

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
August 20 and 21, 2013
General Meeting**

Chair Claude “Chip” Boring, III, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 20st day of August, 2013.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Patrick Cunningham, Chief Attorney; Josh Kendrick and Jennifer Blakeman, Assistant General Counsels; Sean Anderson, Christine Arzillo, Daniel Brackett, Al Cheneler, Daniel David and Anne Prescott, Assistant General Counsels appeared via video conference; Sara Kimmig, Bureau Chief of Enforcement; Fred Clanton, Brian Piper and James Pierce, Investigative Supervisors; Jenny Schwartz, ULA Supervisor; Dale Petty, ULA Investigator; Jocelyn Pomales, Operation Management Consultant II; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner Podolsky to approve the Minutes of the July 16 and 17, 2013, General Meeting, as written. The motion passed without dissent.

Reports

Report Regarding Enforcement Trends and Escrow Audits

Bureau Chief Kimmig presented the report regarding Complaint Trends and Escrow Audit Summary. Ms. Kimmig addressed questions and comments from the Commission.

Unlicensed Activity Report

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

Ms. Kimmig introduced Investigative Supervisors Fred Clanton, James Pierce and Brian Piper from the North, Central and Southern State regions as well as ULA Investigator Dale Petty. Mr. Petty reported on some of the successes relating to enforcement and involvement with the State Attorney’s Office. Mr. Petty addressed questions and comments from the Commission.

Report Regarding Legal Case Activity

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 15 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 15 Escrow Disbursement Orders and 4 Orders. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Recovery Fund Case

Tab A – Sadao and Reido Maeda v. Ricko Niizato, DBPR Case No. 2012035848

Assistant General Counsel Cheneler presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Cheneler advised that Ms. Terri N. Thomas, Esquire, attorney for the Claimants requested a continuance. Commissioner Furst moved to grant an extension until September 17, 2013. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Legal Agenda Schedule

Tab E – Chris G. Langston, SL 3109315, Case No. 2011060118 – Petitioner's Motion for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action taken: \$750 fine; investigative costs; must attend one 2-day FREC general meeting; 6 months probation. **Violation(s):** Sections 455.227(1)(t), Florida Statutes (2012) and therefore, Section 475.25(1)(a), Florida Statutes, when Respondent failed to report pleading guilty to 1 felony and 4 misdemeanors to Petitioner in writing within 30 days of either enactment of the reporting requirement or sentence; Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the Department within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony; Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to a crime, in any jurisdiction, which directly relates to the activities of a licensed broker or sales associates or involves moral turpitude or fraudulent or dishonest dealings.

Tab G and H – Paul Drake, BK 3197292, Case Nos. 2011006956 and 2011060357 – Voluntary Relinquishment of License for Permanent Revocation

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab N – Bruce R. Bates, BK 427330, Case No. 2011042405 – Settlement Stipulation

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

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

Penalty imposed: \$1,000.00 fine; investigative costs; shall attend 4-hour escrow management course; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by failing to place an escrow deposit into a trust or escrow account; Section 475.25(1)(d), Florida Statutes, by failing to timely return a deposit upon demand; Section 475.25(1)(e), Florida Statutes, by failing to comply with Rule 61J2-14.012(2), Florida Administrative Code.

Action taken: Settlement Stipulation accepted.

Tab Q – Amy Lynn Wales, SL 668640, Case No. 2012052607 – Settlement Stipulation

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

Ms. Blakeman represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Furst to accept the Settlement Stipulation. The motion passed without dissent.

Penalty imposed: \$1,000.00 fine; investigative costs; shall complete a 28-hour reactivation course. **Violation(s):** Sections 475.25(1)(e) and 475.42 (1)(a), Florida Statutes, when Respondent listed a property for sale, negotiated a sale and purchase contract and received compensation for her real estate services while her license was inactive.

Action taken: Settlement Stipulation accepted.

Tab P – William Sohl, PA, SL 616482, Case No. 2011027635 – Settlement Stipulation

Respondent was not present. Respondent was represented by Leila A. Chacko, Esquire, present. Commissioner Podolsky was recused due to participation on the probable cause panel.

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

Penalty imposed: \$500.00 fine; investigative costs. **Violation(s):** Section 475.42 (1)(a), Florida Statutes, when Respondent engaged in real estate activities when not the holder of a valid current license.

Action taken: Settlement Stipulation accepted.

Tab K – Tewodros T. Tazaz, SL 3206382, Case No. 2011056524 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Action taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to Grand Theft, a second degree felony.

Tab AB – Barbara Jane Stamm, BK 3131702, Case No. 2012020812 – Petitioner’s Motion for Waiver Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to postpone the penalty phase until September 17, 2013.

Action Taken: Case continued until September 17, 2013.

Tab A – Cheryl E. Bullard-May, SL 3121690, Case No. 2012014208 – Respondent’s Request for an Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed without dissent to postpone the penalty phase until September 17, 2013.

Action Taken: Case continued until September 17, 2013.

Tab F – Richard Rodgers, SL 3238591, Case No. 2012035042 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Prescott represented the department. Mr. Harwood requested a continuance until September 17, 2013. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to continue the case until September 17, 2013.

Action taken: Case continued until September 17, 2013.

Tab D – Carrie Lynne Friedel, SL 3231866, Case No. 2011049414 – Respondent’s Request for an Informal Hearing

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

Mr. Kendrick represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action taken: Investigative costs; one 2-day FREC meeting; 28-hour reactivation CE course; 6 months probation. **Violation(s):** Sections 455.227(1)(t), Florida Statutes (2011) and therefore, Section 475.25(1)(a), Florida Statutes (2011), when Respondent failed to report pleading guilty to DUI with property damage to the Petitioner in writing within 30 days.

Tab L – Terrance Lee Grable, BK 509775, Case No. 2012044761 – Respondent’s Request for Reconsideration

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

Mr. Cunningham represented the department and presented the case to the Commission.

The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to grant the reconsideration request. Commissioner Furst moved; seconded by Commissioner Hornsleth to vacate the previous Final Order filed July 19, 2013; the motion passed without dissent. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: \$500 fine; investigative costs; attend one 2-day FREC general meeting; 6 months probation. **Violation(s):** Sections 475.25(1)(e), and 455.227(1)(t), Florida Statutes, by failing to provide written notification to the FREC of being convicted of crimes in any jurisdiction; Section 475.25(1)(f), Florida Statutes, by being found guilty of crimes which directly relates to activities of a licensed broker or sales associate or involving moral turpitude or fraudulent or dishonest dealing.

Tab B – Ronald Dillard Clifton, Jr., Case No. 2011037174 – Case withdrawn

Tab C – Timothy Edward Dawson, SL 682817, Case No. 2011056513 – Respondent’s Request for an Informal Hearing

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

Mr. David represented the Department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled guilty to a crime, in any jurisdiction, which directly relates to the activities of a licensed broker or sales associates or involves moral turpitude or fraudulent or dishonest dealings; Section 475.25(1)(p), Florida Statutes (2011), when Respondent failed to notify the Department within 30 days of the aforementioned felony plea; Section 475.25(1)(n), Florida Statutes (2011), when Respondent was incarcerated at a Federal Correctional Institution.

Tab I – Mark F. Gruszecki, SL 3145013, Case No. 2013013179 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present and was not represented by counsel. There was no probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab J – Jerry L. Harrelson, BK 3136778, Case No. 2011052285 – Voluntary Relinquishment of License for Permanent Revocation

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

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab M – Emmanuel Jean Aldabe, SL 3059018, Case No. 2011060237 – Settlement Stipulation

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

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

Penalty imposed: \$500.00 fine; investigative costs; shall attend one 2-day FREC general meeting.
Violation(s): Section 475.25 (1)(f), Florida Statutes (2011).

Action taken: Settlement Stipulation accepted.

Tab O – First Place Realty and Property Management, Inc. d/b/a First Place Property Management, CQ 1026889, Case No. 2012036753 – Settlement Stipulation

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

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

Penalty imposed: \$750.00 fine; investigative costs; 18 months probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by commingling operating funds with the rental distribution account (escrow deposit) with the operating account, paying vendors from said account and the account had a negative balance; Rule 61J2-14.010, Florida Administrative Code, by failing to immediately deposit the rents into a separate escrow account, and commingling operating funds with the rental distribution account (escrow deposit) with the operating account, paying vendors from said account and the account had a negative balance; Rule 61J2-14.012, Florida Administrative Code, by failing to provide monthly reconciliations; Section 475.25(1)(k), Florida Statutes, including that Respondent, contrary to the contract terms, misdirected the escrow into Respondent's operating account; Section 475.25(1)(v), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab R – Natanael Betances, Case No. 2012035587 – Petitioner's Motion for Waiver Hearing – Case withdrawn.

Tab S – Lisa Clemmer, BK 3243965, Case No. 2012045905 – Petitioner's Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(s), Florida Statutes (2012), when Respondent's broker license, number 539660, was revoked.

Tab T – Elizabeth A. Duckworth, BK 606302, Case No. 2012016628 – Petitioner's Motion for Waiver Hearing

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

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

Action Taken: Suspension for 6 months; \$500 fine; investigative costs; attend one 2-day FREC general meeting; 6 months probation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was found guilty of Conspiracy to Distribute 100 Kilograms of More of Marijuana – a crime of moral turpitude; Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the Department within 30 days of the aforementioned guilty adjudication.

Tab U – Camilo Garcia, SL 3163040, Case No. 2011048311 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a Plea Agreement by which Respondent was determined to be guilty of the crime of Conspiracy to Commit Bank Fraud, which involves fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the Commission that Respondent had pled guilty to the felonies of Conspiracy to Commit Bank Fraud and Providing Gifts for Procuring Loans.

Tab V – Teresa A. Hudson-Smelser, SL 693947, Case No. 2011045458 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was adjudicated guilty of Organized Scheme to Defraud, a crime which directly relates to the activities of a licensed sales associate and involves fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes, when Respondent did not inform the commission in writing within 30 days after Respondent was found guilty of the third degree felony of Organized Scheme to Defraud.

Tab W – Jose Martinez, BK 3086987, Case No. 2012048228 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Action taken: Revocation, investigative costs. **Violation(s):** Section 472.25(1)(d)1, Florida Statutes (2012), when Respondent failed to account and deliver, upon demand, funds that were required to be held in escrow by Respondent; Section 475.25(1)(k), Florida Statutes (2012), when Respondent failed to place a deposit that was delivered to Respondent from a person interested in a real estate transaction in an insured escrow or trust account; Section 475.25(1)(e), Florida Statutes (2012), by violating Rule 61J2-14.010(1), Florida Administrative Code (2012), when Respondent failed to place a deposit that was delivered to Respondent from a person interested in a real estate transaction in an insured escrow or trust account; Section 475.25(1)(e), Florida Statutes (2012), by violating Rule 61J2-14.012(2), Florida Administrative Code (2012), when Respondent failed to make a written statement, each month, comparing the broker’s total liability with the reconciled bank balances of all trust accounts; Section 475.25(1)(u), Florida Statutes (2012), when Respondent failed to direct, control or manage a sales associate employed by Respondent.

Tab X – Sherry A. Mora, SL 3196991, Case No. 2012018776 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2011), by failing to comply with a Final Order issued by the FREC.

Tab Y – John Patrick Payton, BK 3209950, Case No. 2012038155 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with a Final Order issued by the FREC.

Tab Z – Mohamed Salaam, BK 3220963 and 3108353, Case No. 2010060870 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust; Section 475.25(1)(e), Florida Statutes, in that he failed to comply with a Final Order issued by the FREC.

Tab AA – Gergawattie H. Seecharan, BK 3055483 and 3246279, Case No. 2012023587 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when the United States District Court adjudicated Respondent guilty of Conspiracy to Commit Mail Fraud and Wire Fraud, a crime of moral turpitude or fraudulent or dishonest dealing.

Tab AC – Angela Thresher, SL 3241772, Case No. 2011061267 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled nolo contendere to Grand Theft of a vehicle, a felony.

Agenda B, Tab A – The Wilson Group, LLC, CQ 1037022, Case No. 2012042320 – Respondent’s Request for Waiver Hearing

Respondent was not represented by counsel. Mr. Maurice L. Wilson, Jr. appeared on behalf of Respondent. Commissioner Hornsleth was recused due to participation on the probable cause panel.

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

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust; Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to immediately deposit the escrow into the escrow account and allowed his sales associate to be a signatory on an account used for escrow; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected the escrow into The Wilson Group’s operating account; Section 475.42(1)(b), Florida Statutes.

Agenda B, Tab B – Maurice L. Wilson, Jr., SL 3064021, Case No. 2012041557 – Respondent’s Request for Waiver Hearing

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

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

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust; Section 475.25(1)(d)1., Florida Statutes, when Respondent failed to timely account for or deliver the escrow and commingled the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, when Respondent failed to immediately deposit the escrow into the escrow account and allowed his sales associate to be a signatory on an account used for escrow; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected the escrow into The Wilson Group’s operating account; Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker while licensed as a sales associate.

Agenda B, Tab C – Jerry Norris Bone, II, SL 651880, Case No. 2012005325 – Settlement Stipulation

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

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

Penalty imposed: \$1,000.00 fine; investigative costs; shall complete a 3-hour ethics course; shall attend one 2-day FREC general meeting; 18 months probation. **Violation(s):** Sections 475.25 (1)(e) and 455.227(1)(t), Florida Statutes, when Respondent failed to notify the Petitioner within 30 days after being adjudicated guilty of Violation of Breach of Peace or Disorderly Conduct.

Action taken: Settlement Stipulation accepted.

General Session continued

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report. Ms. Watkins reported as a result of a discussion at the June FREC meeting Commissioner Furst will serve as Chair of a work group to discuss industry members' concerns regarding the exam performance summary reports and to brainstorm possible solutions. The first task of the work group will be updating the syllabus for the pre-licensing course. Ms. Watkins also reported that she spoke at a committee meeting at the Florida Realtors Convention and there are persisting concerns within the industry relating to exam performance. She further reported that from the committee meeting, members from the Florida Realtors stated that they will also form a work group and expressed their desire to participate with FREC's work group. Ms. Watkins provided an ARELLO survey reflecting passing rates and exam scores of other states that provide pass rate statistics. Ms. Watkins pointed out that many other states have a lower passing grade than Florida, which if Florida had a passage score of 70% and not 75%, Florida's rate would have a much higher exam performance rate. Commissioner Furst report that she sat in this committee meeting and wanted to state on the record that Ms. Watkins represented the State of Florida well. The Commission received comments from Dick Fryer of IFREC and Ms. Linda Crawford of Dearborn Publishing. Ms. Watkins addressed additional questions and comments from the Commission. The Commissioners thanked Director Watkins for her representation at the Florida Realtors Convention.

Review and Consideration of the Real Estate Continuing Education Courses

Director Watkins presented the following continuing education courses for the Commission's consideration:

Tab C – Understanding the FICO Credit Scoring Model and It's Affect on Home Financing – New Course (1.5 hours Specialty CE – classroom) – Application No. 18801 – Reney DuBose, DuBose and DuBose, LLC.

Mr. and Mrs. Dubose were present in support of the application and provided a summary of the course objectives. The Commission entered into discussion. Mr. and Mrs. Dubose requested to continue the matter until September and waived the 90-day requirement. Commissioner Podolsky moved to continue the matter to allow the applicant to provide the timeline as suggested by the consultant and possibly include information about disclosures; Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Petition for Declaratory Statement of Rule 61J2-10.025, Florida Administrative Code

Director Watkins presented the petition received from Peter Spiropoulos. Mr. Spiropoulos was not present. The Commission considered the petition and entered into discussion. Commissioner Podolsky moved to deny the petition; Commissioner Furst seconded the motion; motion failed with a vote of 3 to 3. The Commission entered into further discussion. Vice-Chair Enzor moved to approve the advertisement exactly

as presented; Commissioner DeNapoli seconded the motion; the motion failed with a vote of 3 to 3. Commissioner Podolsky moved to continue the matter until the next meeting for further clarification; Commissioner Furst seconded the motion. The motion passed without dissent.

Review and Consideration of the Real Estate Continuing Education Courses

Tab D – Green 100: Real Estate for a Sustainable Future – New Course (8 hours Specialty CE – classroom) – Application No. 18993 – Dorothy Sperber, Flagler County Association of Realtors, Inc.

Ms. Sperber was not present in support of her application. The Commission entered into discussion. Commissioner Podolsky moved to approve the continuing education course listed above on condition with Jeanneatte Moore being the proposed instructor, to the extent if other instructors are proposed, those instructors must provide the 2080-1 form to the Department; Commissioner Furst seconded the motion. The motion passed 5 to 1.

Tab E – Green 200: The Science of Green Building – New Course (7 hours Specialty CE – classroom) – Application No. 18994 – Dorothy Sperber, Flagler County Association of Realtors, Inc.

Commissioner Podolsky moved to approve the continuing education course listed above on condition with Jeanneatte Moore being the proposed instructor, to the extent if other instructors are proposed, those instructors must provide the 2080-1 form to the Department; Commissioner Furst seconded the motion. The motion passed 5 to 1.

Tab F – QuickBooks Online Edition for Real Estate Professionals – New Course (3 hours Specialty CE – classroom) – Application No. 19006 – Cheryl L. Davis, Florida Realtors. – The applicant withdrew the application for resubmission.

Tab G – QuickBooks Online Edition for Real Estate Professionals – New Course (4 hours Specialty CE – classroom) – Application No. 19008 – Cheryl L. Davis, Florida Realtors – The applicant withdrew the application for resubmission.

Special Agenda

Tab A – Correspondence from Minny Worthalter

Director Watkins presented correspondence received from Minny Worthalter expressing concerns relating to protection of the public when real estate courses are offered in Spanish. The Commission entered into discussion. The Commission requested that Ms. Watkins respond on its behalf thanking her for her comments and suggest that she contact the Florida Realtors.

Consent Agendas

Agenda A

The Commission considered 131 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 95 applicants and require 36 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adderly, Todd	Harkin, Matthew	Rosado, Alvin
Admore, Edrick	Harris, Robert	Schaller, John
Ajami, Gavin	Hawkins, Charles II	Schnell, Ronald Jr.
Anderson, Steven	Heck, James	Schrive, Ryan
Ayala, Richard	Holt, Christy	Schumacher, Linda
Battaglioli, James	Hoover, Justin	Sheldrake, Jay
Brown, Tara	Inkelaar, Jacob	Snider, Cody
Capelotti, Joseph Jr.	Janssen, Alexis	Snider, Jonathan
Cesery, Christie	Khan, Shahabuddin	Sohi, Parneet
Chrisphonte, Alberte	Kiernan, Daniel	St. Lot, Rosalee
Clifford, Philip	Labrador, Jacarti	Stevens, Jennifer
Cohen, Nathan	Lake, Annemarie	Taft, Glenn
Crocchiola, Michael	Lamb, Travis	Tagaropoulos, John
Cruz, Deborah	Londono, Pablo	Tamayo Vandenbergue, Magdalena
Cutrufello, Rachel	Lynch, Suzanne	Tarris, Trebor
Damman, John	Magana, Lisa	Thomas, Richard
Danko, Joanna	Mannella, Antonio	Travis, Kristin
Davis, Gregory	McLendon, Samuel	Turner-Newton, Denis
De Cosey, Robert	Menchaca, Gustavo	Vedenyapin, Boris
Deangelis, Timothy	Mintz, Phylesia	Vial, Marcel
De Jesus, Seth	Nemeth, Mary	Vickers, Charles
Diaz, Michael	O'Neill, Evan	Victorero, Michael
Dibono, Louis	Orta, Albert	Victoria, Lorenzo
Dinwiddie, Michael	Palmer, Belinda	Ward, Christopher
Edwards, Jason	Peruya, Carlos	Webb, Jacy
English, Scott	Plantania, Thomas Jr.	Wentzel, Joshua
Escobar, Marco	Ramierz, Wilfredo Jr.	White, David
Estell, Robert	Rimmel, Evan	Whitman, Laura
Forte Mask, Miguel	Rodriguez Jimenez, Ada	Williams, Shaddiff
Gallant, Debra	Rodriguez, James	Wilson, Everton
Gibaya, Richard	Roman, Jackie	Yates, Thomas
Guinand McKinstry, Gustavo	Romerio, Marcello	

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

Beckford, Michele	Garcia, Luis	Mead, Don Jr.
Bourgeois, Katherine	Grant, Dorian	Menendez, Mario
Burkhart, Corey	Hasan, Nader	Moreira, Felip
Candelo, Edwin	Heller, James	Ortega, Pedro
Caswell Clark, Krystal	Holland, Jon	Pierre, Brian
Christian, Shane	Ingram, Douglas	Riggs, George III
Christianson, Scott	Kanevsky, Peter	Rios, Rafael
Coelle, Jorge	Keller, Harold	Rodriguez, Angelo
Cope, Christian	Laguardia, Alberto	Rojo, Uban
Crissman, Stephanie	Leon Paulina, Denise	Turner, Matthew
Donohue, James	Major, Leslie	Vasquez, Leslie
Dugan Natale, Kelly	Mazurkiewicz, Drew	Woods, Cordell

Agenda B

The Commission considered 22 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 16 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Bazile, Marvins	Fuhrmann, Courtney	Klempic, Almedina
Bicknese, Jeremiah	Hendrix, Rickey	Kovats, Nicholas
Cordova, Raul	Higgins, Daisy	Pearce, Joseph
Darling McDaniel, Cheryl	Jauregui, Julie	Trotter, Andrew
Dutcher, Roert	King, Kelly	Vickers, Anderson IV
Fitzpatrick, Khadija		

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

Foz Sheils, Priscilla	Grammes, Jason	McGinnis, Rachel
Goldberg, Eric	Lytle, Ralph III	Morel, Rolando Jr.

Agenda C

The Commission considered 32 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 23 applicants and require 9 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Aliev, Ruzhdi	Knauer, Joshua	Silva, Daniel
Beniquez, Radames Jr.	Martin, Jamila	Simoneau, Michelle
Courtney, John	Miske, Thomas	Smith, Asa
Deckard, Roger	Ore, Lucy	St. Louis, Vilsaint
Essa, Edward Jr.	Price, William	Stoklosa, Timothy
Hitchcock, David	Restrepo, Mario	Venditto, Christopher
Howard, William Jr.	Rivero, Rigoberto Jr.	Vinson, James
Johnson, Thomas	Rohlehr, Dwayne	

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

Badillo, Luis	Garipey, Leo Jr.	Jones, Ross
Bonner, William	Garrido, Jorge	Lee, Daniel
Childers, David	Giorgio, Karla	Neagu, Razvan

Agenda D

The Commission considered 1 applicant from the Consent Agenda D; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

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

Desmond, James

Public Comments

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

Recess

There being no further business and no objection, the Chair recessed the meeting at approximately 4:15 p.m. until 8:30 a.m. tomorrow.

August 21, 2013

Chair Claude “Chip” Boring, Jr. reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of August, 2013.

The following Commission members were in attendance: Chair Claude “Chip” Boring, Jr., Vice-Chair Enzor, Richard DeNapoli, Darla Furst and Poul Hornsleth. Commissioner Josh Podolsky was excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Patrick Cunningham, Chief Attorney; Jennifer Blakeman, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Janis Dodd, Regulatory Specialist II; Susan Bailey, Administrative Assistant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

Chief Attorney Patrick Cunningham and OMC II Jocelyn Pomales presented 28 Summary of Applicants requesting to sit for the real estate examination.

Tab J – Ryan S. Finlayson, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Furst approve the application for sales associate; the motion passed without dissent.

Tab R – Talmadge McLean, not present; was represented by Daniel Villazon, Esquire, present – informal hearing – The Commission entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered. Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab V – John Porter, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab C – Bonet Barry, present – Applicant withdrew the application.

Tab AA – Terrence P. Taylor, present – informal hearing – The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny the Commission previously entered. Commissioner DeNapoli moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab A – Charles E. Adams, present – Applicant withdrew the application and waived the 90-day requirement.

Tab I – Richard Diaz, present; was represented by Leila Chacko, Esquire, also present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Furst moved; seconded by Vice-Chair Enzor to grant a continuance until October 16, 2013; the motion passed without dissent.

Tab D – Kevin B. Cregan, Sr., present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab F – Suzanne R. Davis, present – Applicant withdrew the application and waived the 90-day requirement.

Tab H – Andrey De Assis, present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab K – Steven Francois, present – Applicant withdrew the application and waived the 90-day requirement.

Tab N – Bertrand R. Le Helley, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab P – Marc M. Mamert, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab Q – Stephen M. Marcus, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab X – Israel Rivera III, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AB – Glenn Allen Zimmerman, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed without dissent.

Tab B – Joab Alcineus, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab E – Rondal B. Davis, not present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab G – Charles Day, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab L – Alphonso Hoskins, not present – Commissioner DeNapoli moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab M – Tracey Kimmons, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed 4 to 1.

Tab O – Anthone V. Lott, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny approve the application for sales associate; the motion passed without dissent.

Tab S – Irene Neizvestny, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab T – Jose L. Olivier, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab U – Stoyanka Petrova, not present was represented by James Harwood, Esquire, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Vice-Chair Enzor to grant a continuance until September 17, 2013; the motion passed without dissent.

Tab W – Jose M. Reyes, not present – Applicant withdrew the application.

Tab Y – Tyrone B. Samms, not present – Commissioner DeNapoli moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab Z – Jay B. Sumner, not present – Commissioner Furst moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Director's Comments

Special Agenda

Tab B – Application Number Summary

OMC Jocelyn Pomaes presented the Application Number Summary. Director Watkins stated that due the increase of the number of applications it is difficult to discern what impact the FREC's amendments to the approvable guidelines. However, there is an appearance that the numbers reflect about a 30% reduction of applications that are required to come before the Commission. Ms. Watkins and Ms. Pomaes addressed questions and comments from the Commission. The Commission requested to receive this information quarterly.

Commission's Remarks

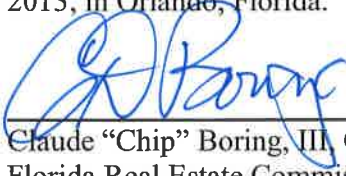
Commissioner Furst inquired whether there was any news relating an appointment to the Commission for the vacant consumer member and pointed out that two more member appointments will be expiring October 31, 2013. Director Watkins stated that she would follow-up with Tallahassee as to the progress relating new appointments.

Public Comments

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

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 11:15 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 17 and 18, 2013, in Orlando, Florida.



Claude "Chip" Boring, III, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission