

Charlie Liem, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 20 and 21, 2010
General Meeting**

Chair Roger Enzor called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 20th day of July, 2010.

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

Division staff present at the meeting: Thomas O'Bryant, Jr., Director and Executive Director; James Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Enforcement; Jennifer Blakeman, Patrick Cunningham, Robert Minarcin, Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Warren Sanger, Investigator II; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; Commissioner Boring seconded to approve the Minutes of the June 22 and 23, 2010, General Meeting, as written. Motion carried unanimously.

Unlicensed Activity Report

Director O'Bryant presented the Unlicensed Activity Report. Director O'Bryant addressed questions from the Commission.

Exam Summary Report

Director O'Bryant presented the Exam Summary Report. Mr. Dick Fryer inquired as to why Pearson/Vue does not allow the test takers to write down formulas they can remember just before taking the test. Director O'Bryant stated he would look into it. Ms. Linda Crawford stated that over the years there have been several factors which have changed and have affected the pass/fail rate of the real estate exams. Director O'Bryant addressed questions from the Commission.

Escrow Disbursement Orders

Attorney Joseph Solla presented 32 Escrow Disbursement Orders and 1 Order to interplead for the Commission's consideration. Upon recommendation of the Legal Section, the Commission issued 32 Escrow Disbursement Orders and 1 Order. Commissioner Guju moved to approve the Legal Section recommendation. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab J – Yamila Garcia, BK 686612, Case No. 2004003607 – Stipulation

Ms. Garcia was present and represented by Robert Villasante, Esquire. No current members were recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner McCoig to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$250.00 fine, \$500.00 costs, 12 months probation, attend one 2-day FREC general meeting. **Violation:** It is alleged that Respondent failed to give the principal a legible, signed, true and correct copy of a listing agreement within 24 hours of obtaining the written listing agreement in violation of Section 475.25(1)(r), Florida Statutes, and therefore in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab K – Yamila Garcia, SL 686612, Case No. 2004035596 – Stipulation

Ms. Garcia was present and represented by Robert Villasante, Esquire. No current members were recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine and \$874.50 costs within 12 months from the Effective Date of the Final Order, attend one 2-day FREC general meeting. **Violation:** It is alleged that Respondent operated as a broker when licensed as a sales associate in violation of Section 475.42(1)(b), Florida Statutes, and therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab L – Daniele S. Gordon, BK 3097295, Case No. 2008038356 – Stipulation

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner Furst to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$250.00 fine, \$412.50 costs, 12 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of having had a broker or sales associates license revoked, suspended, or otherwise acted against in violation of Section 475.25(1)(g), Florida Statutes, and therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab A – Heriberto Alonso, SL 3037527; Case No. 2007038214 – Recommended Order, Exceptions

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

Ms. Blakeman represented the Department and presented the case to the Commission. Ms. Blakeman filed exceptions on behalf of the Department. Ms. Blakeman presented Exceptions I, II and III to the Recommended Order of the Administrative Law Judge. The Commission entered into discussion. Commissioner Guju moved to accept Exception I, relating to paragraph 27 of the Recommended Order; seconded by Commissioner McCoig, motion carried unanimously. Commissioner Guju moved to accept Exception II, relating to paragraph 28 of the Recommended Order; seconded by Commissioner McCoig, motion carried unanimously. Commissioner Guju moved to accept Exception III, relating to paragraph 2 under the header “Recommendation” of the Recommended Order; seconded by Commissioner Boring, and impose the penalty below. Motion carried unanimously.

Penalty imposed: Revoke; \$1,617.00 costs. **Violation:** Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes.

Tab B – Clifford Altemare, BK 3062479, Case No. 2008010393; Altema Consulting Co., LLC, CQ 1024239, Case No. 2008026746– Recommended Order

Mr. Altemare was not present and not represented by counsel. Commissioner McCoig was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into discussion. Commissioner Guju moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to adopt the Recommended Order and impose the following sanctions:

Penalty imposed: Respondents – 5 years suspension; \$15,000 fine. **Violation:** Respondents – guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes and, therefore, in violation of Section

475.25(1)(e), Florida Statutes; guilty of failure to immediately deposit trust funds in violation of Rule 61J2-14.010, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab C – Michael Etherridge, BK 696454, Case No. 2009003142 – Petitioner’s Request for an Informal Hearing

Mr. Etherridge was not present and not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$660.00 costs. **Violation:** Guilty of violating Section 475.25(1)(f), Florida Statutes, by being convicted of 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, when he entered a plea of nolo contendere to the crime of Possession of Forged Bills; violated Section 475.25(1)(p), Florida Statutes, failing to inform the Commission in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony, when he entered a plea of nolo contendere to the crime of Possession of Forged Bills and failed to notify the Commission.

Tab D – Joseph Anthony Gavagni, BK 693045 and ZH 1002143, Case No. 2008038786 – Petitioner’s Request for an Informal Hearing

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

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

Penalty imposed: Revoke, \$445.50 costs. **Violation:** Guilty of having obtained a license by means of fraud, misrepresentation, or concealment in violation of Section 475.25(1)(m) of the Florida Statutes; guilty of failure to comply with the continuing education requirements of Rule 61J2-3.011, Florida Administrative Code and is, therefore, in violation of Section 475.25(1)(e) of the Florida Statutes; guilty of failure to maintain the required office in violation of Rule 61J2-10.022, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to maintain a sign on or about the entrance of his principal office in violation of Rule 61J2-10.024, Florida Administrative Code and Section 475.25(1)(e), Florida Statutes; guilty of failure to notify the Petitioner, in writing, of the current mailing address and any change in the current mailing address, within ten days after the change, in violation of Rule 61J2-

10.038, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab E – Andre Little; BK 3226992 and 3083173, Case Nos. 2008008960 and 2009022150 – Petitioner’s Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$478.50 costs. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 455, 475 or the rules of the Petitioner in violation of Section 455.227(1)(j), Florida Statutes.

Tab F – Maria Lourdes Miranda, SL 3111580, Case No. 2008021918 – Petitioner’s Request for an Informal Hearing

Ms. Miranda was not present and not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty of Count I and dismiss Count II. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$1,000 fine, \$1,089.00 costs, 1 year probation, attend two 2-day FREC meetings. **Violation:** Guilty of failure to notify the Petitioner, in writing, of the current mailing address and any change in the current mailing address, within ten days after the change, in violation of Rule 61J2-10.038, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab G – Tom W. Ross, SL 3061295, Case No. 2008065506 – Petitioner’s Request for an Informal Hearing

Mr. Ross was not present and not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$214.50 costs. **Violation:** Guilty of failing to comply with a lawful Order issued by the Florida Real Estate Commission, in violation of Section 475.42(1)(e) Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab I – Scott Lewis Betten, BK 427362, Case No. 2009042874 – Stipulation

Mr. Betten was not present and not represented by counsel. Commissioner Ruffier, not present, served on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner McCoig to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$148.50 costs, 6 months probation, attend two 2-day FREC general meetings. **Violation:** Guilty of having employed any person as a sales associate who is not the holder of a valid and current license as sales associate in violation of Section 475.42(1)(c), Florida Statutes and Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab M – Robert George Hansen, SL 3103924, Case No. 2009006963 – Stipulation

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner McCoig moved; seconded by Commissioner Furst to accept the Stipulation with the addition of a 28-hour reactivation course. Motion carried unanimously.

Counter penalty offered: \$1,000.00 fine and \$950.00 costs within 6 months from the Effective Date of the Final Order, attend one 2-day FREC meeting within 2 years from the Effective Date of the Final Order and complete a 28-hour reactivation course upon acceptance by the Respondent. **Violation:** Guilty of having failed to advertise property or services in a manner in which reasonable persons would know they are dealing with a real estate licensee; failed to include the licensed name of the brokerage firm; and having placed or caused to be placed an advertisement which is fraudulent, false, deceptive, or misleading in form or content in violation of Rule 61J2-10.025, Florida Administrative Code and Section 475.25(1)(c), Florida Statutes.

Action taken: Stipulation accepted as orally amended upon the condition Respondent is in agreement.

Tab N – John W. Minger, Jr., BK 3219650 and BK 60605, Case No. 2009034913; Steffany Martin, SL 3207402, Case No. 2009043046; Century 21 Wilson Minger Agency, Inc., CQ 220933, Case No. 2009034917 – Stipulation

Respondents were not present and represented by C. Ledon Anchors, Esquire, not present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Cunningham represented the Department and presented the case to the Commission. Commissioner McCoig moved; seconded by Commissioner Boring to accept the Stipulation. Motion carried unanimously.

Penalty imposed: Respondent Minger – \$500.00 fine, \$339.50 costs within 6 months from the Effective Date of the Final Order; Respondent Martin – 6 months suspension, \$250.00 fine, \$145.00 costs within 6 months from the Effective Date of the Final Order, shall attend one 2-day FREC general meeting; Respondent Century 21 Wilson Minger Agency, Inc. – reprimand. **Violation:** Respondent Minger – neither admits nor denies being guilty of failure to maintain trust funds in the real estate brokerage escrow bank account or some other proper depository until disbursement thereof was properly authorized in violation of Section 475.25(1)(k), Florida Statutes, guilty of failure to immediately deposit trust funds in violation of Rule 61J2-14.010, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; Respondent Martin – neither admits nor denies being guilty of failure to immediately place with the registered employer any money, fund, deposit, check or draft entrusted to her as agent of the registered employer in violation of Rule 61J2-14.009, Florida Administrative Code and Section 475.25(1)(k), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; Respondent Century 21 Wilson Minger Agency, Inc. – neither admits nor denies being guilty of failure to maintain trust funds in the real estate brokerage escrow bank account or some other proper depository until disbursement thereof was properly authorized in violation of Section 475.25(1)(k), Florida Statutes, guilty of failure to immediately deposit trust funds in violation of Rule 61J2-14.010, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab O – Heliana C. Perez, SL 3076487, Case No. 2009002938 – Stipulation

Ms. Perez was not present and represented by Harvey Harling, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Vice-Chair DeNapoli to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$500.00 fine, \$495.00 costs within 6 months from the Effective Date of the Final Order, attend one 2-day FREC meeting. **Violation:** Guilty of having advertised property or services in a manner which is fraudulent, false, deceptive, or misleading in form or content in violation of Rule 61J2-10.025, Florida Administrative Code and Section 475.25(1)(c), Florida Statutes.

Action taken: Stipulation accepted.

Tab P – Jean Robert Pierre-Paul, BK 3073105, Case No. 2008041136 – Stipulation

Mr. Pierre-Paul was not present and represented by Timothy P. Atkinson, Esquire, not present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner McCoig to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$735.90 costs, 6 months probation, attend two 2-day FREC meetings. **Violation:** Failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012 (1), Florida Administrative Code, Section 475.5015, Florida Statutes and Section 475.25 (1)(e), Florida Statutes; failed to obtain and secure written verification of a deposit upon delivery of the funds to the title company or attorney in violation of Rule 61J2-14.008 (b), Florida Administrative Code and Section 475.25 (1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab Q – Reynolds Realty Company, CQ 1004231, Case No. 2010004284 – Stipulation

Respondent was not present and not represented by counsel. Commissioner Ruffier, not present, served on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Boring moved; seconded by Commissioner Guju to accept the Stipulation. Motion carried unanimously.

Penalty imposed: Reprimand, \$1,500.00 fine within 12 months from the Effective Date of the Final Order. **Violation:** Guilty of having had a broker or sales associates license revoked, suspended, or otherwise acted against in violation of Section 475.25(1)(b), Florida Statutes, and therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of Section 475.25(1)(k), Florida Statutes, and therefore, in violation of Section 475.25(1)(e), Florida Statutes; and Rule 61J2-14.011, Florida Administrative Code, and therefore in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

The following case was withdrawn

Tab H – Iris A. Salinas

Rule Workshop and Statement of Regulatory Costs

61J2-2.027 – Applications by Individuals

Director O'Bryant presented this rule to the Commission to address section (2)(b) relating to reference to mental health and (2)(c) finger print card. Director O'Bryant requested that section (2)(b) relating to mental health be stricken in its entirety and the language relating to the finger print card be amended to reflect the statutory changes. Mr. Barnhart stated that he would bring the amended language before the Commission next month.

61J2-24.004 – Mediation

Director O'Bryant presented this rule for the Commission's review and discussion of the proposed language draft incorporating the following violations for mediation: Rule 61J2-24.001(3) a, b, q, hh and mm, Florida Administrative Code. The Commission entered into discussion. Mr. Barnhart suggested a few grammatical changes and stated he would bring the amended draft before the Commission next month.

Director O'Bryant presented the Statement of Estimated Regulatory Costs for the Commission's consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Vice-Chair DeNapoli moved to accept the proposed determination of impact on small businesses. Commissioner Boring seconded the motion. The motion carried unanimously.

61J2-24.006 - Probation

Director O'Bryant asked the Commission to review the revised language discussed at the April meeting, and if in agreement, approve moving forward with the rule making process. The Commission agreed with the recommended changes, which was to modify the language in paragraph 2 to simply state hardship and expand 90 days to 180 days. Mr. Barnhart said that he will properly notice this rule for a rule workshop and bring the amended language before the Commission next month for final approval.

Director O'Bryant presented the Statement of Estimated Regulatory Costs for the Commission's consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Vice-Chair DeNapoli moved to accept the proposed determination of impact on small businesses. Commissioner Boring seconded the motion. The motion carried unanimously.

Ratification of Suspended License

Director O'Bryant requested the Commission ratify reinstatement of the real estate license of Eda DeLeon who has met all requirements for reinstatement. The Commission ratified the action unanimously.

Review and Consideration of the Real Estate Continuing Education Courses

Director O'Bryant withdrew the following continuing education course for the Commission's consideration:

1. REO and Short Sale Appraisal Guidelines – Application No. 12681

Consent Agenda

The Commission considered 89 applicants from the Consent Agenda; Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve 67 applicants and require 22 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Aborn, Kenneth	Almonte, Jose Francisco	Alvarez, Abel Jose
Arguelles, Juan Jose	Babacan, Atilla	Babiarz, Michael Allan
Baker, Dalton Russell	Bandini, Steven	Barkus, Robert Arthur III
Becerra, Roger J.	Beckler, Raymond McKinley III	Bramkamp, David Lee
C-Berg, German Alejandro	Cara, Shamil	Clements, John
Colagiaco, Christopher	Contreras, Juan Carlos	Corrales, Elvia Azucena
Daraio, Scott Sr.	Decowski, Daniel	Denmark, Milton Shane
Depena, Beyarda	Desalvo, Jason	Devos, Kevin J.
Dodson, Howard James	Dolan, Robert M.	Goldsborough, Scott A.
Gonzalez, Juan Carlos	Graves, Scott Prichard	Harvin, Richard Edward
Hegwood, Randy Bernard	Heineman, Kenneth	Herman, John S.
Jacobs, Frank A. Jr.	Jara, Carlos A.	Jeffers, Shawn Michael
Lenssen, Mathias	Lorfiles, Reynold	McIntosh, Carey
McQueen, Carl Robert Jr.	Meyer, Alex Wolff	Miller, William D.
Mizrahi, Erica	Moon, Jay	Neu, Kimberly Tara
O'Niell, Rachel	Patterson, William E.	Peet, Alexander Wells
Quintas, Esteban	Rampersad, Shaun	Richichi, Jason Douglas
Root, Curtis Smith	Rush Rebekah	Schnapf, Samuel F.
Sherry, Jonathan	Skorupski, Wendy Marie	Smith, Chris Alan
Strong, Aaron Leon	Thomas, Dorsey B. III	Torres, Christian Paul
Tucker, Lauren Ann	Weed, Michelle White	Weiss, David L.
Whitten, Todd Gregory	Wilkinson, John Edward	Williams, Selina
Wobito, Rudolf W.		

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

Alie, Nadeer Dennis Jr.	Alvarado, Erick	Appleby, Cara Michelle
Baez, Johnny Omar	Bombenger, George Martin	Christensen, Esther E.
Delgado, Carlos Aurelio	DeLong, Agnieszka A.	Gousseva, Ekaterina
Gross, Glenn Howard	Johnston, Buddy Wayne	Martin, Michael
Mixon, Robin M.	Mock, Cary L.	Nelson Darren
Orme, Tarah R.	Oshinsky, Steven	Rabinowitz, Brian
Scott, Veronica Cori	Staggs, Joshua William	Tran, Yen Hong
Vosmak, Vitaliy		

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:00 p.m.

July 21, 2010

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:45 a.m., in Orlando, on this 21st day of July, 2010.

Chair Roger Enzor, Vice-Chair Richard DeNapoli; Claude “Chip” Boring, Darla Furst, Michael Guju and Ralph McCoig. Commissioner Ruffier was excused. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O’Bryant Jr., Director; James Harwood, Chief Attorney; Jennifer Blakeman, Senior Attorney; Warren Sanger, Investigator II; Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Director’s Comments

Instructor CE Seminars – Director O’Bryant reported that the Division has been preparing for the instructor seminars which include some very interesting topics. The seminars are scheduled for July 27, 2010, in Miami; July 29, 2009, in St. Petersburg; August 25, 2010, in Orlando; and September 28, 2009 in Tallahassee. The Division will conduct three more in 2011.

Division Practices

Director O’Bryant reported that this division has been reviewing the best practices of other divisions. The division will reorganize the enforcement section incorporating the most effective and efficient practices from amongst the divisions using the available updated technology. The reorganization of enforcement section practices will be finished and put in place by the end of November. This will allow the division to work more efficiently and more effectively without expending additional funds.

August FREC Meeting

Director O’Bryant reported that Deputy Director Watkins will be acting on his behalf at the August FREC meeting in his absence.

Legislation

Director O’Bryant reported that House Resolution 4173 entitled “Dodd-Frank Wall Street Reform and Consumer Protection Act” passed recently. This 900 page act passed by Congress, which is currently on President Obama’s desk for signature, is to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and other purposes. Director O’Bryant stated that it is his responsibility to know what may have a direct impact on both real estate and appraisal professions. Director O’Bryant provided a short summary of how this may impact the division. Director O’Bryant addressed questions and comments from the Commission.

Summary of Applicants

Ms. Denise Johnson, OMC II, presented 67 Summary of Applicants requesting to sit for the real estate examination.

Tab Q – Eastman, Stephanie; present; represented by Attorney Nancy Campiglia – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AX – Polovina, Timothy J.; present, represented by Attorney Nancy Campiglia – Commissioner McCoig moved; seconded by to Vice-Chair DeNapoli approve the application for broker; motion carried unanimously.

Tab D – Barber, William J.; present, represented by Attorney William Keifer – Commissioner McCoig moved; seconded by to Vice-Chair DeNapoli approve the application for sales associate; motion carried unanimously.

Tab E – Barlow, Tanya; present; represented by Attorney Daniel Villazon, present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 4 to 2.

Tab Z – Jones, Brian J., present; represented by Attorney Daniel Villazon – Commissioner Furst moved; seconded by Commission Boring to approve the application for sales associate; motion carried unanimously.

Tab AS – Panchal, Hemant, present; represented by Attorney Daniel Villazon – Application withdrawn and waived 90-day requirement.

Tab AT – Perea, Karina, present; represented by Attorney Daniel Villazon – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab BA – Ros, Maria I.; present; represented by Attorney Alexander Rundlet – Application withdrawn and waived 90-day requirement.

Tab BI – Velez, Carlos P., present; represented by Attorney Daniel Villazon – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to continue the application for sales associate until October; motion carried unanimously. Applicant waived 90-day requirement.

Agenda B – Tab A – Meharg, Bill M., present - Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab A – Ahmed, Shahzad; not present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab B – Anderson, Carl V.; present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab C – Asaad, Masood; present – Commissioner Boring moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab F – Bierman, Austin; present – Commissioner Guju moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab G – Bowden, Robert S.; not present – Commissioner Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab H – Brown, Anthony S.; present – Application withdrawn and waived 90-day requirement.

Tab I – Burgos, John M.; not present – Commissioner Guju moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab J – Burse, Xavrae A., Jr.; present – Commissioner Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab K – Chancellor, Bryan; not present – Commissioner Furst moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab L – Combs, Tammy; not present – Commissioner Guju moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab M – Coyle, Timothy; not present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion passed 4 to 2.

Tab N – Cuevas, Alejandrina; present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab O – Davis, Rondal B.; present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab P – Diesu, Patrick J.; not present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab R – Elliott, Erik K.; present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab S – Fernandez, Mariela R.; not present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried 5 to 1.

Tab T – Fisher, Carla Ann; present – Vice-Chair DeNapoli moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab U – Frazier, Charles B.; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab V – Gaudet, Enos J.; present – Vice-Chair DeNapoli moved; Commissioner McCoig seconded by to approve the application for sales associate; motion carried unanimously.

Tab W – Goodrich, Jason J.; present – Commissioner Guju moved; seconded by Commissioner McCoig to approve the application for broker; motion carried unanimously.

Tab X – Highsmith, Michele R.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AJ – Marrone, Franco– Commissioner Guju; seconded by Commissioner McCoig to approve the application for sales associate; motion carried 4 to 2.

Tab Y – Jahn, Steven E. Sr.; not present – Commissioner McCoig moved; seconded by Commissioner Guju to deny the application for broker; motion carried unanimously.

Tab AA – Jones, Cynthia M.; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AB – Judy, Jeffery S.; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AC – Knickelbein, Laura; present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AD – Kramer, Kimberly; present – Application withdrawn and waived 90-day requirement.

Tab AE – LaPorte, Anthony G.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AF – Livingston, Beverly S.; present – Commissioner Guju moved; seconded by Commissioner Furst to deny the application for broker; motion carried unanimously.

Tab AG – Lozano, Andres; present – Commissioner Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AH – Lucas, Christopher D.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to deny the application for broker; motion carried unanimously.

Tab AI – Mahoney, Maria I.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AK – Mertl, Donna M.; Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AL – Michie, Cynthia M.; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AM – Miller, Jaime; present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AN – Mitchell, Richard W. Jr.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AO – Murphy, Ross H.; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AP – Neal, Michael R.; present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AQ – Onwuemene, Ononchie P.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to continue the application for sales associate until October. Applicant waived 90-day requirement.

Tab AR – Palmisano, Francis A.; not present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AU – Pichardo, Eladio A.; present – Application withdrawn and waived 90-day requirement.

Tab AV – Pinto-Torres, Liliana C.; present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AW – Pirzadeh, Sophie; not present – Commissioner Guju moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab AY – Record, Christopher A.; not present – Commissioner Guju moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab AZ – Rock, Michael E.; present – Commissioner Guju moved; seconded by Commissioner McCoig to approve the application for broker; motion carried unanimously.

Tab BB – Sapp, Jordan B.; present – Commissioner Boring moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion passed carried unanimously.

Tab BC – Somrah, Salvador M.; not present – Applicant requested a continuance and waived 90-day requirement. Commissioner McCoig moved; seconded by Commissioner Boring to continue; motion carried unanimously.

Tab BD – Spinks, Jonald; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab BE – Sprude, Sandra; not present – Commissioner Guju moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried 4 to 2.

Tab BF – Steen, David H.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BG – Sterling, Manuel; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BH – Stevens, Charlaina M.; present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab BJ – Wallace, William; present – Application withdrawn and waived 90-day requirement.

Tab BL – Wolaver, Knox J.; not present – Commissioner Guju moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab BK – Woodstock, Frances F.; not present – Commissioner Furst moved; seconded by Commissioner McCoig to deny the application for sales associate; carried unanimously.

Tab BM – Yanes, Lisset; not present – Commissioner Guju moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab BN – Youngstein, Steven P.; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 17 and 18, 2010, in Orlando, Florida.



Roger Enzor, Chair
Florida Real Estate Commission



Thomas W. O'Bryant, Jr.,
Executive Director
Florida Real Estate Commission