boyle, Sarah	Kasper, Jeremy	Schilling, Scott
Cabrera, Tracey	Kurth, Derek	Schliep, Jason
Cantu, Gloria	Lacayo, Cesar	Shenkman, Jennifer
Carhuayo, Bruselas	Larraga, David	Smith Buie, Marlon
Clemons, Ira III	Lievano, Arturo	Sullivan, Sandra
Cloe, Vincent	Long, Justin	Swanson, Lara
Collins, Gilbert	Loraditch, Edward	Swift, Thomas
Cozza Cole, Marjorie A.	Lowery, Edward	Thomas, Jason
Dauria, Michael	Macarelli, Carla	Thompson, Corey
Davis, Eric	Martin, James	Visnick, Michael III
Dublin, Willie Jr.	Matthews, Shannon	Walker, John Jr.
Dvorkin, Michael	McKinney, Stephen	Walker, Stephen
Fanti, Ross	Miller, Ira PA	Whitley, Marci
Fernandez, Celestino	Moran, Brendan	Williams, Rolinda
Finnegan, Timothy	Moya, Jose	Williams, Timothy

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

Alvarez, Mario	Fernandez, Rafael G.	Proffit, Michael
Apollon, Nathalie	Gomez, Richard P. Jr.	Roberson, Gregory K.
Beguiristain, German	Greene, William B. Jr.	Salerno, John
Burns, Molly	Hall, Philip W.	Slocumb, Shanay
Candia, Richard F.	Hoaglund, Wesley A.	Smith, Kevin D.
Downs, Michael B.	Jean, Ken	Thompson, Colleen R.
Elliott, Sharon	Lievano, Arturo M.	Wilson, Dariuce D.
Espinosa, Emily	Pope, Christopher S.	Zackschewski, Christopher M.

Agenda B

The Commission considered 68 applicants from the Consent Agenda B; Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve 45 applicants and require 23 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adams, Krista	Durrance, Joel	Pico, Vilma
Akers, William	Edmondson, Ronald	Richardson, Chavella
Astarita, Melissa	Farinas, Jorge Jr.	Rodriguez, Manuel
Barreto, Jorge	Fink, Michael	Ross, Vanity
Benton, C. Dan	Fitzgerald, Sean	Rothemich, Kyle
Borowiak, Shawn	Gantt, Tracy	Ruiz, Christopher
Boucher, Shadd	Goodin, Albert Sr.	Scharenberg, Galen
Brennan, Gwynith	Hank, Nancy	St. Paul, Ronald
Brewer, Benjamin	Harris, Jessica	Stein, Arik
Burks, Matthew	Jackson, Acarya	Sullivan, Crystal
Burton, Sharon	Jenkins, Creig	Sylvain, Timothy
Carpenter, Amanda	Kogan, Angela	Villar, Eliahoud
Dewick, Marta	Meyer, Christopher	Webb, Richard
Dierivot, Peterson	Osborne, Derek	Williams, Tiffany
Dunn, Martin	Paladino, Joseph	Zuniga, Yeznard

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

Achille, Renald	Groover, David	Rainer, George
Agudo, Amy Lynn	Hope, Carlene	Salivia Figueredo, Alejandro
Anaya, Michael III	Johnson, Jess	Sanzo, Ronald
Baker, Kenrick	Lee, Dale	Spaulding, Shawn
Caborn, MARRISA	Lozado, Evelyn	Svendsen, Erik
Collin, Scott	Oliphant, Destiny	Walimohamed, Sabir
Figuroa Soto, Delilah	Pintodeabreu, Rafael	Wells, William
Goldstein, Matthew	Quintero, Robert	

Public Comments

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

Recess

There being no objection, the Chair recessed the meeting at approximately 4:45 p.m. until 8:30 a.m. tomorrow.

June 18, 2014

Chair Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of June, 2014.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Patrick Cunningham, Chief Attorney; Jenny Schwartz, Assistant General Counsel; Jocelyn Pomales, Education Coordinator; Debora Spady, Licensing Supervisor; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Commission Business

Chief Attorney Cunningham reported that the Office of General Counsel will begin sending the Final Order to the broker of record relating to disciplinary actions imposed on sales associates, where applicable. The Commission thanked Mr. Cunningham for amending their business processes.

Summary of Applicants

Licensing Supervisor Debora Spady presented 63 Summary of Applicants requesting to sit for the real estate examination.

Tab BX – Nawfal Ziane, not present; was represented by Nancy Campiglia, Esquire, present – Commissioner Chotas moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BU – Steven Douglas Wright, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab A – Sherri K. Rinker, not present; was represented by James Harwood, Esquire, present – informal hearing – Mr. Harwood requested a continuance on behalf of the applicant. Vice-Chair Hornsleth moved; seconded by Commissioner Furst to continue the application until July 16, 2014; the motion passed without dissent.

Tab I – Rolan Colon, present; was represented by James Harwood, Esquire, also present – Mr. Harwood withdrew the application on behalf of the applicant.

