

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 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 15th day of July, 2014.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Poul Hornsleth, Claude “Chip” Boring, III, Elias Chotas, Dick Fryer, Darla Furst and Josh Podolsky. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Sean Anderson, Daniel Brackett and Jenny Schwartz, Assistant General Counsels; Appearing via teleconference: Daniel David, David Folley, Ann Prescott, and Susan Williams, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; 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.

Chair Enzor welcomed Ms. Suzanne Sherer and her group of agents from the Leadership Academy Class of 2014 of the Realtor Association of Greater Ft. Myers and the Beach, Inc. and thanked them for attending the meeting.

Approval of the Minutes

Commissioner Boring moved; seconded by Vice-Chair Hornsleth to approve the Minutes of the June 17 and 18, 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 and addressed questions and comments from the Commission.

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

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. The Commission commended Mr. Cunningham and his staff for their hard work in getting the number down.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 14 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Mr. Cheneler requested guidance relating to Case No. 2014-021900. The Commission requested to discuss Tab H and Tab N. After discussion, Vice-Chair Hornsleth moved to accept 14 Escrow Disbursement Orders; Commissioner Fryer seconded the motion; the motion passed without dissent. The Commission considered the 4 Orders. Following discussion, Mr. Cheneler withdrew the Order relating to Case No. 2014-022735. Vice-Chair Hornsleth moved to accept the remaining 3 Orders; Commissioner Podolsky seconded the motion; the motion passed without dissent.

Recovery Fund Cases

Tab A – Pamela Lessor v. George Burgos, DBPR Case No. 2014-014581

Mr. Folley presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Folley 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 Fryer seconded the motion. The motion passed without dissent.

Tab B – Stephen A. Deeb v. Peter Langer, DBPR Case No. 2011-039382

Tab C – Edgar Marx v. Peter Langer, DBPR Case No. 2011-058156

Tab D – Emilie Jackson v. Peter Langer, DBPR Case No. 2011-060539

Tab E – Donna Vuolo V. Peter Langer, DBPR Case No. 2014-021616

Mr. Folley presented the above matters to the Commission. Neither the Claimants nor the Licensee was present. Mr. Folley advised that the statutes do not allow the Claimants to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to approve the Final Orders denying the claims. Vice-Chair Hornsleth seconded the motion. The motion passed without dissent.

Tab F – Sabrina Gosch v. Dana Romelle McFadden, DBPR Case No. 2013-006135

Mr. Folley presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Folley 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. Vice-Chair Hornsleth seconded the motion. The motion passed without dissent.

Tab G– Winifred Norma-Burton v. Scott David Reid, DBPR Case No. 2012-050443

Mr. Folley presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Folley 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 Fryer moved to approve the Final Order denying the claim. Commissioner Furst seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab E – Pam M. Oakley, BK 3055562; Case No. 2013046178 – Respondent’s Request for an Informal Hearing

Respondent was present; Respondent and was represented by Randy Schwartz, 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. Mr. Schwartz requested a continuance until September. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Fryer; motion passed without dissent to continue the matter until September 2014.

Action taken: Continued until September 2014.

Tab H – Gabriel Leite, BK 3182112; Case No. 2012040662 – Respondent’s Motion for Reconsideration

Respondent was present; Respondent was represented by Steven Johnson, Esquire, also present. Commissioner was recused due to participation on the probable cause panel.

Mr. Anderson represented the department and presented the case to the Commission. Mr. Johnson offered mitigation in support of the request. The Commission entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Hornsleth; motion passed without dissent to grant the reconsideration. Following discussion, Commissioner Fryer moved, seconded by Commissioner Furst; the motion passed without dissent to deny the request to set the matter aside and modify the Final Order.

Action taken: Request to set aside the Final Order denied; penalty upheld.

Tab M – Vincent McArthur Robinson, BK 3050729; Case No. 2013014069– Settlement Stipulation

Respondent was present; Respondent was represented by Desiree Sanchez, Esquire, also present. Commissioner Boring 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 Vice-Chair Hornsleth to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$1,000.00 fine, investigative costs; complete a 3-hour ethics course; attend 4 complete general FREC meetings. **Violation(s):** Respondent neither admits nor denies that he allegedly violated Section 475.25(1)(f), Florida Statutes, when by entering pleas of nolo contendere in a negotiated disposition to the offenses of DUI With Damage to a Person or Property and Leaving the Scene of a Crash with Property Damage, which facts and circumstances constitute moral turpitude.

Action taken: Settlement Stipulation accepted.

Tab A – Christine Lynn Dinardo, SL 704819; Case No. 2013006916 – Respondent’s Request for an Informal Hearing

Respondent was present; Respondent was represented by James Harwood, Esquire, also present. Vice-Chair Hornsleth 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 informal hearing and entered into discussion. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Chotas seconded the motion; the motion passed 5 to 1. Commissioner Fryer moved, seconded by Commissioner Podolsky; motion passed 5 to 1 to impose the following sanctions:

Action taken: \$1,000.00 fine, investigative costs; complete a 3-hour ethics course; attend 3 complete general FREC meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent invited guests to stay overnight, bring their boat, and have a cookout at Subject Property without Buyers’ permission; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-5.016, Florida Administrative Code, by being listed as a Director with Corporation with the Florida Division of Corporations.

Tab B – Imelda Pangilinan Gonzalez, SL 3069735; Case No. 2013012279 – Respondent’s Request for an Informal Hearing

Respondent was not present; Respondent was represented by James Harwood, Esquire, present. Vice-Chair Hornsleth 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 informal hearing and entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Action taken: \$1,500.00 fine; investigative costs; attend 1 complete FREC general meeting; complete a 45-hour post-licensure course for sales associates; probation for 14 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Code, when she delivered Buyer’s checks to an office assistant and admitted to failing to deliver security deposits to Treitman while he was the qualifying broker for Arcadia; Section 475.25 (1)(d)1, when Respondent failed to deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft; Section 475.25(1)(e), Florida Statutes, by violating Rule

61J2-5.016, Florida Administrative Code, by being listed as the Title Manager with the Florida Division of Corporations.

Tab G – Charles Seymour Smith, BK 3231843; Case No. 2013002503 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was represented by James Harwood, Esquire, also present. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. David represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Mr. Harwood requested a continuance on behalf of the Respondent until September 2014. Commissioner Furst moved, seconded by Vice-Chair Hornsleth; motion passed 5 to 1 to continue the matter until September 2014.

Action taken: Case continued.

Tab I – Joan Bernadette Demark, SL 3143128; Case No. 2013029612 – Settlement Stipulation

Respondent was not present; Respondent was represented by James Harwood, 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 entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: \$750.00 fine; investigative costs; attend one 2-day FREC general meeting. **Violation(s):** Respondent neither admits nor denies that she allegedly violated Section 475.25(1)(f), Florida Statutes (2012), when Respondent pled nolo contendere to and was adjudicated guilty of one count of Possession of Controlled Substance with Intent to Sell.

Action taken: Settlement Stipulation accepted.

Tab D – Dennis Mauricio Meraz, BK 3093422 and 694234; Case No. 2012001765 – Respondent’s Petition for Modification of Discipline

Respondent was present; Respondent was represented by Nancy Campiglia, Esquire, also present. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Bracket represented the department and presented the case to the Commission. Ms. Campiglia offered mitigation in support of the request. The Commission entered into discussion. Commissioner Podolsky moved to deny the Petition for Modification of Discipline; seconded by Commissioner Furst; the motion passed without dissent.

Action taken: Petition for Modification of Discipline denied.

Tab J – Daniel A. Gallien, BK 3236359, 273379 and 3125716; Case No. 2011031841 – Settlement Stipulation

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. No current members were recused due to participation on the probable cause panel.

Ms. Williams represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Furst to accept the Stipulated Settlement dismissing Count III of the Administrative Complaint. The motion passed without dissent.

Penalty: \$2,000.00 fine; investigative costs; attend one complete FREC general meeting; complete a 4-hour escrow management course. **Violation(s):** Respondent neither admits nor denies that he allegedly violated the following: Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, by failing to be a signatory on the escrow account; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.012(2), Florida Administrative Code, by failing to perform timely monthly reconciliations; Section 475.25(1)(v), Florida Statutes, by failing to be a signatory on the escrow account and failing to perform reconciliations on a monthly basis.

Action taken: Settlement Stipulation accepted.

Tab F – David John Oates, BK 3104891; Case No. 2013035332 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent and was represented by Thaddeus Freeman, Esquire, also present. Commissioner Podolsky 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 without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

Penalty imposed: Investigative costs; attend 1 complete FREC general meeting; complete a 4-hour escrow management course; probation for 6 months. **Violation:** Respondent violated Rule 61J2-14.012(2) by failing to properly reconcile the trust account(s) monthly; Section 475.25(1)(k), Florida Statutes (2013), by placing escrow and non-escrow funds in an escrow account.

Tab C – Arthur McDonald, SL 3277321; Case No. 2013030979 – Respondent’s Request for an Informal Hearing

Respondent was present and was not represented by counsel. Commissioner Fryer 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 Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action taken: \$2,500.00 fine; investigative costs; probation for 90 days. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2012), when Respondent pled guilty to one count of Possession of Marijuana with Intent to Sell.

Tab K – Tiffany R. Hamilton, SL 305515; Case No. 2013019879 – Settlement Stipulation

Respondent was not present; Respondent was represented by Denay Brown, Esquire, not present. 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 entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Furst to accept the Stipulated Settlement. The motion passed 5 to 1.

Penalty: \$1,000.00 fine; investigative costs; attend one complete FREC general meeting. **Violation(s):** Respondent neither admits nor denies that she allegedly violated the following: Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker with regard to Subject Property while licensed as a sales associate, by independently performing the duties of a broker as defined in section 475.01, Florida Statutes, without the direction, control, or management of Armor Realty; Section 475.42(1)(d), Florida Statutes, when Respondent collected the security deposit from Tenant not in the name of, or with the express consent of, her employer Armor Realty; Section 475.25(1)(e), Florida Statutes, when Respondent violated rule 61J2-14.009, Florida Administrative Code, by failing to deliver Tenant's security deposit to her broker or employer within one business day following receipt; Section 475.25(1)(e), Florida Statutes, when Respondent violated rule 61J2-2.027(2)(c), Florida Administrative Code, by failing to disclose on her broker application the ongoing investigation against her sales associate license.

Action taken: Settlement Stipulation accepted.

Tab L – Veronica Riofrio, SL 3143218; Case No. 2013048096 – Settlement Stipulation

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

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

Action taken: Settlement Stipulation denied.

Tab N – Mario Rodriguez, SL 630149; Case No. 2012011996 – Settlement Stipulation

Respondent was not present and was represented by Carlos Fleites, Esquire, not present. Chair Enzor was recused due to participation on the probable cause panel.

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

Penalty imposed: \$1,000.00 fine; investigative costs; attend 1 complete FREC General meeting; complete a 4-hour escrow management course. **Violation(s):** Rule 61J2-14.010, Florida Administrative Code, and therefore Section 475.25(1)(e), Florida Statutes, by failing to keep and maintain funds intended for escrow in an escrow or trust account; Rule 61J2-14.012, Florida Administrative Code, and therefore Section 475.25(1)(e), Florida Statutes, by failing to monthly reconcile funds intended for escrow.

Action taken: Settlement Stipulation accepted.

Tabs O and P –Tanya Lynn Watson, SL 3070253; Case Nos. 2012040971 and 2014013308 – 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.

Ms. Prescott represented the department and presented the cases to the Commission. The Commission entered into discussion. Vice-Chair Hornsleth moved, seconded by Commissioner Fryer 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 Q – William Earl Whittington, SL 630512; Case No. 2013047504 – 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. Brackett represented the department and presented the cases to the Commission. The Commission entered into discussion. Vice-Chair Hornsleth moved, seconded by Commissioner Fryer 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 R – Giselle M. Chavez, SL 3146272; Case No. 2013037332 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Mr. David represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner 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 Vice-Chair Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes by receiving a \$13,000 payment as a result the Disbursement Instructions (Seller) made out to Florida Royale Corp., on whose bank account she was a signatory and by then depositing the \$13,000 Florida Royale check the same day it was dated into an account in her name; Section 475.42(1)(d), Florida Statutes, by obtaining a \$13,000 check in connection with the instant real estate transaction which was not collected in the name of her employer or with the express consent of her employer; Section 475.25(1)(k), Florida Statutes, by receiving a \$13,000.00 check in connection with this real estate action and depositing it in an account under her name rather than placing it with her employer.

Tab S – Jose Filgueiras, SL 648968; Case No. 2013044290 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was not represented by counsel. Commissioner Fryer 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 waiver 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 Vice-Chair Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2013), when Respondent was found guilty of Bank Fraud.

Tab T – Raquel Filgueiras, SL 635903; Case No. 2013044279 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was not represented by counsel. Commissioner Fryer 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 waiver 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 Vice-Chair Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2013), when Respondent was found guilty of Bank Fraud.

Tab U – Lance Hunter Kornberg, SL 3072201; Case No. 2013040139 – 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. Anderson 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 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; investigative costs; attend 1 complete FREC general meeting; probation for 1 year. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2012), when Respondent pleaded nolo contendere and was adjudicated guilty of one count of Delivery of Hydromorphone.

Special Agenda

Tab A – Nicola Perillo, Case No. 2008029964 – Request for Reconsideration

Respondent was present. The Respondent presented his request for reconsideration of the Final Order filed on March 22, 2012, 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.

General Business continued

Petition for Declaratory Statement Regarding Section 475.01, Florida Statutes

Director Watkins presented the petition received from James E. Parker. Mr. Parker was present in support of the petition. The Commission considered the petition and entered into discussion. Commissioner Fryer moved that the Commission deny the petition as presented. Commissioner Podolsky 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.

Rule discussion

61J2-10.038 – Mailing Address

FREC Counsel Barnhart presented this rule for the Commission's review. The Commission entered into discussion. Deputy Director Johnson addressed questions from the Commission. Following discussion, Commissioner Fryer moved to let the rule stand as written; Vice-Chair Hornsleth seconded the motion; the motion passed without dissent.

Special Agenda B

Sales Associates Syllabus Update draft

Director Watkins presented the revised draft of the Sales Associate Syllabus update and asked the Commission to review recommendations it received from the Bureau of Education and Testing (BET) as well as suggestions received from Ms. Linda Crawford which require direction from the Commission. The Commission entered into discussion. Commissioner Fryer moved to adopt the syllabus as amended relating to the comments received from BET and Linda Crawford; Vice-Chair Hornsleth seconded the motion; the motion passed without dissent.

Consent Agendas

Agenda A

The Commission considered 132 applicants from the Consent Agenda A; Vice-Chair Hornsleth moved; seconded by Commission Podolsky to approve 88 applicants and require 44 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abare, Edward	Gendron, Paul	Montoya, Helmuth Herman
Akopyan, Ruben	Ghawi, Richard	Morales, Otto
Arenas, Raul	Gomez, Mauricio	Moreno, Roberto
Bagley, Nicole	Gonzalez, Emmanuel	Mosaddad, Hossin
Barrios, Jesus	Grondin, Laine	Ong, An V.
Bittar, Michael	Handy, Jeff	Ortiz, Dora Marisol
Brea, Betsy	Hennessey, John Thomas	Pardo, David
Brim, John III	Henry, Geoffrey Walker	Park, Joseph
Bryant, Adrien	Hernandez, Abraham Efreem	Pitts, Robert Le
Burns, Reginald	Hernandez, Christian Ivan	Prinzivalli, Salvatore
Carter, John	Hewitt, Jeanne Christy	Reddish, Brett Andrew
Castillo, Ismael Jr.	Hila, Yvonne	Reeves, Aaron
Chislom, Linda	Holden, Adam Aaron	Rhodes, Jeff Neil
Christensen, Kent	Howell, George Bert	Rodgers, James Ashmun
Clecidor, Kinsley	Howell, Kenneth Michael	Rodriguez, Mario Alexander
Cloud, Leigh	Humphrey, Dustin Sean	Ruiz, Gloria Janeth
Cook, Lesley	Isaac, Zabulon	Russi, Bryan Ray
Cooper, Montgomery	Lee, Darryl Alonzo	Scharenberg, Carla
Cortes, Flores	Leon, Anthony	Smith, Christopher M.
Crego, Kevin	Magness, Lara Marimae	Smith, Paul Gilbert Jr.
Davis, Phillip	Malone, Tim J.	Stoutenburgh, Jacob I.
Davis, Sean	Manderschied, Stephan B.	Swords, Michael Shayne
Debora Reyes, Mercedes	Martinez, Arnold	Tanner, Kimberly Marie
Doerge, Graham	Martinez, Carlos J.	Thacker, Victor
Eagle, Cathy	Mazard, Carline	Van Ness, Nicholas R.
Fader, Sean	McClelland, Patrick	Wagner, Lisa Alane
Fisher, Jeffrey	McConnell, Aran Cale	Willis, Patrick James
Fray, Lucas	McDonald, Ashley N.	Yancey, Jamie Stephen Tucker
Frenyea, Trevor	Meredith, John M.	Zhivelev, Leonid
Gama Giraldo, Mario		

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

Aristizabal, Luzmarien	Greene, Delenis M.	Parra, Scott
Bailey, James Jr.	Hernandez, Andres	Pawlowski, Jacqueline Sharon
Brizuela, Giovanni	Isaac, Heide	Radno, Peter
Bryant, Dwayne	Kirstein, James A.	Rallo, Brandon
Burg, Jason	Leventhal, Scott Spencer	Rios, Melinda E.
Byrd, Marlon	Libonati Dressel, Kathleen	Ross, Staciee
Comunale, Clint	Liuzzo, Anthony	Schafer, John Garrett

Conlan, Courtney
Deli, Adam
Delucien, Pascal
Fry, Raymond
Gamble, Lasandra
Gear, Jeffrey
Gomez, Carlos
Gonzalez, Faustino

Maldonado, Natalia Renae
Martin, Courtney
McLeod, Nicholas W.
Medina, Ali
Mejias, Kenneth Vidal
Mikasser, Hicham
North, Lance Alexander
Palaceo, Steven

Shepard, Jared Brandon
Smith, Mary Ann
Smith, Sandra
Sweeting, Michael Anthony
Touchstone, Jonathan David
Turbay, Daniel Jose
Young, John

Agenda B

The Commission considered 40 applicants from the Consent Agenda B; Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky 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:

Cifuentes, Luz
Figueroa, Marcelo Roberto
Fraccola, Agostino
Gray, Ian James
Halls, Jay L.
Hanneman, Joelle Ana
Harley, Jonathan
Hays, James David
Jones, Johnny James Jr.

Kassim, Reaaz M.
LaFleur, Victoria Heidi
Lube, Gayle Ann
Maricic, Matthew Thomas
Nolan, Frank Vincent Jr.
Pierson, Erika T.
Reddish, Brett Andrew
Rivera, Charles Anthony
Rockwell, Zak

Rodriguez, Alan
Salenetri, Kasie M.
Satterfield, April
Shurte, James Paul
Smith, Tasha Marie
Villanueva, Jason
Volini, Robert A.
Zevallos, Andrew Cruz

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

Cortizo, Joaquin Antonio III
Demary, Christopher Charles
Falcon, Jessalyn
Fletcher, Joshua J.
Griffin, George

Izquierdo, Javier
Jones, Anthony Tony Jr.
Jones, Michael Kevin
Lee, Eric
Lentz, Christopher Henry

Long, Bryan Keith
Miles, Justin David
Pustaver, Robert Scott
Ruby, Bernice R.

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 4:40 p.m. until 8:30 a.m. tomorrow.

July 16, 2014

Chair Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of July, 2014.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Poul Hornsleth, Claude "Chip" Boring, III, Elias Chotas, Dick Fryer, Darla Furst and Josh Podolsky. 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.

Summary of Applicants

Licensing Supervisor Debora Spady presented 56 Summary of Applicants requesting to sit for the real estate examination.

Tab H – Michael Anthony Anaya, III, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 6 to 1.

Tab W – Richard P. Gomez, Jr., present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for broker; the motion passed 6 to 1.

Tab AQ – Joel Roman, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 2.

Tab D – Benny Scoca, present; was represented by Sherri Dewitt, Esquire, also present – informal – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to vacate the previous denial; the motion passed without dissent. The application withdrew the application.

Tab Z – Philip Wayne Hall, present; was represented by Stacy Robinson Nickerson, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AE – Marcel Katz, not present; was represented by Stacy Robinson Nickerson, Esquire, also present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 3.

Tab AF – Dale Lee, not present; was represented by Nancy Campiglia, Esquire, also present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 2.

Tab C – Sherri K. Rinker, not present; was represented by James Harwood, Esquire, present – informal hearing – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to vacate the previous denial and approve the application for sales associate; the motion passed without dissent.

Tab AA – Gabriel Angel Hernandez Vallejo, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AH – Evelyn Lozado, not present; was represented by Daniel Villazon, Esquire, present – Mr. Villazon requested a continuance on behalf of the applicant and waived the 90-day requirement. Commissioner

Podolsky moved; seconded by Commissioner Fryer to continue the application until August 2014; the motion passed without dissent.

Tab AK – Christopher Scott Pope, present; was represented by Daniel Villazon, Esquire, also present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Furst to continue the application until August 2014; the motion passed without dissent.

Tab AM – Michael Proffitt, present; was represented by Daniel Villazon, Esquire, also present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BC – Chase Elliott Young, present; was represented by Lorene Young, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab B – Pierre Francis Remy, present – informal hearing – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to vacate the previous denial and approve the application for sales associate; the motion passed 5 to 2.

Tab F – Amy Lynn Agudo, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the vote was 3 to 3 with 1 abstained. No action was taken.

Commissioner Podolsky left the meeting.

Tab I – Nathalie Evelyne Apollon, present – Commissioner Chotas moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab L – Molly Burns, present – Applicant withdrew the application.

Tab M – Marrison Rene Ramos Caborn, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Commissioner Podolsky rejoined the meeting

Tab O – Scott Gregory Collin, present – Commissioner Furst moved; seconded by Vice-Chair Commissioner Fryer to approve the application for sales associate; the motion passed without two in dissent.

Tab P – Michael B. Downs, present – Applicant withdrew the application.

Tab R – Emily Espinosa, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed with two in dissent.

Tab X – William Bedford Greene, Jr., present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed with two in dissent.

Tab Y – David Ryan Groover, present – Vice-Chair Hornsleth; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed with two in dissent.

Tab AC – Carlene Patricia Hope, present – Applicant withdrew the application.

Tab AD – Ken Jean, present – Applicant withdrew the application.

Tab AJ – Rafael P. Pintodeabreu, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AL – Teeka R. Prashad, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AN – Robert Quintero, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5 to 2.

Tab AP – Gregory K. Roberson, present – Applicant withdrew the application.

Tab AS – Alejandro Salvador Salivia Figueredo, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AU – Shanay Slocumb, present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AV – Kevin D. Smith, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 2.

Tab AW – Shawn Christopher Spaulding, present – Applicant withdrew the application.

Tab AX – Erik John Svendsen, present – Applicant withdrew the application.

Tab AZ – Sabir Walimohamed, present – Applicant withdrew the application.

Tab BA – William Robert Wells, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5 to 2.

Tab AG – Arturo Martin Lievano, present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Agenda B, Tab C – Richard James Robincheck, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BB – Dariuce Demarco Wilson, present – Commissioner Fryer moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 6 to 1.

Tab E – Renald Achille, not present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab A – Ansen L. Brown – Withdrawn.

Tab G – Mario Alvarez, not present; was represented by Leilo Chacko, Esquire, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab J – Kenrick Ray Baker, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to continue to August 2014; the motion passed without dissent.

Tab K – German Arturo Beguiristain, not present – Commissioner Fryer moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab N – Richard Frank Candia, PA, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Boring to continue to August 2014; the motion passed without dissent.

Tab Q – Sharon Elliott, present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to continue to August 2015; the motion passed without dissent.

Tab S – Rafael G. Fernandez, not present – Vice-Chair Hornsleth moved; seconded by Podolsky to deny the application for sales associate; the motion passed 6 to 1.

Tab T – Delilah Figueroa Soto, not present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab U – John M. Gilbert, II, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 6 to 1.

Tab V – Matthew John Goldstein, not present – Applicant withdrew the application.

Tab AB – Wesley Alan Hoaglund, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Commissioner Chotas to continue to August 2014; the motion passed without dissent.

Tab AI – Destiny Renee Oliphant., not present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AO – George Chad Rainer, not present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AR – John Salerno, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AT – Ronald Michael Sanzo, not present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AY – Colleen Rinet Thompson, present – Applicant withdrew the application.

Tab BD – Christopher Matthew Zackschewski, not present – Commissioner Podolsky moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Agenda B, Tab A – Keiron Brown, not present – Applicant requested to withdraw the application. Commissioner Podolsky moved; seconded by Commission Boring to set aside the denial. Application withdrawn.

Agenda B, Tab B – Jess Johnson, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Public Comments

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

Director's Comments

Director Watkins reported that the Division as completed the first of three instructor's seminars. The seminar, which was held in Miami, was very well attended and received much positive feedback. The next seminar will be in Tallahassee next Friday, July, 25, 2014.

Ms. Watkins also reported that one of the topics presented is that the Bureau of Education and Testing has updated the survey that the Commission asked BET to do with Pearson, regarding classroom versus distance education.

Last, Ms. Watkins reported that as a result of the recent flooding in the panhandle, there have been a number of licensees concerned that their records were destroyed and many of them are seeking guidance as to what they should do that event. Ms. Watkins stated that historically, in the event of natural disasters such as this the Department strongly encourages the licensees to maintain any documentation that they were a victim of the flood, i.e. insurance claims or pictures. Ms. Watkins added that the Department will be very mindful should it conduct an audit or investigation and that any documentation the licensee can provide to substantiate the flood would be very helpful. Ultimately, the final decision will be up to the Probable Cause Panel of the Commission.

Commission's Remarks

Commissioner Furst reported that she had the pleasure of speaking once again with Director Watkins at the District Thirteen Realtor Conference.

Chair Enzor thanked everyone for all their contributions in facilitating the FREC meetings.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:55 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 19 and 20, 2014, in Orlando, Florida.



Chair Roger Enzor
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission