Ken Lawson, Secretary

Rick Scott, Governor

Minutes of THE FLORIDA REAL ESTATE COMMISSION July 19 and 20, 2016 General Meeting

Chair Dick Fryer, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 19th day of July, 2016.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Boring, Patricia Fitzgerald, Poul Hornsleth and Thomas Luzier. Commissioner Luzier was delayed and arrived at 10:00 a.m. Commissioner Furst was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Sara Kimmig, Bureau Chief of Enforcement; Josh Kendrick, Chief Attorney; James Whealdon, Assistant General Counsel; Appearing via teleconference: Alicia Bhambhani, Daniel David, Brande Miller, Megan Silver, Crystal Stephens and William Vogel, Assistant General Counsels; Jocelyn Pomales, Education Coordinator; Warren Sanger, Licensing Supervisor; Mike Davis, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Vice-Chair Boring moved to approve the Minutes of the May 17 and 18, 2016, General Meeting, as written. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Vice-Chair Boring moved to approve the Minutes of the June 13, 2016, FREC General Workshop, as written. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

The Minutes of the June 14 and 15, 2016, General Meeting, are deferred to July 20, 2016.

Reports

Enforcement Trends and Escrow Audits Reports

Bureau Chief Sara Kimmig presented the report regarding Enforcement Trends and Escrow Audits Summary and addressed questions and comments from the Commission.

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

Deputy Director Johnson presented the monthly Exam Performance Summary Reports. Ms. Watkins addressed questions and comments from the Commission.

Application and License Count Reports

Deputy Director Johnson presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Case Activity Report

Chief Attorney Kendrick 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 Whealdon presented 4 Escrow Disbursement Orders and 2 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept 4 Escrow Disbursement Orders and 2 Order. Commissioner Fitzgerald seconded the motion; the motion passed without dissent.

Recovery Fund Claims

- Tab A Edward Graham Brown v. Myrna Ambroise, DBPR Case No. 2012-029610
- Tab C Joy Hendricks v. Myrna Ambroise, DBPR Case No. 2012-029609
- Tab E Michael and Valerie Tilley v. Mark D. Goldberg, DBPR Case No. 2012-029634
- Tab F Duncan Steele & Regal Sellwood v. Steve G. Ambroise, DBPR Case No. 2012-029631
- Tab G David & Gabrielle Watkins v. Tracy Penny, DBPR Case No. 2012-029614

Mr. David presented the above matters by consent. There were no appearances on behalf of the Claimants or Respondents. Mr. David advised that the Claimants qualify statutorily to receive payment from the recovery fund and recommended the Commission approve the requests. The Commission considered the facts and circumstances. By consent, Commissioner Hornsleth moved to approve the above-referenced Final Orders Granting the Recover Fund Claims each in the amount of \$50,000.00, as presented. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Tab D - Faith Mauri v. Don Tesoro, DBPR Case No. 2016-014328

Mr. David presented the above matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. David advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$1,500.00. Vice-Chair Boring seconded the motion. The motion passed without dissent.

Attorney Dan David reported that this will be his last appearance and thanked the Commissioners for their kindness. The Commissioners thanked him for his service to the Florida Real Estate Commission and wished him the best.

Tab B - Carmen M. Hernandez v. Kimberly T. Henry, DBPR Case No. 2015-024229

Ms. Bhambhani presented the above matter to the Commission. Neither the Claimant nor the Licensee was present. Ms. Bhambhani advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$10,000.00. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab E – Leon Luis Cruz, SL 3172767; Case No. 2015010652 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Mark Solomon, Esquire, present. Commissioner Furst served on probable cause. Commissioner Furst was excused and not present.

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

Penalty: Revocation; investigative costs of \$605.55. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading no contest to one count of "Grand Theft in the Third Degree"; Section 475.25(1)(a), through a violation of Section 455.227(1)(t), Florida Statutes, by failing to submit a written report to the department within 30 days of pleading no contest to one count of "Grand Theft in the Third Degree" and By failing to submit a written report to the Department within 30 days of pleading no contest to three counts of "Petit Theft Petit Theft of \$100 or More."

Tab I - Zella M. Holmes, SL 3115545; Case No. 2014019277 - Petitioner's Motion for Informal Hearing

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. No current members were recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. Mr. Villazon stated that the Respondent disputes the allegations as charged in the Administrative Complaint. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to refer the matter to the Division of Administrative Hearings (DOAH).

Action taken: Case referred to DOAH.

Tab T - Michael O'Donnell, BK 3224538; Case No. 2014006716 - Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to accept the Settlement Stipulation dismissing Count III of the Administrative Complaint. The motion passed without dissent.

Penalty: Administrative fine of \$2,500.00; investigative costs of \$539.00; restitution in the amount of \$1,250.00; complete a 3-hour core law course; complete a 4-hour escrow management course; attend 2 complete FREC general meetings; probation for 12 months. Violation(s): Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver Tenants' first month's Rent Payment to the Owner; Section 475.25(1)(k), Florida Statutes, by failing to own or operate any escrow account and by failing to place Tenants' Security Deposit and first month's Rent Payment into escrow; Rule 61J2-14.010, F.A.C., and thereby 475.25(1)(e), Florida Statutes, by failing to immediately place the Security Deposit and Rent Payment into escrow; Section 475.25(1)(b), Florida Statutes, when Respondent breached Owner's trust by failing to place the Security Deposit and Rent Payment into escrow, by failing to remit the Rent Payment to Owner and by facilitating the lease transaction without Owner's knowledge or consent.

Action taken: Settlement Stipulation accepted.

Tab R - Florida Dream Real Estate, Inc., CQ 1040512; Case No. 2014007075 - Settlement Stipulation

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

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

Penalty: Investigative costs of \$539.55; restitution in the amount of \$1,250.00; probation for 12 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to account for and deliver Tenant's Rent Payment to Santiago; Section 475.25(1)(b), Florida Statutes, when Respondent breached Owner's trust by failing to place the Security Deposit and Rent Payment into escrow, by failing to remit the Rent Payment to Owner and by facilitating the lease transaction without Owner's knowledge or consent.

Action taken: Settlement Stipulation accepted.

Tab J - Bryan A. Joseph, SL 3293012; Case No. 2015041192- Respondent's Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Commissioner Furst served on the probable cause panel. Commissioner Furst was excused and not present.

Ms. Bhambhani represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Boring moved; seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Boring moved; seconded by Commissioner Fitzgerald; motion passed 3 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$750.00; investigative costs of \$503.25; probation for 3 months. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by tendering a guilty plea to the charge of battery on a law enforcement officer and by being found guilty of this charge but having adjudication withheld by the sentencing Court.

Tab M - Matthew Legodais Rey, SL 3283043; Case No. 2015034944- Respondent's Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Commissioner Furst served on the probable cause panel. Commissioner Furst was excused and not present.

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

Penalty: Administrative fine of \$750.00; investigative costs of \$198.00; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by tendering a guilty plea to the charge of battery on a law enforcement officer and by being found guilty of this charge but having adjudication withheld by the sentencing Court.

Tab A - Kim C. Amkraut, SL 3291841; Case No. 2015029297 - Respondent's Request for Informal Hearing

Respondent was not present; Respondent was represented by Nancy Campiglia, Esquire, not present. Commissioner Furst served on the probable cause panel. Commissioner Furst was excused and not present.

Mr. Vogel represented the department and presented the case to the Commission. Counsel for Respondent requested a continuance to August 2016. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to continue the matter until August 2016.

Action taken: Case continued.

Tab B – David John Briley, SL 3140205; Case No. 2015031202 – Respondent's Request for Issuance of a Final Order

Respondent was not present; Respondent was not represented by counsel. Commissioner Furst served on the probable cause panel. Commissioner Furst was excused and not present.

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

Penalty: Suspension for 60 days; administrative fine of \$1,500.00; investigative costs of \$726.00; complete a 3-hour core law course, attend 2 complete FREC general meetings; probation for 6 months. **Violation(s):** Section 475.42(1)(b), Florida Statutes, by operating as a sales associate or broker for Bridge when he was registered under Regent; Section 455.227(1)(j), Florida Statutes, by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

Commissioner Luzier joined the meeting at 10:00 a.m.

Tab L – Theresa Pazmino, SL 3193210; Case No. 2015031198 – Respondent's Request for Issuance of a Final Order

Respondent was not present; Respondent was not represented by counsel. Commissioner Furst served on the probable cause panel. Commissioner Furst was excused and not present.

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

Penalty: Suspension for 60 days; administrative fine of \$1,500.00; investigative costs of \$726.00; complete a 3-hour core law course, attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.42(1)(b), Florida Statutes, by operating as a sales associate or broker for Bridge when she was registered under Regent; Section 455.227(1)(j), Florida Statutes, by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

Tab V – David A. Siegel, BK 3001711; BK 3003780; BK 3166701; BK 3234466; Case No. 2015017924 – Stipulation for Public Dismissal

Respondent was not present; Respondent was represented by Kate Saft, Esquire, present. Vice-Chair Boring was recused due to participation on the probable cause panel.

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to accept the Stipulation for Public Dismissal. The motion passed without dissent.

Action taken: Stipulation accepted; case dismissed.

Tab S - Florida Ranch Lands, II, Inc., CQ 1002517; Case No. 2015017095 - Settlement Stipulation

Respondent was not present; Respondent was represented by Kate Saft, Esquire, present. Vice-Chair Boring was recused due to participation on the probable cause panel.

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

Penalty: Administrative fine of \$1,000.00; investigative costs of \$1,791.90; probation for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2014), when he violated Section 475.24, Florida Statutes (2014), by failing to register Subject Office as a branch office.

Action taken: Settlement Stipulation accepted.

Tab U – Brian Ohlis, SL 673937; Case No. 2015005014 – Settlement Stipulation

Respondent was present; Respondent was represented by Thomas Rieger, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Silver represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier moved; seconded by Commissioner Fitzgerald to accept the Settlement Stipulation as amended. The motion passed without dissent.

Penalty: Administrative fine of \$2,500.00; investigative costs of \$749.10; complete a 3-hour core law course; attend 2 complete FREC general meetings; probation for 1 year. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by misrepresenting on a short sale affidavit that the attempted short sale of Subject Property 1 was an "arm's length" transaction; by failing to disclose to the lender that he was a managing member of the entity attempting to purchase Subject Property 1; by failing to disclose to the Sellers that there were other potential buyers or higher offers for Subject

Property 2; by failing to disclose his relationship with Moser to the Sellers of Subject Property 2; and/or by failing to list Subject property 2 on MLS, in violation of the listing agreement with Sellers.

Action taken: Settlement Stipulation accepted as amended.

Tab P - Reynaldo Valls, BK 311552; Case No. 2015028696 - Petitioner's Motion for Informal Hearing

Respondent was present; Respondent was represented by Joseph Gibson, Esquire, present. Vice-Chair Boring was recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier moved; seconded by Commissioner Fitzgerald; motion passed without dissent to continue the matter until August 2016.

Action taken: Continued until August 2016.

Tab C – Mary Jane Brunel, SL 675131; Case No. 2015022586 – Respondent's Request for Informal Hearing

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

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier moved; seconded by Commissioner Fitzgerald; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Luzier moved; seconded by Commissioner Fitzgerald; motion passed without dissent to impose the following sanctions:

Penalty: Administrative fine of \$200.00; investigative costs of \$511.50; attend 1 complete FREC general meeting; probation for 1 year. **Violation(s):** Section 475.25(1)(r), Florida Statutes, by failing to provide Owner with a legible, signed, true and correct copy of Agreement within 24 hours of obtaining Agreement.

Tab O - Jordana Tobel, LLC, BK 3237408; Case No. 2015006908 - Respondent's Request for Informal Hearing

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

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

Penalty: Investigative costs of \$237.60; probation for 2 years; give 6 presentations to real estate associations in the Palm Beach area regarding risk management and experiences which led to bank fraud charges. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to "Conspiracy to Commit Bank Fraud."

Tab F - Joel De Jesus Ocasio, SL 3271625; Case No. 2014018599 - Respondent's Request for Informal Hearing

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

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

Penalty: Suspension for 1 year; administrative fine of \$1,000.00; investigative costs of \$874.50; attend 2 complete FREC general meetings; probation for 1 year. **Violation(s):** Section 475.25(1)(m), Florida Statutes, by obtaining his Real Estate Sales Associate's license (SL 3271625) by means of fraud, misrepresentation, or concealment by not disclosing on his Florida Real Estate Commission Application for Sales Associate licensure that his Puerto Rico Insurance license had been suspended and otherwise disciplined by the Insurance Commission of Puerto Rico.

Tab D - Jarryd Chloupek, SL 675972; Case No. 2015053276 - Respondent's Request for Informal Hearing

Respondent was not present; Respondent was represented by Carol Chloupek, Esquire, not present. Vice-Chair Boring was recused due to participation on the probable cause panel.

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to continue the matter until August 2016.

Action taken: Continued until August 2016.

Tab G – Giovanni Fleury, SL 3253310; Case No. 2014048065 – Ms. Miller represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$470.25. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted of a crime which involves moral turpitude or fraudulent or dishonest dealing - Organized Scheme to Defraud.

Tab H - Walner Gerard Gachette, BK 3152573; Case No. 2015038743 - Petitioner's Motion for Informal Hearing

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

Ms. Bhambhani represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fitzgerald moved; seconded by Commissioner Luzier; motion passed without dissent to continue the matter until August 2016.

Action taken: Continued until August 2016.

Tab K – Micheline Caron, SL 3105503; Case No. 2015034275 – Respondent's Request for Informal Hearing

Respondent was not present; Respondent was not represented by counsel. Commissioner Furst served on the probable cause panel. Commissioner Furst was excused and not present.

Ms. Stephens represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Vice-Chair Boring; motion passed 3 to 2 to impose the following sanctions:

Penalty: Administrative fine of \$1,000.00; investigative costs of \$231.00; complete a 3-hour core law course; attend 1 complete FREC meeting; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to notify the Commission in writing within 30 days of reckless driving.

Tab N - Guildford Joe Thomas, SL 3183885; Case No. 2015031406 - Respondent's Request for Informal Hearing

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

Ms. Bambhani represented the department and presented the case to the Commission. Respondent requested a continuance. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier to deny the request. The motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$445.50. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by one or more of the following ways: breaching Corpes' trust by failing to escrow the funds and depositing them into a personal bank account; making a false promise by providing Corpes' with a check for an account with insufficient funds; dishonest dealing Minutes of July 19 and 20, 2016

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by trick, scheme or device, by using Corpes' deposit for personal expenses; breaching Corpes' trust by failing to return the deposit funds; and acting with culpable negligence in the handling of Corpes' deposit.

Tab Q – Zobeida E. Castillo, SL 3135468; Case No. 2014036135 – Settlement Stipulation

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

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

Penalty: Suspension for 6 months; administrative fine of \$1,000.00; investigative costs of \$250.00; probation for 6 months; complete a 3-hour core law course; attend 1 complete FREC general meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when she breached Guifarro's trust and acted dishonestly by facilitating the lease transaction without Guifarro's knowledge or consent.

Action taken: Settlement Stipulation accepted.

Tab W – Gary Richard Kelley, BK 599597; Case No. 2016006799 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was represented by Michael J. Griffith, Equire, not present. No current members were recused due to participation on the probable cause panel.

Mr. Whealdon represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair Boring 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 X – Albert Rosen, BK 534342; Case No. 2015051215 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald 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.

General Session continued

Rules Report

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

Rule Discussion

Rule 61J2-3.008 - Pre-licensing Education for Broker and Sales Associate Applicants

Director Watkins presented this rule for final approval. The Commissioner received comments from Ms. Linda Crawford, Dearborn. Ms. Crawford suggested the Commission consider adding a new paragraph to address updating the Sales Associate Course and Broker Course syllabi annually. The Commissioner entered into discussion. Chair Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to accept the language as amended and move forward with rule making.

Commissioner Fitzgerald moved to accept the Department's proposed determination that there is no impact on small Minutes of July 19 and 20, 2016

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businesses; seconded by Commissioner Luzier; the motion passed without dissent.

Rule 61J2-3.009 - Continuing Education for Broker and Sales Associate Applicants

The Commission reviewed the amended rule language as suggested in June 2016. The Commissioner received comments from Director Watkins, Jocelyn Pomales, Linda Crawford, Marcia Tabak and Sharon Hoydich. Upon conclusion of discussion, Commissioner Fitzpatrick moved; seconded by Vice-Chair Boring; the motion passed without dissent to accept the proposed language with additional amendments and move forward with rulemaking.

Vice-Chair Boring moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Commissioner Fitzgerald; the motion passed without dissent.

Rule 61J2-3.010 - License Reactivation for Broker and Sales Associates

The Commission reviewed the amended language as discussed last month. The Commission received comments from Ms. Linda Crawford. Upon conclusion of discussion, Commissioner Fitzgerald moved; seconded by Vice-Chair Boring; the motion passed without dissent to accept the proposed language and move forward with rulemaking.

Commissioner Luzier moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Vice-Chair Boring; the motion passed without dissent.

Rule 61J2-3.020 - Post-licensing Education for Active and Inactive Broker and Sales Associate

The Commission reviewed the amended language as discussed last month. The Commission received comments from Ms. Linda Crawford. Upon conclusion of discussion, Commissioner Fitzgerald moved; seconded by Vice-Chair Boring; the motion passed without dissent to accept the proposed language and move forward with rulemaking.

Vice-Chair Boring moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Commissioner Luzier; the motion passed without dissent.

Rule 61J2-24.002 - Citation Authority - (SERC checklist only)

Mr. Barnhart reported that the Commission previously approved the proposed language month. Mr. Barnhart requested the Commission review the SERC checklist for approval. Vice-Chair Boring moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Commissioner Fitzgerald; the motion passed without dissent.

Special Agenda

Communication From Lucy Landeg Regarding Post-License Education Course

Director Watkins presented communication received from Lucy Landeg requesting the Commission waive the 45-hour post license end-of-course requirement due to hardship. The Commission entered into discussion. Vice-Chair Boring moved to deny the request; seconded by Commissioner Fitzgerald; the motion passed without dissent.

ARELLO 2016 Annual Conference Attendance

Director Watkins requested the Commissioners discuss which Commissioners will attend the 2016 ARELLO Annual Conference. The Commission entered into discussion and proposed that Vice-Chair Boring and Commissioner Fitzgerald attend. Director Watkins thanked the Commission and stated that the Division will begin processing the request.

Review and Consideration of the Real Estate Education Courses

Tab A – *Marketing/Lead Generation* – New Course (3 hours specialty, classroom) – Application No. 26805 – Corcoran Consulting and Coaching

The applicant was not present in support of the application. The Commission entered into discussion. Chair Fryer moved to deny the course; Vice-Chair Boring seconded the motion. The motion passed without dissent.

Tab B – Everyday Ethics in Florida Real Estate – New Course (3 hours specialty, distance) – Application No. 27151 – Dearborn Financial Publishing, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Vice-Chair Boring seconded the motion. The motion passed without dissent.

Tab C – Radon and the Real Estate Transaction – New Course (1 hour specialty, clasroom) – Application No. 26987 – Preferred Systems, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Chair Fryer moved to deny the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Consent Agenda A

The Commission considered 19 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve 11 applicants and require 8 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Bickey, Jennifer Bickey

Dwarica, Leonard Alexander Jr.

Pozo, Jaime

Brown, Janice Calhoun, Kevin Johnson, Kevin Massey, Charles Ray Rosado, Christian Joel Tous, Rebecca Lynn

Donelon, Doly

Pollock, Anamique

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

Borges, Diego Emiliano Jr.

Hicks, Chris M.

Torres, Daniel Noel

Cua, Michael Leonardo

Moore, Thomas

Vaughan, Kevin Angelo Jr.

Gramps, Dustin Tyler

Solomon, Brandon

Consent Agenda B

The Commission considered 26 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve 15 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Arbogast, Scott McNeill

Macleod, John Wencel III Silva, Paul

Atchison, Kenneth Todd

Mendez, Norsky

Tellez, Joshua John

Bonnette, Aimie Landry

Roberts, Samora N.

Vazquez, Rebecca Lynn Vina, Rene

Gutierrez, Mauricio A. Lonsway, Kathleen M.

Rooks, Daniel Shivers, Teresa

Yetman, Michael William

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

Arceo, Mariano Jr.

Gutzler, Thomas Robert

Raybourn, Angela

Giordano, Craig John

Ilarraza, Jonathan Avery

Snider, Landon Troy

Golfman, Richard Michael

Jackson, Channing Mercer

Taylor, Randy

Grazier, William Thomas IV

Medrano, Janet

General Session continued

Public Comments

The Commissioners offered but did not receive any comments from the audience.

Recess

There being no objection, the Chair recessed the meeting at approximately 3:15 p.m. until 8:30 a.m. tomorrow.

July 20, 2016

Chair Fryer reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 20th day of July, 2016.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Patricia Fitzgerald, Poul Hornsleth and Thomas Luzier. Commissioner Darla Furst was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Josh Kendrick, Chief Attorney; Jake Whealdon, Assistant General Counsel; Warren Sanger, Licensing Supervisor; Mike Davis, Regulatory Specialist III; Jeannie Adkinson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Licensing Supervisor Warren Sanger presented 89 Summary of Applicants requesting to sit for the real estate examination.

Tab C – Sandra Contreras, present with interpreter – informal – Commissioner Luzier moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny and approve the application for sales associate; the motion passed without dissent.

Tab BI – Ana Maria Quinonez, present with interpreter – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab CD – Ryan Paul Wallace, present; was represented by Steven W. Johnson, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab E – Zachary Williams, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab G – Ambey A. Singh, present; was represented by Daniel Villazon, Esquire, present – Commissioner Luzier moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed 3 to 2.

Tab V – Jose Cossio, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AA – Gabriel Camacho Delgado; was represented by Daniel Villazon, Esquire, present – Applicant requested a continuance and waived the 90-day requirement.

Tab AL – William Herlihy, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed 4 to 1.

Tab AH – Craig Goodman, present – Commissioner Fitzgerald moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AN – Raquel Del Valle Hernandez, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.

- Tab BR Faysal Snoussi, not present; was represented by Daniel Villazon, Esquire, present Applicant requested a continuance and waived the 90-day requirement.
- Tab CB Mayte Vanegas, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab BO Samuel D. Schlesinger, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab A Kathleen Burger, present Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application with conditions for sales associate; the motion passed without dissent.
- Tab B Jason Cherfils, present Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab D Kevin Anthony Hughes, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab F Applicant withdrew the application.
- Tab H Maria Alvarez, present Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4 to 1.
- Tab I Tabatha Lynn Andonian, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.
- Tab J Eric Barrows, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.
- Tab K Stephen Benitez, present Applicant withdrew the application.
- Tab M Reynaldo Enrique Blanco, present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed dissent.
- Tab O Lester Bowen, present Commissioner Hornsleth moved; seconded by Commissioner Fitgerald to approve the application for sales associate; the motion passed without dissent.
- Tab P Michael Brian Braccia, PA, present Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.
- Tab Q D'Angelo Rashaun Brisco, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.
- Tab R Jessica Rozier Brown, present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab T Brenda Charlestain, present Applicant withdrew the application.
- Tab U Joel William Childers, present Applicant withdrew the application.
- Tab X Amanda Cox, present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab S Taylor Tannisha Brown, present Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab Y Christine Debonville, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab Z Claire Deery, present Applicant withdrew the application.

- Tab AD Louis Joseph Disimile, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab AF Mohammad Farah, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.
- Tab AJ Alfredo Hassun, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.
- Tab AM- Leroy Hernandez, Jr., present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to approve the application with conditions for sales associate; the motion passed 4 to 1.
- Tab AP Bruce Hovland, present Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab AS Sayyid Jibrael, present Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed 4 to 1.
- Tab AT Lisa Alane Jones, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab AY Charles Thomas McDonald, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AZ Tyson Alton Miller, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.
- Tab BA Christina Renae Molteni, present Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab BB Raymond John Montchal, not present The application was administratively withdrawn.
- Tab BC Randall Morris, present Applicant withdrew the application.
- Tab BE Marvin Earnest Nettles Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab BG Louis J. Perrotta, present Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.
- Tab BH Richard A. Pizzuti, present Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab BJ Michael Reale, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.
- Tab BP Jennifer Nichole Scuderi, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab BQ Gordon Shuminer, present Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab BS Leyma M. Sosa, not present; represented by Francisco A. Marty, Esquire, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab BT Caddrick Xaven Spivey, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4 to 1.
- Tab BU Betty Carol Springer, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

- Tab BV Levin Stewart, Sr., present Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab BW Derek Szpindor, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4 to 1.
- Tab BX Jerome Albert Thomas, present Commissioner Luzier moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab BY Joseph Manuel Torres, present Vice-Chair Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.
- Tab CA Eric VanAuken, present Commissioner Fitzgerald moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.
- Tab CC Christopher Walker, Sr., present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab CG William Whitworth, present Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed without dissent.
- Tab CI Tonya A. Woodson, present Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Commissioner Hornsleth was excused for the remainder of the meeting.

Agenda B, Tab A – Noah John Weisman, present – Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent

Agenda A

- Tab L Tawana Bennett, not present Commissioner Luzier moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.
- Tab N Shannon Bonner, not present Vice-Chair Boring moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.
- Tab W Alejandra Cova, present Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.
- Tab AB Dennis Michael DiVico, not present Commissioner Fitzgerald moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AC Peter DiGiacomo, not present Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 3 to 1.
- Tab AE Anthony Jude Donovan, present Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.
- Tab AG Juan R. Gonzalez, not present; was represented by Nancy Campiglia, Esquire, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab AI Scott Green, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab AK John Heredy Vo, not present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab AO Robert Hodgins, not present Commissioner Fitzgerald moved; seconded by Commission Luzier to deny the application for sales associate; the motion passed without dissent.

- Tab AQ Juan Jaimes, not present Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent 3 to 1.
- Tab AR Evens Jean Philippe, not present Commissioner Luzier moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab AU Morgan Jones, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab AW Anastasia Maria Martin, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab AX Loanny E. Martinez, present Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab AV Tara Lloyd, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab BD Timothy Ryan Nelson, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab BF Sileika Barbara Nunez, not present Commissioner Luzier moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.
- Tab BK Angie Rios, not present Applicant requested a continuance and waived the 90-day requirement.
- Tab BL Rick Robison, not present Commissioner Luzier moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.
- Tab BM Daniel Rowe, not present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.
- Tab BN Esther M. Sanchez Feliciano, not present Commissioner Fitzgerald moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.
- Tab BZ Jose Luis Touzet Sanchez, not present Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application with conditions for sales associate; the motion passed without dissent.
- Tab CE Steven Christopher Warnick, not present Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.
- Tab CF Carolyn R. Whitfield, not present Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
- Tab CH Brian D. Williams, not present Vice-Chair Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab CJ Stuart Barry Yanofsky, not present Applicant requested a continuance and waived the 90-day requirement.

General Session continued

Vice-Chair Boring moved to approve the Minutes of the June 14 and 15, 2016, General Meeting, as written. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

Special Agenda continued

Anti-Trust Update

Board Counsel Barnhart provided an update relating to Anti-Trust cases and addressed questions and comments from the Commission.

Director's Comments

Director Watkins provided an update on Legislative proposals and addressed questions and comments from the Commission.

Director Watkins stated that in light of discussion held yesterday during the legal appearance docket requested the Commission restate its position relating to permanent revocation. After discussion, the Commission's position remained the same in that the majority of the members support permanent revocation.

Public Comments

The Commission and Director Watkins addressed comments from members of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 16 and 17, 2016, in Orlando, Florida.

Dick Fryer, Chair

Florida Real Estate Commission

Juana Watkins, Director

Florida Real Estate Commission