Tab AS – Oscar Manuel Martinez, present; was represented by James Harwood, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab L – Menace J. Dorce, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AC – Gabriel Angel Hernandez Vallejo, present; was represented by Daniel Villazon, Esquire, also present – Mr. Villazon continued the application until July 16, 2014, and waived the 90-day requirement.

Tab AN – Jason Robert Levins, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AU – Micah James Mistretta, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab G – Robert Charles Buchan, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab B – Luisana Baez, present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab C – Frederick Baldasti, present – Commissioner Boring moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab E – Meneisha Bowes, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab H – Claudia C. Calderon, present – Application withdrawn.

Tab J – Eric Bartwell Cox, present – Application withdrawn.

Tab K – Ryan Andrew Decker, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab O – Cleveland Estelhomme, present – Vice-Chair Hornsleth; seconded by Commissioner Furst to approve the application for sales associate with conditions; the motion passed 4 to 1.

Tab R – Marcelo Figueroa, present – Application withdrawn.

Tab S – Cori Fournier, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab T – Agostino Fraccola, present – Application withdrawn.

Tab U – Roger Ernesto Garcia, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for broker; the motion passed without dissent.

Tab W – Francis Warrington Gillet, III, present – Commissioner Furst moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed 3 to 2.

Tab X – Staci Goodman, present – Application withdrawn.

Tab Y – Grodotz, Mindy, present – Application withdrawn.

Tab AA – Amir Haitof, present – Vice-Chair Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab AB – Cindy Susan Herbeck, present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AD – Jorade Dion Jackson, present – Commissioner Chotas moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AF – Stephen Jean Mary, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AG – Tichawonna Johnson, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for broker; the motion passed without dissent.

Tab AJ – Ben Kerem, present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AK – Stefanie Ann Kitner, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AL – Robert Earl Knowles, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for broker; the motion passed without dissent.

Tab AM – Sara Jane Larock, present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AP – Charmayne Sherrie Luckey, present – Application withdrawn.

Tab AQ – Melissa Yvette Lugo, present – Application withdrawn.

Tab AR – Jennifer Maier, present – Commissioner Chotas moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab AT – Victoria McClellan, present – Application withdrawn.

Tab AV – Vidal Morales, present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab AX – Daniel Keith Morgan, present – Vice-Chairman Hornsleth; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AY – Vyacheslav Morgenshteyn, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AZ – William Arthur Morrissey, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab BB – Yunieth Olivella, present – Vice-Chair Hornsleth moved; seconded by Commissioner Chotas to deny the application for broker; the motion passed without dissent.

Tab BD – Layaschia Renee Patterson, present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab BE – Amos Petion, present – Application withdrawn.

Tab BG – Erika T. Pierson, present – Application withdrawn.

Tab BH – Jamie Plante, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BI – Alexander Podrizki, present – Commissioner Furst moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab BJ – Miroslav J. Posavec, present – Commissioner Chotas moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BK – Anthony Damian Powell, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

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

Tab BP – David Ruz, present – Commissioner Chotas moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BN – Melchisedeck Roche, present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent

Tab BR – Clark Lawrence Silver, present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab BS – Shiva Sinaeian, present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BV – David Andrew York, present – Application withdrawn.

Tab D – Douglas Edward Bottum, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab F – Jamie Blessing Brogley, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab M – Juan David Esponda, not present – Commissioner Furst moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab N – Barbara Estela, PA, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to deny the application for broker; the motion passed without dissent.

Tab P – Stevens Ewald, not present – Application withdrawn.

Tab Q – Wendy M. Fernandez, not present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab V – Jill Anne Garrett, not present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab Z – Cristie Guess, not present – Commissioner Furst moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AE – Jerry J. Jaquess, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Furst moved; seconded by Vice-Chair Hornsleth to continue to July 2014; the motion passed without dissent.

Tab AH – Marcel Katz, not present – Applicant continued the application and waived the 90-day requirement.

Tab AI – Lawrence Kelley, Jr., not present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to deny the application for broker; the motion passed without dissent.

Tab AO – Bobby Wayne Long, not present – Applicant withdrew the application.

Tab AW – David Morelock, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab BA – Amory Blaine Oberlander, not present – Commissioner Furst moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab BC – Daniel Pansky, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BF – Moises Rafael Piedra, not present – Applicant continued the application and waived the 90-day requirement.

Tab BL – Teeka R. Prashad, not present – Applicant continued the application and waived the 90-day requirement.

Commissioner Chotas excused himself and left the meeting.

Tab BO – Caleb Roegiers, not present – Commissioner Boring moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BQ – Ricardo Bernard Salter, not present – Commissioner Boring moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Commissioner Chotas rejoined the meeting.

Tab BT – Roderick Smith, not present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab BW – Chase Elliot Young, not present – Applicant continued the application and waived the 90-day requirement.

Public Comments

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

Director's Comments

Director Watkins thanked the Commissioners for a wonderful meeting.

Commission's Remarks

Chair Enzor also thanked everyone for a great meeting.

Adjournment

There being no further business and no objection, the Vice-Chair adjourned the meeting at approximately 4:55 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 15 and 16, 2014, in Orlando, Florida.



Chair Roger Enzor
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission