

Division of Real Estate
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Minutes of THE FLORIDA REAL ESTATE COMMISSION August 18 and 19, 2015 General Meeting

Chair Darla Furst, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 18th day of August, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas, Poul Hornsleth and Thomas Luzier. Commissioner Enzor had an excused absence. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Andrew Fier, Chief Attorney; Josh Kendrick and Jennie Schwartz, Assistant General Counsels; Appearing via teleconference: Al Cheneler; Daniel David, Brande Miller, Alison Parker, Crystal Stephens, James Whealdon and Maureen White, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, 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

Vice-Chair Fryer moved to approve the Minutes of the March 17 and 18, 2015, General Meeting, as amended. Commissioner Boring seconded the motion. The motion passed without dissent.

Commissioner Luzier moved to approve the Minutes of the July 14 and 15, 2015, General Meeting, as written. Vice-Chair Fryer seconded the motion. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Quarterly Education and Foundation Scholarship Report

Deputy Director Johnson presented the third quarter Education Foundation Scholarship report and provided a brief summary of the progress during this quarter. Ms. Johnson addressed questions and comments from the Commission.

Application and License Count Reports

Deputy Director Johnson announced that Mr. Sanger is officially serving as the Licensing Supervisor for the Division. Licensing Supervisor Warren Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Agenda Schedule

Legal Case Activity Report

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

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 16 Escrow Disbursement Orders and 11 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept 16 Escrow Disbursement Orders and 11 Orders. Commissioner Chotas seconded the motion; the motion passed without dissent.

Chair Furst reported that she recently attended a CE course for her instructor license and wanted to thank the Division and Office of General Counsel for their wonderful presentations.

Recovery Fund Cases

Tab C - Jalal and Fahmida Ward v. Mounir Drissi, DBPR Case No. 2013-004687

Mr. David presented the above matter to the Commission. The Licensee was not present. Mr. Bradley Anderson, Esquire, appeared on behalf of the Claimants. Mr. David advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Fryer moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$31,423.50. Commissioner Chotas seconded the motion. The motion passed without dissent.

Agenda B, Tab B - Eric Cross and Christine Hanner v. Christopher White, DBPR Case No. 2015006588

Mr. David presented the above matter to the Commission. The Licensee was not present. The Claimants were present. Mr. David advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Fryer moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$12,000.00. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Agenda B, Tab A – Biscayne Bay, LLC v. Christopher White, DBPR Case No. 2015022914

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. Mr. David advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$12,000.00. Vice-Chair Fryer seconded the motion. The motion passed without dissent.

Tab A – John Bello v. Mary Leverette, DBPR Case No. 2015-010967

Tab B – Wayne Pelak v. Robert Ratner, DBPR Case No. 2015-003259

Tab D – Sofiya Zekirosika v. Arif Zaheer, DBPR Case No. 2014-004917

Mr. David presented the above matters by consent. There were no appearances on behalf of the Claimants or Respondents. By consent, Commissioner Hornsleth moved to approve the above-referenced Final Orders as presented. Commissioner Chotas seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab C – Jack Alexander, BK 3250602; Case No. 2014044326 – Respondent's Request for Informal Hearing

Respondent was not present; Respondent was represented by Jeb Berman, Esquire, present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Ms. Lloyd represented the department and presented the case to the Commission. Mr. Berman requested a continuance for the informal hearing on behalf of the Respondent. The Commissioners entered into discussion. Commissioner Chotas moved; seconded by Commissioner Luzier; motion passed 5 to 1 to grant a continuance until September 15, 2015.

Action taken: Continuance granted.

Tab B – Catherine Ann Lichtman, SL 3170761; Case No. 2012012585 – Recommended Order with Exceptions, etc.

