

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
August 30 and 31, 2011
General Meeting**

Vice-Chair Michael Guju called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 30th day of August, 2011.

The following Commission members were in attendance: Vice-Chair Michael Guju, Claude "Chip" Boring, Darla Furst, Roger Enzor, Ralph McCoig and John Ruffier. Chair Richard DeNapoli was excused. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Jennifer Blakeman, Andrew Fier and Joseph Solla, Assistant General Counsel; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; seconded by Commissioner Furst to approve the Minutes of the July 19 and 20, 2011, General Meeting, as written. Motion passed without dissent.

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Presentation of License Terms and Statutes

Director Watkins presented a summary of license terms and statutes and addressed questions from the Commission. Commissioner Furst recommended posting this information on the division's website.

Operation Support Unit Activity – FY 2010/2011

Director Watkins presented the Operation Support Unit Activity Report explaining that this report provides a broad overview of the processes the unit is responsible for and the number of items they have processed during the past fiscal year. Director Watkins addressed questions and comments from the Commission and the audience. The Commission thanked Director Watkins for this report and requested to receive this report reflecting figures for the last 2 fiscal years.

Summary Report of Collections Process

Director Watkins presented a summary report of the collections process. Director Watkins addressed questions and comments from the Commission and the audience.

Enforcement Activity Timeline – FY 2009/2010 and FY 2010/2011

Director Watkins presented a report of enforcement activity timeline for fiscal years 2009/2010 and 2010/2011. Director Watkins addressed questions and comments from the Commission.

Assistant General Counsel Blakeman and Assistant General Counsel Cunningham addressed additional questions and comments from the Commission regarding the cases in the Legal Section. Commissioner Enzor stated that there are rampant violations going on everyday by real estate licensees and asked whether there will be any efforts by the department to conduct random audits. Director Watkins stated that the division has been seeing more shortages, which was very concerning to the department and the division, therefore, the division is once again conducting random audits.

Vice-Chair Guju stated that according to the reports the trend indicates that the complaints will continue to increase and inquired whether the department will request more positions, perhaps even temporary staff in order to handle the anticipated increase and proactively address the Commission's concerns relating to the influx of new complaints. Director Watkins stated she would relay the Commission's concerns to the leadership.

Director Watkins announced that Chief Attorney James Harwood resigned after accepting a position at a private law firm in South Florida. Director Watkins stated that the Office of General Counsel will begin interviewing candidates immediately.

Video Streaming

Mr. Frank Cooke of Cooke Schools addressed the Commission to discuss the possibility of once again having the Commission meetings available via live video streaming. Mr. Cooke stated he stopped coordinating due to financial reasons and because the live stream was only available through his website and felt that it should be available through the department's website. Mr. Cooke stated that they have evaluated the costs and have determined that the costs are now more economical. He further stated that he would be able to do this without specific reference to his school. Director Watkins and the Commissioners were in agreement that this would be beneficial to the licensees. Commissioner McCoig asked whether there are any legal ramifications. Assistant General Counsel Solla responded that there would not be as the meetings are open to the public.

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 21 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Commissioner McCoig moved to accept the 21 Escrow Disbursement Orders and 4 Orders. Commissioner Boring seconded the motion. The motion passed without dissent. Upon recommendation of the Legal Section, the Commission issued 21 Escrow Disbursement Orders and 4 Orders.

Recovery Fund Claim Final Orders and Order

Lisa Schindler and Gregg Schindler v. Peter Langer – DBPR Case No. 2011027593 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla 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 Ruffier moved to approve the order granting the claim in the amount of \$4,100.00. Commissioner Boring seconded the motion. The motion passed without dissent.

Jameson Cross v. Peter Langer – DBPR Case No. 2011032777 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla stated that the Claimant is a tenant and no funds were owed to the Claimant as a result of the department's audit of the licensee's accounts. The Claimant is requesting the Commission to waive the requirement for obtaining a civil judgment against the licensee in this matter. Mr. Solla stated that the death of the Licensee does not alter the landlord/tenant relationship between the claimant and the property owner and that this claim is a matter properly determined pursuant to the provisions of the Florida Residential Landlord Tenant Statute, Chapter 83. Mr. Solla advised that the Claimant has failed to satisfy the statutory requirements for payment from the Recovery Fund. The Commission considered the facts and circumstances. Commissioner Furst moved to decline waiving the requirement of a civil judgment pursuant to Section 475.483(1)(a), Florida Statutes and deny Claimant's request for payment from the Real Estate Recovery Fund. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Donald James Williamson v. Peter Langer – DBPR Case No. 2011033742 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla 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 Boring moved to approve the order granting the claim in the amount of \$2,075.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Alvaro D. Virguetty v. Patricia M. Siewert – DBPR Case No. 2010001276 – Assistant General Counsel Solla presented this matter to the Commission. Claimant appeared in support of the claim. Mr. Solla 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 McCoig moved to approve the order granting the claim in the amount of \$5,000.00. Commissioner Enzor seconded the motion. The motion passed without dissent.

Mildred L. Fryman v. Anne Woodward – DBPR Case No. 2011010142 – Assistant General Counsel Solla presented this matter to the Commission. Claimant appeared in support of the claim. Mr. Solla 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 Boring moved to approve the order granting the claim in the amount of \$4,900.00. Commissioner Furst seconded the motion. The motion passed without dissent.

Commissioner Enzor inquired how much money is in the trust for recovery fund claims. Assistant General Counsel Solla stated the department determined that there is approximately \$240,000 to pay claims for the remainder of this Fiscal Year. Commissioner Enzor asked if there is any chance of getting the monies back that have been diverted previously from this account. Director Watkins stated that the division would not be able to request that the Legislature return any money already diverted and that there is a triggering provision when the total sum of funds drop below a certain amount. Director Watkins explained that the Legislature only allocates spending authority for a portion of the funds maintained in the account and stated she will confirm the amounts and report back to the Commission. Vice-Chair Guju stated that they will revisit this topic next month.

Legal Final Order Docket

Tab H – John Charles Gray, BK 414987, Case No. 2010057002 – Settlement Stipulation

Respondent was present and represented by Robert Buonauro, Esquire. Commissioner Ruffier and Commissioner McCoig were recused due to participation on the probable cause panel.

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

Penalty imposed: \$1,000.00 fine and \$140.25 costs, 6 months probation, attend two 2-day FREC general meetings. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, when he failed to inform the Commission, in writing within 30 days after pleading nolo contendere to Aggravated Assault with a Deadly Weapon in case 2007-CF-000541-A-O; respondent violated Section 475.25(1)(f), Florida Statutes, when he entered a plea of nolo contendere and adjudication was withheld in Case Number 2007-CF-000541-A-O.

Tab I – Medardo Gutierrez, BK 539233, Case No. 2009037333 and Tab G – Cosmopolitan Realty, CQ 1005572, Case No. 2009045438 – Settlement Stipulation

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

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

Penalty imposed: Respondent Gutierrez – Suspended 6 months, \$1,500.00 fine, \$594.00 costs, attend one 2-day FREC meeting within 6 months from the Effective Date of the Final Order; Respondent Cosmopolitan Realty – \$231.00 costs, reprimand. **Violation:** Respondents – Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of failure to properly prepare the required written monthly escrow statement-reconciliations in violation of Rule 61J2-14.012(2) and (3), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to take corrective action for trust overages in violation

of Rule 61J2-14.012(3), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab F – Wilner Beauchamp, BK 633525, Case Nos. 2006032583, 2006038089, 2006042359; Beauchamp Platinum Realty, Inc., CQ 1018920, Case Nos. 2006032586, 2006042359 – Respondents’ Request for Reconsideration

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

Mr. Fier represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst to deny Respondents’ request for reconsideration. The motion passed without dissent.

Action taken: Reconsideration request denied.

Tab B – Marvin Del Valle, BK 321016, Case No. 2008066582 – Respondent’s Request for an Informal Hearing

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

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

Penalty imposed: Revoke, \$808.50 investigative costs. **Violation:** Guilty of failing to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of failing to immediately return Complaint’s escrow deposits in violation of Section 475.25(1)(b), Florida Statutes; guilty of delivering a false promissory note to investigator Pitts in violation of Section 475.42(1)(i), Florida Statutes.

Tab C – H & H Real estate Development, CQ 1028193, Case No. 2008011475 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Fier represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion passed without dissent to find the Respondent guilty of Counts IV and V as charged in the Administrative Complaint. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion passed without dissent to impose the following sanctions:

Penalty imposed: \$500.00 fine, \$495.00 investigative costs, 3 months probation. **Violation:** Guilty of failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code; guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, Florida Statutes or the performance of any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes in violation of Section 475.42(1)(i), Florida Statutes and therefore, Section 475.25(1)(e), Florida Statutes.

Tab D – H & H Real estate Development, CQ 1028193, Case No. 2008034248 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Fier represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion passed without dissent to find the Respondent guilty of Counts IV, V and VI as charged in the Administrative Complaint. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion passed without dissent to impose the following sanctions:

Penalty imposed: \$750.00 fine, \$462.00 investigative costs, 3 months probation. **Violation:** Guilty of failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code and Section 475.5015, Florida Statutes, and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, Florida Statutes or the performance of any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes in violation of Section 475.42(1)(i), Florida Statutes and therefore, Section 475.25(1)(e), Florida Statutes; guilty of having operated as a broker under a trade name without causing the same to be noted in the records of the Commission and placed on his license or so operate as a member of a partnership or as a corporation or as an officer or manager thereof, without the partnership or corporation being the holder of a valid current registration in violation of Section 475.42(1)(k), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab E – Frank Rodriguez, BK 3028519, Case No. 2009048448 – Voluntary Surrender of Licensure for Permanent Revocation

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

Mr. Fier represented the department and presented the case to the Commission. Commissioner Ruffier moved, seconded by Commissioner Enzor to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation. The motion passed without dissent.

Penalty imposed: Revocation.

Cases withdrawn or continued

Tab J – Yvonne M. Hawley

Rules Discussion

FREC Counsel Tom Barnhart stated that the General Counsel's Office has identified these rules for repeal and requested the Commission review the following rules for repeal:

61J2-10.022 – Office

The Commission reviewed the rule and entered into discussion. The Commission received a comment from Mr. Dick Fryer of IREC Schools. Commissioner Boring moved, seconded by Commissioner Ruffier to keep this rule and not offer for repeal. The motion passed without dissent.

61J2-20.047 – Official Records

The Commission reviewed this rule and entered into discussion. Commissioner Enzor moved, seconded by Commissioner McCoig to repeal this rule. The motion passed without dissent.

61J2-24.002 – Citations

The Commission reviewed this rule and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst to keep this rule and not offer for repeal. The motion passed without dissent.

61J2-24.004 – Mediation

The Commission reviewed this rule and entered into discussion. The Commission received comments from Mr. Dick Fryer of IREC Schools stating he objects to parts of the language in this rule. Commissioner Enzor moved, seconded by Commissioner Boring to keep this rule and not offer for repeal. The motion passed without dissent. The Commission requested that this rule be noticed for rule development for discussion of possible amendments.

61J2-3.013 – Distance Education Courses for Hardship Case

The Commission reviewed the rule and entered into discussion. The Commission received comments from Mr. Dick Fryer of IREC Schools and Ms. Linda Crawford of Dearborn Publishers. Commissioner Ruffier moved, seconded by Commissioner Enzor to keep this rule and not offer for repeal. The motion passed without dissent. The Commission requested that this rule be noticed for rule development for discussion of possible amendments.

Real Estate Application Background Question

Director Watkins stated that the Commission requested this item be discussed for possible amendments to question one on the application. The Commission entered into discussion. Commissioner Furst suggested changing some of the formatting. Commissioner Ruffier suggested underlining and capitalizing specific words and sentences. Commissioner Enzor state that he is in agreement with Commissioner Ruffier's suggestions. Director Watkins stated that the question is

ultimately designed to provide the Commission with the information to determine the applicant's trustworthiness and character and the word "ever" is pretty clear. Director Watkins stated that the applicant has the ability to request FDLE and county records to obtain their criminal history and there needs to be some burden put on the licensee. The Commission agreed that one of the reasons for question one it to test the applicant's honesty relating to the applicant's criminal background.

Commissioner Furst stated her intent in this discussion is to determine if there is any way to present this question in a manner that drives home the intent of the question. Commissioner McCoig stated that questions two through three are much shorter and applicants rarely answer them inaccurately so perhaps the department can shorten the question to be more direct and to the point, or break it up into two questions. The Commission provided several other suggestions as well. Director Watkins stated that she would take these suggestions under advisement, bring them to the department for discussion and present a couple of examples for the Commission's consideration at the next available meeting.

Financial Statements Ending June 30, 2011

Director Watkins presented the Financial Reports for the Operating, Unlicensed Activity, Education and Research Foundation and Recovery Fund accounts for the twelve months ending June 30, 2011.

Operating Account

Director Watkins provided an overview of the statement. Commissioner McCoig asked if the reports are in an accrual accounting or a cash accounting basis. Director Watkins stated that it is on a cash basis as referenced on page three of the report. Vice-Guju stated that the Expenses under Division Office, sub entry Division Administrative Office reflects a different amount for June 30, 2010 than the report they received last year. Commissioner Enzor inquired as to why the expenditure for the Division Administrative Office was \$300,000 more than the previous fiscal year under the same category. Director Watkins stated she would have Mr. Zessin review the expenditures and would report to the Commission next month.

Unlicensed Activity Account

Director Watkins provided an overview of the statement. Director Watkins stated that this account is like the recovery fund account in that the Legislature allocates a specific amount of spending authority to the department. Commissioner Enzor asked who sets the budget for funds for the Division/Commission. Director Watkins stated that the division completes a Legislative Budget Request (LBR) which is submitted to the department and then the department compiles a department-wide Legislative Budget Request, which is submitted to the Legislature and the Governor's office. Commissioner Enzor stated that the division needs to increase the budget to cover what the division wants and not necessarily the minimum it get can by with as the money coming in is from the licensees. Vice-Chair Guju inquired when the division will be putting together a budget for the next fiscal year. Director Watkins reported that the process has already started and that the division is in the LBR process now. Vice-Chair Guju asked what the Commission can do to contribute to the process. Director Watkins stated that she can summarize the discussion today in an email and forward it to the Deputy Secretary and copy the Chair and Vice-Chair to ensure that it accurately captures the wishes of the Commission which will set the dialogue in motion. Director Watkins addressed additional questions and comments from the Commission.

Education and Research Foundation Account

Director Watkins provided an overview of the statement. Commissioner Furst reported that Florida Realtors awarded over \$260,000 in scholarships including what it received from the division.

Recovery Fund Account

Director Watkins provided an overview of the statement. The Commission entered into discussion and inquired about several issues. Director Watkins stated that she may be able have someone from Finance and Accounting address the Commission's questions in detail, if not in person then via teleconference. Vice-Chair Guju stated agreed that it would be great to have someone knowledgeable and experienced to address the myriad of financial questions from the Commissioners.

Director Watkins provided a summary of the issues she will convey the Commission would like to have a discussion on, which are: the FREAB deficit issue; the allocation of expenses between FREC and FREAB; the recovery fund and what happens when the balance is zero; the unlicensed activity \$5.00 appropriation fee; the account balance verses the appropriations balance; and requesting additional full-time investigators or OPS funds.

Consent Agenda A

The Commission considered 218 applicants from the Consent Agenda; Commissioner McCoig moved; seconded by Commissioner Ruffier to approve 155 applicants and require 63 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alfieri, Robert A	Hart, Louis J	Ortiz, Dora M
Anchors, Kenneth L	Hershovich, Rubin	Ortiz, Yahaira
Andrews, Scott A	Hill, Henry L	Oskey, Meta
Arechaga, Peter M	Hill, Mark	Patino, Michael L
Astaiza, Juana G	Hirsch, Matthew R	Penaranda, Gonzalo J
Avington Christopher M Jr	Hoch, Edwin D	Pottenkulam, George T
Baguer, Alfredo	Hunter, Amos H	Quero, Jason M
Baker, Timothy P	Hunter, Norman M	Quiros, Daniel
Ball, James A	Hunziker, Robert N Sr	Radosti, Frank D
Barbone, Jason	Jenkins, Ellen M	Reis, Daniel P
Bartram, Gary I	Johnson, Crystal E	Renaud, Leonard
Betterman, Sean M	Johnson, Delbon	Richards, Michael A
Boley, Ryan	Jones, Frank IV	Riherd, Gregory J
Brainard, Daniel J	Jones, Monika	Roberts, Frances M
Cadestin, Eddy	Jordan, John H	Robinette, Dennis
Cardenas, Daniel	Kasparian, David A	Robinson, Rachael L
Cardoso, Octavio M	Kenney, Jan Michael	Robinson, Robert B
Chan, Cindy	Kirouac, Linda	Roose, William J Jr
Cherry, Patti Jo	Krenn, Brian	Rose, Christopher D
Cission, Albert T	Ladas Lenee	Ruby, Christina L
Colon, Christopher R	Lanciotti, Michael Jr	Rucker, Delton R
Coral, Fred	Landaeta, Xiomara M	Scheel, Scott P
Correa, Alex A	Larry, Anthony L.	Schuler, Michael P

Cox, Karen L
Crowe, Linda S
DaCosta, Mark
Daruvalla, Nariman S
Della Rocco, Christopher
Dion, Gregory F
Dionne, Joseph R
Duenas, Kevin A
Erickstaedt, Troy A
Elliott, Russell L
Erickson, Saria L
Estrada, Christian
Estrella, Ivan X
Fanara, Joseph H
Fernandez, Jessenia
Ferrei, Eugene C
Fishel, Sara A
Fisher, Carol
Frazita, Kristeen M
Gaitan, Michael
Gantz, Anthony
Garcia, Ana B.
Gardner, James
Gary, Michael E
Genton, Jeannie M
George, Stacy V
Giannios, Nikolos
Greenidge, Randolph E
Hardwick, Tyler

Lawson, David R
Lee, Stephen E
Liebhauser, Lawrence W
Lindemann, Robert E
Livingston, John W
Loe, Cornelius D III
Long, Patton D
Mahoney, Daniel
Marion, Irish L
Marks, Kenneth M
Martin, William R
Martindale, Stephen E
May, Michael
McCall, Daniel P
McLellan, Osborn N
Mendoza, Jonathan D
Messina, Andrew J
Minion, Felicia S
Moreno, Mark A
Morgan, Zachary K
Moritz, Chad A
Morris, Samuel G
Mucci, Michael
Murphy, Donna
Myers, Melanie M
Namay, Samuel D
Nettles, Lloyd L
O'Grosky, Robert
O'Connell, Michael L

Shipherd, John J
Shoe, Donna
Smulevich, Saron
Sodt, Brian W
Sqapi, Manjola
Stover, Gordon J
Tago, Shehu S
Tedesco, Jonathan R
Testa, Frank
Thomas, Kimberlee M
Thomas, Robert
Thurman, Charles A
Tur, Juan J
Turner, James D
Veil, Carl F
Villanueva, Jason
Vitale, Fabrizio G
Voigt, David
Wall, Michael D
Ward, Stephen P
Wasilewska, Alicia
Watkins, Michael
Wayne, Thomas P
Williams, Charlton H
Williams, George A
Wilson, Donald
Winters, Armand R
Witte, David P

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

Aquino, Nylsa
Beltran, Madelin
Bourbeillon, Sabrina L
Brown, Sabrina
Burroughs Love, Tenise
Carreno Diaz, Daniel R
Classie, Christina
Clayton, Andre D
Cochran, Boyd T
Daly Kimberly M
Damgaard, Ryan J
Daoud, Arnold A
Davila, Daniel E
Elbatrawy, Ahmed I
Elias, Ronia F
Faison, Brian D
Fennell, Jordan P
Franklin, Jeffrey
Gaither, Carla L

Johnson, Alonderay A
Johnson, Matthew J
Joseph, Crystal
Kass, Wayne
Lamm, Jeffrey M
Leyva, Jessica
Linn, Steven
Liott, Carina L
Lucas, Michael J
Lyons, Rachelle W
Mahoney, Krystin L
Marchbanks, Carlos D
McCreary, Andrew
McGonigal, Mark F
Moncada, Brenda
Morrow, Steven M
Napieralski, Monica
Ortega, Armando
Ortstadt, John A

Perrine, Brent D
Piro, Gerard G
Reed, Richard M
Richardson, Dion A
Rogers, Richard C
Rojas, Javier A
Ruble, Christopher A
Ruiz, Roland A
Schmitt, Joseph R
Smith, Bradley S
Smyth, Richard M
Summers, Jerry D
Tassy, Errol Y
Torres, David
Verastegui, Brightie E
Vira, Dannai
Volcy, Nakita
Westpahl, Gerald B
Wilkes, Sirran S

Gomez, Carlos F
Hewett, Cynthia J

Paiva, Ryan D
Patel, Pravin

Willis, John T
Wright, Loretta

Legal Schedule continued

Legal Final Order Docket

Tab A – Michael Jacob Piwko, SL 707518, Case No. 2008049766 – Stipulation to Dismiss without Prejudice and Waiver

Mr. Piwko was present and represented by Humberto Rubio, Jr., Esquire, and J. Luis Quintana, Esquire, present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved to approve the Stipulated to Dismiss without Prejudice and Waiver conditional upon getting approval from the Office of General Counsel; seconded by Commissioner Enzor, the motion passed without dissent.

Action taken: Stipulation agreement accepted conditional upon approval from the Office of General Counsel.

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:30 p.m.

August 31, 2011

Vice-Chair Michael Guju reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 31st day of August, 2011.

The following Commission members were in attendance: Vice-Chair Michael Guju; Claude “Chip” Boring, Darla Furst, Roger Enzor, Ralph McCoig and John Ruffier. Chair DeNapoli was excused from attendance. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham and Andrew Fier, Assistant General Counsel; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomaes, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Deputy Director Johnson presented 60 Summary of Applicants requesting to sit for the real estate examination.

Tab AQ – Piedra, Jane; not present and represented by Eduardo Dieppa, III, Esquire; present – Informal hearing – Commissioner McCoig moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; the motion passed without dissent.

Tab AM – Noel, Garry; present and represented by Robert Dwyer, Esquire; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab P – Deputy, Neal R.; present and represented by Daniel Villazon, Esquire; present – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; the motion passed without dissent.

Tab V – Gaumer, Martha J.; not present and represented by Daniel Villazon, Esquire; present – Commissioner McCoig moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab BA – Spitz, Drew J.; not present and represented by Attorney Daniel Villazon; present – Commissioner Enzor moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab D – Abraham, Igal G.; present – Commissioner Ruffier moved; seconded by Commissioner Enzor to approve the application for broker; the motion passed with one in dissent.

Tab F – Antonello, Sylvia; present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed with one in dissent.

Tab E – Alexander, Jack; present and represented by Attorney Nancy Campiglia; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for broker; the motion passed with one in dissent.

Tab AE – Lamp, Jordan J.; not present and represented by Attorney Nancy Campiglia; present – Applicant requested a continuance and waived the 90-day requirement.

Tab AI – Mendoza, Arturo G.; present and represented by Attorney Nancy Campiglia; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent..

Tab AJ – Monteiro, Ana C.; present and represented by Attorney Nancy Campiglia; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AW – Rogers, Bradley; present and represented by Attorney Nancy Campiglia; present – Commissioner Furst moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed without dissent.

Special Agenda B

Tab A – Nancy Hagopian – Motion for Amendment to Notice of Intent to Deny – Applicant was present and represented by Nancy Campiglia, Esquire. Ms. Campiglia offered mitigation in support of the motion. The Commission entered into discussion. Commissioner Ruffier moved; seconded by Commissioner Boring seconded, to grant the Motion to Amend the Notice of Intent to Deny; the motion passed without dissent. Commissioner Ruffier moved to amend the Notice of Intent to Deny to

reflect the basis for denial of licensure is number 4 – Unpersuasive Testimony and number 8 - Other License Discipline and amend the Conclusions of Law to remove letters “B”, “C” and “M” and substitute language to reflect that under the law the Commission does not have the ability to overturn a prior revocation. Commissioner Boring seconded; the motion passed without dissent.

Summary of Applicants continued

Tab G – Balaz, Richard; not present – Applicant requested a continuance and waived the 90-day requirement.

Tab H – Ball, Lorena; present – Application withdrawn and waived the 90-day requirement.

Tab I – Brogger, Neil W.; present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab J – Brucker, Michael A.; present – Application withdrawn and waived the 90-day requirement.

Tab K – Chambers, Wren; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed without dissent.

Tab L – Cook, Kevin; not present – Application withdrawn and waived the 90-day requirement.

Tab M – Crane, Benjamin; not present – Application withdrawn.

Tab N – Currier, Gary J. Jr.; present – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; the motion passed without dissent.

Tab A – Dawkins, Adrienne; not present – Commissioner Ruffier moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab O – Deck, Susanna; not present – Applicant requested a continuance and waived the 90-day requirement.

Tab Q – Douglas, Alexander; present – Commissioner Enzor moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed with one in dissent.

Tab R – Espinosa, Judith; present – Application withdrawn and waived the 90-day requirement.

Tab S – Fidanza, Ernie; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab T – Fudally, Lynn M.; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the application for sales associate; the motion passed without dissent.

Tab U – Gaona, Jaison; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab W – Guerrero, Nelson H.; present – Commissioner McCoig moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab X – Haedo, Zaida M.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab Y – Harris, Keswick J.; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab Z – Hernandez, Luis; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed with one in dissent.

Tab AA – Jaramillo, Jaime M.; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AB – Keen, Michael C.; not present – Commissioner Enzor moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AC – King, John A.; not present – Application withdrawn.

Tab AD – Kirschner, John E.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AF – Mahapaurya, Rawin; not present – Application withdrawn.

Tab AG – McCarthy, James J.; not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AH – Melear, Michael; not present – Commissioner Enzor moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AK – Morano, Robert A.; present – Applicant requested a continuance and waived the 90-day requirement.

Tab AL – Murphy, Franklin D. Jr.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AN – Overstreet, Howronda D.; not present – Commissioner Ruffier moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab AO – Perez, Abriam L.; not present – Commissioner McCoig moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AP – Perry, Sanjuan L.; present – Application withdrawn and waived the 90-day requirement.

Tab AR – Pikop, David; not present – Application withdrawn and waived the 90-day requirement.

Tab AS – Puckett, Laura L.; not present – Application withdrawn and waived the 90-day requirement.

Tab AT – Ramirez, Yamil; not present – Application withdrawn and waived the 90-day requirement.

Tab AU – Rauber, Raymond J.; present – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; the motion passed with one in dissent.

Tab B – Rigotti, Maria A.; present – Commissioner Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AV – Roberts, Errick L.; not present – Commissioner Enzor moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AX – Rowland, Sean David E.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AY – Russo, Paul T.; present – Commissioner Enzor moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed without dissent.

Tab AZ – Spencer Richard Lee III.; not present – Applicant requested a continuance and waived the 90-day requirement.

Tab BB – Stephens, James A.; not present – Commissioner Ruffier moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab BC – Stephens, Jeffrey B.; not present – Commissioner Furst moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab BD – Timofeev, Evgenii; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab C – Turner, Doctor D.; not present – Informal hearing – Applicant withdrew his request.

Tab BE – Valverde, Pedro J. Jr.; not present – Commissioner McCoig moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab BF – Vaughan, Kevin A. Jr.; not present – Commissioner McCoig moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed with one in dissent.

Tab BG – Wallace Michelle; present – Application withdrawn.

Tab BH – Weylie, David W.; present – Commissioner Enzor moved; seconded by Commissioner Boring to approve the application for broker; the motion passed without dissent.

Commission's Comments

Commissioners thanked Director Watkins and division staff for all their hard work and also how much they enjoy her as their Executive Director.

Vice-Chair Guju stated that the Commission is putting Director Watkins under some pressure and they welcome the open-mindedness and candidness she brings to the position as well as her willingness to work with the Commission. Vice-Chair Guju reported that Chair DeNapoli will be in attendance next month. He further reported that he is pleased that emergency suspensions are being utilized more frequently and that he is looking forward to the additional FREAB financial information.

Vice-Chair Guju stated that it was his understanding that the Governor's Office is asking for various rules, statutes and regulations to be reviewed for deletion, simplification or amendments and asked when any more rules would be brought before the Commission. Director Watkins responded that generally the rules that appear on the agenda are at the request of Commission counsel. Director Watkins added that regardless of the department's or the Office of Governor's recommendations of what has been identified as a potential rule for repeal or amendment, the rulemaking process falls under the purview of the Commission and ultimately the rules will be brought to the Commission for a final decision. Mr. Barnhart stated that the Commission also has the duty to review rules every two years which should be coming up within the next few months or so. Commission Enzor asked whether this was still a work in progress. Director Watkins stated that last spring, the Office of General Counsel completed a comprehensive review to identify rules which it perceived should be repealed or deleted in part for all professions under the department. Director Watkins stated that she will work with Mr. Barnhart to ensure sure that the balance of the rules that the department identified for possible deletion or amendments, possibly one or two more, are brought before the Commission.

Public Comments

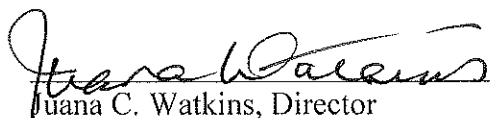
The Commission received comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 20 and 21, 2011, in Orlando, Florida.



Michael Guju, Vice-Chair
Florida Real Estate Commission



Juana C. Watkins, Director
Florida Real Estate Commission