Respondent was present; Respondent was represented by Robert Resnick, Esquire, also present. Commissioner Boring was recused due to participation on the probable cause panel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Mr. Kendrick represented the Department and presented the case to the Commission. Mr. Resnick filed Exceptions to the Recommended Order. Mr. Kendrick filed a Response to the Exceptions. The Commission entered into discussion. Commissioner Hornsleth moved to deny Respondent's Exception 1; seconded by Vice-Chair Fryer; the motion passed without dissent. Commissioner Chotas moved to deny Respondent's Exception 2; seconded by Commissioner Hornsleth; the motion passed without dissent. Commissioner Chotas moved to deny Respondent's Exception 3; seconded by Vice-Chair Fryer; the motion passed without dissent. Vice-Chair Fryer moved to deny Respondent's Exception 4; seconded by Commissioner Hornsleth; the motion passed without dissent. Commissioner Chotas moved; Commissioner Hornsleth seconded; the motion passed without dissent to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and accept the Recommended Order imposing the following sanctions:

Penalty imposed: Revocation; administrative fine of \$1,000.00; investigative costs of \$412.50. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when she, inter alia, directly or indirectly, transferred the \$40,000 escrow deposit from the Brokerage operating account into Chatty Cathy Enterprises; Section 475.25(1)(d), Florida Statutes, by failing to timely return the \$40,000 escrow deposit to Complainant after the release and cancellation of contract for sale and purchase was signed; Section 475.42(1)(d), Florida Statutes, by compensating herself with Complainant's \$40,000 escrow deposit.

Action taken: Adopted Recommended Order.

Tab T – Elizabeth S. Pendy, SL 3217017; Case No. 2014043886 – Settlement Stipulation

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

Ms. Schwartz represented the department and presented the case to the Commission. Ms. Campiglia introduced Madison Gonzalez as a qualified representative and requested the Commission to allow Ms. Gonzalez present the matter on behalf of the Respondent. The Commission agreed and entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to accept the Stipulated Settlement as orally amended. The motion passed without dissent.

Penalty: Administrative fine of \$350.00; investigative costs of \$214.50; complete a 3-hour ethics course; probation for 12 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to notify DBPR within 30 days of pleading no contest to and being adjudicated guilty of Driving Under the Influence.

Action taken: Settlement Stipulation accepted.

Tab A – Linda A. Fiorello, SL 659087; Case No. 2012012573 – Recommended Order with Exceptions, etc.

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

Mr. Kendrick represented the Department and presented the case to the Commission. Mr. Villazon requested a continuance or in the alternative allow Respondent to appear by telephone. Commissioner Chotas moved to deny the continuance, but to grant request for a telephonic hearing; Commissioner Luzier seconded the motion; the motion passed without dissent. Mr. Villazon filed Exceptions to the Recommended Order. Mr. Kendrick filed a Response to the Exceptions. The Commission entered into discussion. Commissioner Chotas moved; Commissioner Hornsleth seconded the motion; the motion passed without dissent to deny Respondent's Exception 1; Commissioner Hornsleth seconded the motion; the motion passed without dissent. Commissioner Chotas moved; Commissioner Hornsleth seconded; the motion passed without dissent to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and accept the Recommended Order imposing the following sanctions:

Penalty imposed: Revocation; administrative fine of \$10,000.00 fine; investigative costs of \$502.00. **Violation(s):** Section 475.25(1)(k), Florida Statutes by failing to place an escrow deposit with her registered employer; Section 475.25(1)(d), Florida Statutes, by failing to timely deliver the \$40,000 escrow deposit to Complainant after the release and cancellation of contract for sale and purchase was signed.

Action taken: Adopted Recommended Order.

Tab M – Michael Joseph Chadwick, SL 3207413; Case No. 2010038277 – Respondent's Petition to Modify Final Order

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, also present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Mr. Fier represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Chotas to modify the Final Order filed May 21, 2012 and reduce the suspension period from 5 years to 3 years and 2 months; the motion passed without dissent.

Action taken: Final Order modified.

Tab E – Patricia Delgardio, SL 3290020; Case No. 2014025426 – Petitioner's Motion for Informal Hearing

Case withdrawn.

Tab H – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2014021836 – Petitioner's Motion for Informal Hearing

Case withdrawn.

Tab O – Metro New Homes & Interiors, Inc., CQ 1021656; Case No. 2014035624 – Petitioner's Motion for Informal Hearing

Case withdrawn.

Tab Q - Mark V. Hanna, SL 3121409; Case No. 2014046612 - Settlement Stipulation

Respondent was not present and was not represented counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

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

Penalty: Administrative fine of \$500.00; investigative costs of \$528.30; complete a 3-hour ethics course; probation for 18 months; attend 1 complete FREC meeting. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to notify DBPR within 30 days of pleading guilty to and being adjudicated guilty of reckless driving.

Action taken: Settlement Stipulation accepted.

Tab J – Peter Paul Nemethy, SL 3121131; Case No. 2014011604 – Petitioner's Motion for Informal Hearing

Respondent was present; Respondent was represented by Peter Graham, Esquire, not present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

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

Action taken: Administrative fine of \$1,000.00; investigative costs of \$759.00; attend 2 complete general FREC meetings; probation for 12 months. Violation(s): Section 475.25(1)(b), Florida Statutes, by committing culpable negligence and/or breach of trust when he failed to check boxes "W. Back-up Contract" and "AA. Licensee-Personal Interest in Property" under the section titled, "Addenda and Additional Terms" contained within the offer he prepared for his client relating to the client's potential purchasing of residential property.

Tab D – Stephanie Kavanaugh Bugatti, SL 707355; Case No. 2015005688 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Chair Furst recused herself from participation.

Ms. Stephens represented the department and presented the case to the Commission. Commissioner Hornsleth moved, seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Chotas; motion passed without dissent to impose the following sanctions:

Penalty: Administrative fine of \$750.00; investigative costs of \$247.50; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to report her nolo contendere plea and adjudication of guilt of driving under the influence and damage to property (vehicle).

Tab K – Glen Dale Schloneger, BK 3068128; Case No. 2014041740 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Ryan L. Snyder, Esquire, not present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Ms. Miller represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Administrative fine of \$1,000.00; investigative costs of \$544.50; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by failing to immediately place upon receipt checks totaling \$4,000.00 into an escrow account.

Tab F – Dina Kathryn Gamma, SL 441926; Case No. 2014047011 – Respondent's Request for Informal Hearing

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

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

Penalty: Administrative fine of \$250.00; investigative costs of \$841.50; complete a 3-hour core law course; attend 1 complete FREC meeting; probation for 12 months. Violation(s): Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report her nolo contendere pleas to 2 counts of Battery (First Degree Misdemeanor), to 1 count of Unlawful Use of Temporary Tag (Second Degree Misdemeanor), 1 count of Driving with License Suspended or Revoked (First Degree Misdemeanor) and 1 count of Driving While License Suspended or Revoked (First Degree Misdemeanor), 5 counts of Obtaining Property in Return for a Worthless Check (First Degree Misdemeanor), 1 count of Driving Under the Influence (First Degree Misdemeanor), 1 count of Driving While License Suspended or Revoked (First Degree Misdemeanor), 1 count of Driving While License Suspended or Revoked (First Degree Misdemeanor) within 30 days of October 1, 2009, and by failing to report being convicted of 1 count of Driving While License Suspended or Revoked (Second Degree Misdemeanor; a lesser included offense) and 1 count of Driving While License Suspended or Revoked (First Degree Misdemeanor) within 30 days after being convicted.

Tab V - Liam Cushing, SL 3252741; Case No. 2014041239 - Respondent's Request for Entry of a Final Order

Respondent was not present and was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Law Clerk Sergio Ruiz and Attorney Cheneler represented the department. Mr. Ruiz presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Luzier moved, seconded by Vice-Chair Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Suspension for 6 months; administrative fine of \$750.00; investigative costs of \$244.40; complete a 3-hour ethics course; probation for 18 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to report his September 25, 2012; May2, 2014; and July 1, 2014 convictions in writing within 30 days; Section 475.25(1)(f), Florida Statutes, by being adjudicated guilty of felony domestic battery on September 25, 2012.

Tab G – Robert H. Konegen, SL 532495; Case No. 2014031137 – Respondent's Request for Informal Hearing

Case withdrawn.

Tab I – Jason Nadler, SL 3255922; Case No. 2014009870 – Respondent's Request for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Ms. Lloyd 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 Vice-Chair Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: Suspension for 30 days; administrative fine of \$500.00; investigative costs of \$247.50; probation for 1 year; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to "Uttering a Forged Instrument."

Tab L – Jack Russell Thomas, SL 3227883; Case No. 2014024843 – Respondent's Request for Waiver Hearing

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

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

Penalty: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by having been convicted or found guilty of a crime which involved moral turpitude.

Tab N – Julian Frankel, SL 3226134; Case No. 2015005698 – Petitioner's Motion for Informal Hearing

Case continued to September 2015.

Tab P – Patrick Stenstrom, BK 532697; Case No. 2015009699 – Respondent's Request for Entry of a Final Order

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

Ms. Lloyd 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 Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Vice-Chair Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$478.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading nolo contendere to one count of "Improper Use of Computer Services" in violation of Section 847.0135(3)(b), Florida Statutes.

Tab R - Stanley J. Klos, III, SL 3232150; Case No. 2015007234 - Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$500.00; investigative costs of \$148.00; complete a 3-hour ethics course. **Violation(s):** Section 455.227(1)(t), Florida Statutes (2014), and thereby 475.25(1)(e), Florida Statutes (2014), by failing to inform the commission in writing within 30 days after entering a plea of nolo contendere to one count of Refusal to Submit to a Breath Alcohol Test, a first degree misdemeanor; Section 455.227(1)(t), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to report to the department within 30 days after entering a nolo contendere to one count of Reckless Driving, a second degree misdemeanor.

Action taken: Settlement Stipulation accepted.

Tab S – Terrence Mancel McManus, BK 3250628; Case No. 2014007774 – Settlement Stipulation

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

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

Penalty: Administrative fine of \$500.00; investigative costs of \$858.00; complete a 3-hour ethics course; attend 1 complete FREC meeting. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to timely notify DBPR that he was adjudicated guilty of DUI, Refusal to submit to Chemical Testing, or DWLS in violation of Florida Statutes Sections 326.193, 316.1932 and 322.34.

Action taken: Settlement Stipulation accepted.

Tab U - Michael Thomas Tonkins, SL 3193933; Case No. 2014015368 - Settlement Stipulation

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

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

Penalty: Administrative fine of \$500.00; investigative costs of \$173.25; attend 1 complete FREC general meeting; complete a 3-hour ethics course. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to timely notify DBPR that Respondent pled nolo contender and was adjudicated of Driving Under the Influence, Refusal to Submit to Testing and Violation of Driver License Restrictions.

Action taken: Settlement Stipulation accepted.

General Session continued

Petition for Declaratory Statement Received From Kirsten Smith-Pope - DS 2015-061

Director Watkins presented the petition received from Kirsten Smith-Pope. Ms. Smith-Pope and Mr. Joshua Logan, Esquire was present. The Commission entered into discussion. Commissioner Chotas moved to table this matter until September based on the recommendations made during the discussion; Commissioner Hornsleth seconded; the motion passed without dissent.

Petition for Declaratory Statement Received From Angie Altamirano – DS 2015-062

Director Watkins presented the petition received from Angie Altamirano. This matter was previously tabled from the July meeting to give opportunity to appear or provide more detail. Ms. Altamirano was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the request stating that the petition does not provide enough details; Commissioner Boring seconded the motion; the motion passed without dissent.

DOAH Recommended Order - Applicant

Leroy L. Baines, Jr. v. DBPR, Florida Real Estate Commission – DOAH Case No. 15-1959

FREC Counsel Tom Barnhart presented the Recommended Order of the Administrative Law Judge. The applicant was not present. The Commission considered the Recommended Order of the Division of Administrative Hearings recommending the Petitioner's application for licensure as a real estate sales associate be denied. Vice-Chair Fryer moved to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order and issue an Order denying the applicant. Commissioner Luzier seconded the motion. The motion carried unanimously.

Rules Report

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

Rules Workshop

Rule 61J2-5.018 - Vacancies

FREC Counsel Tom Barnhart presented the rule for the Commission's consideration. After a lengthy discussion, Vice-Chair Fryer moved to table the workshop to the next FREC meeting; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Rule 61J2-3.013 – Distance Education Courses for Hardship Cases

FREC Counsel Tom Barnhart presented the rule for the Commission's consideration. After a lengthy discussion, Vice-Chair Fryer moved to table the workshop to the next FREC meeting; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Special Agenda

Missouri Mutual Recognition Discussion

Director Watkins stated that several months ago John Sebree, CEO of the Missouri Realtor Association, contacted her and inquired whether Florida would be amenable to exploring mutual recognition with Missouri. Ms. Watkins reported that it appears there is some compatibility of requirements, however, the Bureau of Education and Testing (BET) would need to conduct a study of Missouri's specific education and testing requirements. Ms. Watkins requested the Commission consider, and if in agreement, direct the Division to ask BET to initiate the process and upon conclusion she would bring the results back to the Commission. The Commission responded affirmatively.

Review and Consideration of the Real Estate Education Courses

Agenda B, Tab K – *Core Law* – New Course (Law; Distance Education (CE Only) – Application No. 23689 – Amy Zanzinger, RealEstateCE.com

Ms. Zanzinger was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Agenda A, Tab D – *Sales Assoc. 63 Hr. Pre-License* – New Course (63 hours Sales Associate Pre-Licensure; Classroom; Live, Online, using Go-to-webinar from classroom) – Application No. 23689 – Andrew Brown, Climer School of Real Estate

Mr. Brown was present in support of his request. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course with conditions; Commissioner Boring seconded the motion. The motion passed without dissent.

Public Comments

The Commission received comments from Margy Grant, Vice-President and General Counsel, Florida Realtors. Ms. Grant addressed the Commission to report that several months ago the Florida Realtors Leadership Team voted unanimously to forward, to the Public Policy Commission, an item with regard to incorporating a mandatory 3 hours of ethics education into the 14 hour CE course. Ms. Grant stated that one of the reasons for this recommendation is to better assist its industry members in promoting a higher professionalism to make better decisions resulting in more consumer protection. Director Watkins and Ms. Grant addressed questions and comments. The Commission responded affirmatively and supported this initiative.

The Commission also received comments from John Sanchez, Highlight Realty.

Financial Reports

Director Watkins presented the Financial Reports ending June 30, 2015, and addressed questions and comments from the Commission.

Recess

There being no objection, the Chair recessed the meeting at approximately 5:00 p.m. until 8:30 a.m. tomorrow.

August 19, 2015

Chair Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 19th day of August, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas and Poul Hornsleth and Thomas Luzier. Commissioner Enzor had an excused absence. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

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

Summary of Applicants

Licensing Supervisor Warren Sanger presented 76 Summary of Applicants requesting to sit for the real estate examination.

Tab AJ – Mikal W. Grass, present; was represented by Thomas D. Sommerville, Esquire – Commissioner Chotas moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AN – Ronald K. Harrison, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the motion passed without dissent.

Tab N – Zeev Bar El, present; was represented by Steven W. Johnson, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for broker; the motion passed without dissent.

Tab BB – Eugenio J. Martinez, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BH – Ricky Ray, present; was represented by Steven W. Johnson, Esquire, present – Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab D – Magdalena M. Valdes, present; was represented by Daniel Villazon, Esquire, present – informal – Commissioner Boring moved; seconded by Vice-Chair Fryer to vacate the Notice of Intent to Deny; the motion passed 4 to 2. Vice-Chair Fryer moved to approve the application for sales associate; seconded by Commissioner Boring; the motion passed 4 to 2.

Tab J – Charles D. Anderson, III, not present; was presented by Daniel Villazon, Esquire, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab R – Cynthia D. Burbach, present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AB – Leroy Davis, Jr., present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

- Tab AQ Valenta J. Iglicki, present; was represented by Daniel Villazon, Esquire, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab AX Mathew A. Lowe, present; was represented by Daniel Villazon, Esquire, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab AZ Marc B. Lucier, not present; was represented by Daniel Villazon, Esquire, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BE Willie J. Mott, Jr., not present; was represented by Daniel Villazon, Esquire, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for broker; the motion passed without dissent.
- Tab BK Kawana Roberts, present; was represented by Daniel Villazon, Esquire, present Commissioner Hornsleth moved; seconded by Commissioner Chotas to approve the application for broker; the motion passed without dissent.
- Tab BX Thomas L. Wylie, present; was represented by Daniel Villazon, Esquire, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 1.
- Tab B Julien Knox Taylor, IV, present Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 2.
- Tab C Eduardo Tompkins, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 5 to 1.
- Tab F Foster Lee Akins, Jr., present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 2.
- Tab H Edward Almonte, present Vice-Chair Fryer moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.
- Tab I Alec Anderson, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab K Suyan Argolo, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab L Heath Baechel, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab M Neil James Bailey, Jr., present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab O Antero V. Borges, Jr., present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab Q Nathan Brown, present Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 1.
- Tab T Justin Cater, present Commissioner Luzier moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

- Tab U Jose G. Checo, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab W Ximena A. Cordero, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 2.
- Tab V Matthew Cohen, present Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab Y Denise R. Crane, present Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate with conditions; the motion passed 5 to 1.
- Tab X Joshue Cosenza, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 1.
- Tab Z Vincent Cubillas, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab AA Glenn M. Davis Sr., present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate. The vote was 3 to 3 and no action was taken.
- Tab AC Tara Dunn, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 5 to 1.
- Tab AE James E. Feazell, Jr., present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab AF Kyle Lee Fenton, present Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve the application for sales associate with conditions; the motion passed 5 to 1.
- Tab AG Christopher C. Gleason, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab AI Christopher Grass, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab AK Rebecca Grohol, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate. The vote was 3 to 3 and no action was taken.
- Tab AL Sherry Gudinez, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab AM Henry T. Hammond, Jr., present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 2.
- Tab AO Mary E. Herring, present Vice-Chair Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.
- Tab AP Chon Houston, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab AR Leigh A. Jones, present Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab AT Grace D. Joyner, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

- Tab AV Tosin Kusimo, present Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AW Lisa D. Larue, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 2.
- Tab AY- Raymond J. Lucas, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BA Sharon Lux, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 1.
- Tab BC Jason Mayoral, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab BF Lance A. North, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab BG John O'Leary, present Commissioner Luzier moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BL James E. Sanchez, present Chair Furst moved; seconded by Vice-Chair Fryer to approve the application for broker with conditions; the motion passed without dissent.
- Tab BM Wendy Sanchez, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BN Drew Scarpa, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab BO Steven John Schneider, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BP Alysia Scott, present Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.
- Tab BR Tamar J. Soule, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BT Alvin Trotman, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.
- Tab BU Viktoriia Vakulenko, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab BV David Vallejo, present Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab BW Donnell P. Weaver, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab A Brian William Beck, not present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth Fryer to deny the application for sales associate; the motion passed without dissent.
- Tab E Michael G. Acheson, not present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed without dissent.

Tab G – Veronica Allen, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab P – Jonathan Brintley, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab S – John C. Byrne, III, not present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab AD – James D. Everly, Jr., not present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab AH – Maria Gomez, not present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AS – Joseph Bruny, not present – Vice-Chair Fryer moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab AU – Heather N. Knight, not present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to deny the application for instructor; the motion passed without dissent.

Tab BD – Kassidy McCowan, not present – Applicant requested a continuance and waived the 90-day requirement.

Commissioner Boring was excused for the remainder of the meeting.

Tab BI – Catherine J. Rios, not present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab BJ – Jimmy Rivera, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab BQ - Chris Soucy, not present - Applicant requested a continuance and waived the 90-day requirement.

Tab BS – Scott Thomas, not present – Applicant requested a continuance and waived the 90-day requirement.

Consent Agenda A

The Commission considered 120 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Boring to approve 85 applicants and require 35 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adams, Benjamin Edward	Gifford, Robert William	Olshan, Robert
Alexander, Vincent	Gomez, Moises	Ortiz Gay, Gonzalo
Bellamy, Michael D. PA	Griffin, George	Pelt, Jayson Charles
Berry, Michael	Gross, Kyle	Perez, Daniel
Blocker, Peyton Brooke	Guerrero, Jacqueline	Pham, Kim Elizabeth
Bonilla, Wilfredo Kevin	Hernandez, Billy Joe	Raffel, Corinn Ann
Brittain, Aaron	Ingram, Michael H.	Rafferty, Kristen Leigh
Carr, Michael D.	Innocent, Rivel	Riesz, Christopher Keith
Casella, John Daniel	Irwin, Casey	Roque, Sergio Jr
Castillo, Jorge	Ivell, Linda Delozier	Ruffner, Michael Charles II
Chapaprieta, Jose Joaquin	Jacomino, Anna Cristina	Sanz, Ana Belkis
Cheever, David H.	Jessup, James Vernon III	Scott, John Kenneth

Childress, Cassia Barros

Como, Biagio J.

Cook, Ashley Michelle

Costello, Michael Cunningham, Paul

De La Rocha, Blanca Vanin

Delpeche, Dallie Desantis, Chris

Didomenico, Michael Anthony Jr.

Dogliotti, Jonathan Gabriel Ducille, Kimberly Michelle Ducker, Brent Christopher Eisenmann, Daniel Scott Espinoza, Germayn Farrell, Jill Erika

Favichia, Kimberly Ann

Gaetan, Victor

Johnston, Andrea

Kennedy, Melanie E

Klintsevich, Yulia

Knot, Alexandra G. Koonce, Tarra Martinez, Carlos L. Martinez, Yanelis Matias, Juan J.

McIntosh, Jason McKenzie, Diop

Mendez, Michael James

Menendez, Kristopher Georg Mirmelli, Gregory Lawrence

Montelbano, Paul Patrick

Murdock, Stephen

Nasalski, Alexander Michael

Smith, Kelton

Storch, Amy Michelle

Storey, John

Swisegood, George Andrew Teresi, Anthony Robert Thomas, Cameron Michael Thurber, Cynthia Louise

Tran, Truc Trung Tucker, Kimberly

Valdes, April Alexandra Valentin, Jeannette

Wald, Joshua

Ward, Stephen Patrick Whittaker, Lucas

Wren, Charles Andrew

Zenner, Brian S.

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

Anstadt, Hurd P.

Bickford, Ethan Leland Burattini, Carlos Orlando

Cavalcanti, Christine Martins S.

Day, Ashley Nicole De Jesus, Angel Demint, Daniel Rae

Dominguez, Steven Alexander

Dunigan, Kevin Ellis, Dianna Guerrero, Estevan Herrick, Bryan

Hicks, Melissa Jones, Ashley

Lorenzo, Eduardo Jr.

Macneir, Sean Brian Mather, Garth Andrew Mcintosh, Patrick John Mestril, Hector Rafael

Mitchell, Clark

Monroe, Ronnie Patrick Obrien, Robert Joseph Jr. Parr, Timothy Edward Perna, Theresa M.

Peterson, Sarah Ashley Rita, Alexandra Lauren Rittgers, Ross Von

Rodriguez, Adriana Catherine

Sagarino, Ron Shabazz, Equan Stover, Alisha McKai Tasker, Stephen Douglas II

Vigil, Lorraine N. Williams, Lawrence Wolfe, Lainie K.

Consent Agenda B

The Commission considered 40 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve 31 applicants and require 9 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Allegier, James Raymond

Altieri, Tammy Bell, Anthony John

Boyce, Elizabeth Jane

Brown Dukes, Shelisia Leavette Campos, Michael Anthony

Connolly, Christopher Sean Crocamo, Daniel Scott Davila, Alberto Fernando

Falana, Sha De Francois, Nigel

Guzman, Jose Luis Kunhardt, Jose E.

Lowery, Donna Markesteyn, Jason Matthews, Norice Luther

Mcculloch, John

Mcdougall, Kenneth James

Petrovich, Karina

Rendon, Jeahnny Lorenns

Selig, Darrell Grant Sizemore, John Soop, Hallie Marie Taylor, Nelson Paul Terry, Lianassa Vaquila Thaxton, Beatrice Christian

Wiedmier, Stephanie

Davis, Richard Kyle Donaldson, Jack IV

Paupst, Eric

Zaloum, John Paul

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

Ackerman, Francisco Javier

Espino, Alberto Sanchez

Soler, Angel Luis

Benamou, Elivahu Shaul Bendt, David Julius

Latremore, Tina Lynn Simpson, Greg Michael Stanley, Mario Jermaine

Zeigler, Carl

Chair's Remarks

Chair Furst reported that she and Vice-Chair Fryer will be attending the ARELLO Conference in September. Chair Furst requested that the Commission recommend that FREC Counsel Barnhart also be able to attend. Commissioner Hornsleth moved to find a way that Mr. Barnhart can attend; Vice-Chair Fryer seconded; the motion carried without dissent.

Director's Comments

Director Watkins reported that the Division participated in an ARELLO sponsored conference call with eleven other states to discuss the issue of reciprocity or mutual recognition for commercial brokers and addressed questions and comments from the Commission.

Public Comments

The Commission offered but received no public comments.

Adjournment

There being no further business and no objection, the Vice-Chair adjourned the meeting at approximately 5:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 15 and 16, 2015, in Orlando, Florida.

Darla Furst, Chair

Florida Real Estate Commission

Juana Watkins, Director

Florida Real Estate Commission