

**Charlie Liem**, Secretary

**Charlie Crist**, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
September 14 and 15, 2010  
General Meeting**

Chair Roger Enzor called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 14th day of September, 2010.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli, Claude "Chip" Boring, Darla Furst, Michael Guju, Ralph McCoig and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Director; Patrick Cunningham, Robert Minarcin, Joseph Solla, Senior Attorneys; Brad Koshland, Bureau Chief of Enforcement; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

**Approval of the Minutes**

Commissioner McCoig moved; Commissioner Guju seconded to approve the Minutes of the August 17 and 18, 2010, General Meeting, as written. Motion carried unanimously.

**Unlicensed Activity Report**

Director O'Bryant presented the Unlicensed Activity Report and addressed questions from the Commission.

**Monthly Exam Performance Summary Reports**

Director O'Bryant presented the Annual and Monthly Exam Performance Summary Reports and addressed questions from the Commission.

**2011 FREC Calendar**

Director presented the 2011 FREC calendar for the Commission's consideration and approval. Commissioner Boring moved to approve the 2011 Meeting Calendar as presented. Commissioner Guju seconded the motion. The motion carried unanimously.

## **Recovery Fund Claim Final Order**

Kenneth Wilbanks v. Denny R. Hughes – DBPR Case No. 2010012015. Senior Attorney Solla presented this matter to the Commission. Respondent Hughes was not present. Mr. Solla advised that the claimant does qualify statutorily to receive payment from the recovery fund and recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Guju moved to approve the order granting the claim in the amount of \$30,000.00. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Cheryl Nekos v. Serge Wainer – DBPR Case No. 2010001169. Senior Attorney Solla presented this matter to the Commission. Respondent Wainer was not present. Ms. Nekos is represented by Lawrence M. Siff, Esquire. Mr. Siff requested a continuance until next month. Commissioner McCoig moved to deny the continuance request. Commissioner Guju seconded the motion. The motion carried unanimously. Mr. Solla advised that the claimant does qualify statutorily to receive payment from the recovery fund and recommended the Commission grant the request. The Commission considered the facts and circumstances. Vice-Chair DeNapoli moved to approve the order granting the claim in the amount of \$350.00. Commissioner Furst seconded the motion. The motion carried unanimously.

## **Legal Final Order Docket**

### **Tab AF – Bryan Halda, SL 3097334, Case No. 2009029588 – Stipulation**

Mr. Halda was present and represented by Daniel Villazon, Esquire. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commission requested that the fine be increased from \$2,500.00 to \$5,000.00. Respondent agreed. Commissioner Guju moved; seconded by Commissioner Boring to accept the Stipulation as amended. Motion carried unanimously.

**Penalty imposed:** \$5,000.00 fine, \$544.50 costs, 12 months probation, attend two 2-day FREC meetings. **Violation:** Guilty of having been found guilty of , or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes.

**Action taken:** Stipulation accepted as amended.

### **Tab AG – Donald J. Pellicer, BK 0158581, Case No. 2008052572; Mann Pellicer, Inc., CQ 133905, Case No. 2008058649 – Stipulation**

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

Mr. Cunningham represented the Department and presented the case to the Commission. Commissioner McCoig moved; seconded by Commissioner Furst to accept the Stipulation. Motion carried unanimously.

**Penalty imposed:** Respondent Pellicer – \$2,000.00 fine, \$1,73.00 costs within 12 months from the Effective Date of the Final Order, attend one 2-day FREC meeting, attend a 4-hour escrow management course; Respondent Mann Pellicer, Inc. – reprimand. **Violation:** Respondent Pellicer – Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of failure to provide written notification of the Commission within fifteen business days of the last party’s demand and failure to institute one of the settlement procedures as set forth in Section 475.25(1)(d)1., Florida Statutes, within thirty business days after the last demand in violation of Rule 61J2-10.32(1)(a), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to provide written notification to the Commission within fifteen business days of the good faith doubt of the procedure instituted to resolve the escrow fund dispute and must institute one of the settlement procedures as set forth in Section 475.25(1)(d)1., Florida Statutes, within thirty days after have such doubt, all in violation of Rule 61J2-10.32(1)(b), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to preserve and make available to the Petitioner, all books, records and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code and Section 475.5015, Florida Statutes, and therefore, in violation of Section 475.25(1)(e), Florida Statutes; Respondent Mann Pellicer, Inc. – Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of failure to provide written notification of the Commission within fifteen business days of the last party’s demand and failure to institute one of the settlement procedures as set forth in Section 475.25(1)(d)1., Florida Statutes, within thirty business days after the last demand in violation of Rule 61J2-10.32(1)(a), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to provide written notification to the Commission within fifteen business days of the good faith doubt of the procedure instituted to resolve the escrow fund dispute and must institute one of the settlement procedures as set forth in Section 475.25(1)(d)1., Florida Statutes, within thirty days after have such doubt, all in violation of Rule 61J2-10.32(1)(b), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to preserve and make available to the Petitioner, all books, records and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code and Section 475.5015, Florida Statutes, and therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Action taken:** Stipulation accepted.

**Agenda B – Tab A – Amy Sue Jamieson, SL 682886, Case No. 2009049924; Respondent’s Request for an Informal Hearing**

Respondent was not present and represented by Nickolas G. Petersen, present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** 30 days suspension, \$1,000.00 fine, \$429.00 costs, ethics course totaling 6 hours all to be completed within 6 months. **Violation:** Guilty of not having informed the

Commission in writing within 30 days of having pled guilty or having been convicted of a felony in violation of Section 475.25(1)(p), Florida Statutes; guilty of having been found guilty of , or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes.

**Tab F – Leonor Chandia, SL 0695261, Case No. 2009033194 – Respondent’s Request for an Informal Hearing**

Respondent was present and was represented by Charles Neustein, Esquire, not present. Commissioner McCoig was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Respondent requested a continuance. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to grant a continuance.

**Action Taken:** Continuance granted.

**Tab J – Deborah Crain, BK 516737, Case No. 2006052908 – Respondent’s Request for Reconsideration**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved, seconded by Commissioner Furst to deny reconsideration of the Final Order filed March 20, 2008. The motion carried unanimously.

**Action taken:** Reconsideration denied.

**Tab R – Alfonso Miranda, SL 3101946, Case No. 2007020051 – Respondent’s Request for an Informal Hearing**

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** \$1,500.00 fine, \$471.90 costs, 6 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of having operated as a broker while licensed as a sales associate in violation of Section 475.42(1)(b), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of having operated as a broker without being the holder of a valid and current license as a broker in violation of Section 475.42(1)(a), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Tab AE – Deborah Ann Watson, SL 3131550, Case No. 2009042632; Respondent’s Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** \$500.00 fine, \$521.40 costs, attend one 2-day FREC meeting all to be completed within 6 months. **Violation:** Guilty of having obtained a license by means of fraud, misrepresentation, or concealment in violation of Section 475.25(1)(m) of the Florida Statutes.

**Tab K – Yvonne E. Forbes, SL 3159096, Case No. 2009050370 – Petitioner’s Request for an Informal Hearing**

Respondent was not present and represented by Steven Johnson, Esquire. Commissioner Guju and Commissioner Boring were recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty of Counts III and IV of the Administrative Complaint. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$462.00 costs with the condition that the Respondent may request reconsideration should the conviction be overturned on appeal. **Violation:** Guilty of being confined to any county, state or federal prison, or is under home confinement in violation of Section 475.25(1)(n), Florida Statutes (2009); guilty of being found guilty of a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes.

**Tab A – Christos Rallis, SL 3123174; Case No. 2007056988 – Recommended Order**

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

Mr. Cunningham represented the Department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order dismissing the case; motion carried unanimously.

**Action Taken:** Case dismissed.

**Tab B – Dennis Trage, BK 575099, Case No. 2009036147 – Recommended Order**

Respondent was not present and represented by Stephen Frogman, Esquire, not present. Vice-Chair DeNapoli was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Ruffier; motion carried unanimously to adopt the Findings of Fact and Conclusions of Law, accept the Recommended Order and imposes the following sanctions:

**Penalty imposed:** Revoke; \$1,250.00 fine. **Violation:** Guilty of dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes.

**Tab C – Mavis Regina Alместica, BK 3028553, Case No. 2007039641 – Respondent’s Request for an Extension of Time to Comply with Final Order**

Respondent was not present and not represented by counsel. Commissioner Guju 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 Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to grant a 6 month extension to complete the Final Order requirements.

**Action Taken:** Extension granted for 6 months.

**Tab D – Gary Lee Brown, SL 3195215, Case No. 2009065965 – Voluntary Surrender of Licensure for Permanent Revocation**

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

Mr. Minarcin represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Guju to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

**Penalty imposed:** Revoke.

**Tab E – Carlos Burattini, SL 3053609, Case No. 2009053158 – Petitioner’s Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$138.60 costs. **Violation:** Guilty of failing to comply with a Final Order issued by the Office of Financial Regulation resulting in the imposition of sanctions against Respondent's mortgage broker license in violation of Section 475.25(l)(s), Florida Statutes.

**Tab H – Kelly Cochran, SL 3036140, Case No. 2009063035 – Petitioner's Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** 60 days suspension, \$500.00 fine, \$198.00 costs, 12 months probation, attend two 2-day FREC meetings. **Violation:** Guilty of failure to inform the Commission in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony in violation of Section 475.25(l)(p), Florida Statutes.

**Tab I – Charles Thomas Connery, BK 16638, Case No. 2010023068 – Voluntary Surrender of Licensure for Permanent Revocation**

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

Mr. Minarcin represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Furst to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

**Penalty imposed:** Revoke.

**Tab L – Eric S. Fountain, SL 3045527, Case No. 2009007225; Fountain Management LLC, CQ 1027741, Case No. 2009028149 – Petitioner's Request for an Informal Hearing**

Respondents were not present and not represented by counsel. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent

guilty as charged. Commissioner McCoig moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Respondent Fountain – Revoke, \$500 fine, \$636.90 costs; Respondent Fountain Management LLC – Revoke, \$500.00 fine, \$528.00 costs. **Violation:** Respondents – guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; Respondent Fountain Management - guilty of failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to direct, control or manage a broker associate employed by him in violation of Section 475.25(1)(u), Florida Statutes.

#### **Tab M – Brian Furer, SL 3119395, Case No. 2009020048 – Petitioner’s Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Boring; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** \$500.00 fine, \$412.50 costs within 12 months. **Violation:** Guilty of failing to report in writing to the Commission, within 30 days upon entering a plea to a crime in any jurisdiction in violation of Section 455.227(1)(t), Florida Statutes; guilty of having his broker’s license acted against by the Colorado Real Estate Commission in violation of Section 475.25(1)(s), Florida Statutes.

#### **Tab N – Ben Holland Griffin, SL 682886, Case No. 2009049924; Respondent’s Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** 60 days suspension, \$500.00 fine, \$174.90 costs, 6 months probation, attend two 2-day FREC meeting. **Violation:** Guilty of having been found guilty of a crime in the State of North Carolina in violation of Section 475.25(1)(f), Florida Statutes; guilty of failing to inform the

Commission in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony in violation of Section 475.25(1)(p), Florida Statutes.

**Tab P and Tab Y – Richard Allen Lafuze; BK 657676, Case No. 2008047753; Realty One Services, Inc., CQ 226372, Case No. 2008056647 – Respondents’ Request for Reconsideration**

Respondents were not present and not represented counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig to deny reconsideration. The motion carried unanimously.

**Action taken:** Reconsideration denied.

**Tab S – Brenda Gayle Orlando, SL 630639, Case No. 2010023574 – Voluntary Surrender of Licensure for Permanent Revocation**

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

Mr. Minarcin represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Boring to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

**Penalty imposed:** Revoke.

**Tab T – Michelle Partin, SL 3025057, Case No. 2007024031 – Petitioner’s Motion to Correct Final Order**

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

Mr. Minarcin represented the department and presented the case to the Commission. Final Order No. 2008-00362, provided that the Respondent pay restitution. Mr. Minarcin stated that the Commission does not have statutory authority to impose restitution and respectfully requested that the Commission release the Respondent from the term and condition of restitution. The Commission entered into discussion. Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to strike paragraph four of the Final Order imposing restitution. Motion carried unanimously.

**Action Taken:** Final Order corrected. Respondent is released from the term and condition of restitution.

**Tab U – Daniel M. Pfeiffer, SL 561199, Case No. 2008060532 – Respondent’s Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. Respondent requested a continuance. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to deny the request for continuance. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** \$500.00 fine, \$313.50 costs, to be completed within 6 months. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Tab V – Wilfred W. Pierre, SL 3105337, Case No. 2008049930 – Petitioner’s Request for an Informal Hearing**

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

Mr. Minarcin represented the department and presented the case to the Commission. Respondent requested a continuance. Commissioner Guju moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Furst; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$313.50 costs, to be completed within 6 months. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Tab W – Carmen Pina, SL 3054371, Case No. 2010007703 – Voluntary Surrender of Licensure for Permanent Revocation**

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

Mr. Minarcin represented the department and presented the case to the Commission. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

**Penalty imposed:** Revoke.

**Tab X – Peter Nathan Price, SL 3225683, Case No. 2010030984 – Voluntary Surrender of Licensure for Permanent Revocation**

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

Mr. Minarcin represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Guju to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

**Penalty imposed:** Revoke.

**Tab AA – Debra S. Skolnik, SL 566555, Case No. 2009010955 – Respondent’s Request for an Extension of Time to Comply with Final Order**

Respondent was not present and not represented by counsel. Commissioner Ruffier 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 Guju moved, seconded by Commissioner Furst; motion carried unanimously to grant an extension until May 21, 2012, to complete the Final Order requirements.

**Action Taken:** Extension granted until May 21, 2012.

**Tab AB – Christel Ann Spellmeyer, SL 3211214, Case No. 2009014254 – Voluntary Surrender of Licensure for Permanent Revocation**

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

Mr. Minarcin represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Ruffier to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

**Penalty imposed:** Revoke.

**Tab AC – Sammy L. Thompson, SL 673683, Case No. 2005033827 – Petitioner’s Request for an Informal Hearing**

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

Mr. Cunningham represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner Boring; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$1,023.00 costs. **Violation:** Guilty of having been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes; guilty of being confined in a state or federal prison in violation of Section 475.25(1)(n), Florida Statutes.

**Tab AD – Paul Tsiorba, SL 3170195, Case No. 2008012448 – Respondent’s Request for an Informal Hearing**

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** 60 days suspension, \$1,000.00 fine, \$726.00 costs, 1 year probation, attend two 2-day FREC meetings. **Violation:** Guilty of misrepresentation and concealment in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to immediately place with the registered employer any money, fund, deposit, check or draft entrusted to her as agent of the registered employer in violation Section 475.25(1)(k), Florida Statutes; guilty of failure to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account; guilty of failure to indicate in the sales and purchase contract the name and or the address for the title company holding Respondent’s deposit or deliver funds in violation of Section 475.25(1)(d)2., Florida Statutes; guilty of failure to obtain and retain written verification of said deposit upon deliver of the funds to the title company or attorney in violation of Rule 61J2-14.008(2)(b), Florida Administrative Code, and therefore in violation of Section 475.25(1)(e), Florida Statutes.

**Tab AH – Joseph Barquin, SL 3019901, Case No. 2008014437 – Notice of Waiver**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried 4 to 1 to impose the following sanctions:

**Penalty imposed:** Revoke, \$597.30 costs. **Violation:** Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes.

**Tab AI – Kathleen Blackman, SL 3082553, Case No. 2008022774 – Notice of Waiver**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$874.50 costs. **Violation:** Guilty of failure to advertise in a manner in which reasonable persons would know they are dealing with a real estate licensee in violation of Rule 61J2-10.025(1), Florida Administrative Code (2006), and therefore in violation of Section 475.25(1)(e), Florida Statutes; guilty of advertising property of service in a manner which is fraudulent, false, deceptive, or misleading in form or content in violation of Section 475.25(1)(c), Florida Statutes; guilty of failing to adhere to the provision of Section 475.278, Florida Statutes (2006), by failing to disclose in writing Respondent's Transactional Broker Relationship, in any document to Tenant/Buyer; or when Respondent failed to disclose Respondent's Transactional Broker Relationship, any document to Tenant/Buyer before, or at the time of, entering into a listing agreement or an agreement for representation or before the showing of the Subject Property, whichever occurs first in violation of Section 475.25(1)(q), Florida Statutes, and therefore in violation of Section 475.25(1)(e), Florida Statutes.

**Tab AJ – Lynn Christison Torres, SL 3193429, Case No. 2010009544 – Notice of Waiver**

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$181.50 costs. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes; guilty of not having informed the Commission in writing within 30 days of having pled guilty or having been convicted of any felony in violation of Section 475.25(1)(p), Florida Statutes.

**Tab G – Gustavo Christlieb, SL 622043, Case No. 2008015931 – Respondent's Request for an Extension of Time to Comply with Final Order**

Respondent was not present and not represented by counsel. Commissioner Ruffier 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 Furst moved, seconded by Commissioner Vice-Chair DeNapoli; motion carried unanimously to grant an extension until March 30, 2011, to complete the Final Order requirements.

**Action Taken:** Extension granted until March 30, 2011.

The following cases were withdrawn

Tab Q – John McMenamy

Tab Z– Tasha Rene

### **Review and Consideration of the Real Estate Continuing Education Courses**

Director O’Bryant presented the following continuing education courses for the Commission’s consideration:

1. Using Technology to Obtain & Serve Consumers – New Course – Application No. 12900

Mr. Grant did not appear in support of the new course. Commissioner Guju moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

2. Using Email in Your Business & Etiquette with Consumers – New Course – Application No. 12901

Mr. Grant did not appear in support of the new course. Vice-Chair DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

3. Using the Internet to Obtain & Serve Consumers – New Course – Application No. 12902

Mr. Grant did not appear in support of the new course. Vice-Chair DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

4. Asset Preservation: Helping Your Customer with the Maintenance, Service and Repair of Foreclosed Properties – New Course – Application No. 13162

Ms. Oliver did not appear in support of the new course. Vice-Chair DeNapoli moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

5. Landlords Rights & Duties in Florida – New Course – Application No. 13069

Mr. Bennett appeared in support of the new course. Commissioner McCoig moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

6. Solving Tough Residential Appraisal Problems – New Course – Application No. 13115

Mr. Black, not present, provided a statement in support of the course. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Furst seconded the motion. The motion carried unanimously.

7. EPA Target Housing: Fine or No Fine – New Course – Application No. 13420

Mr. Kelly did not appear in support of the new course. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

8. Mortgage Loan Analysis – New Course – Application No. 12679

Mr. Collins, not present, provided a statement in support of the course. Commissioner Boring moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Guju seconded the motion. The motion carried unanimously.

**Consent Agenda**

The Commission considered 3 applicants from the Consent Agenda B; Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to require 1 applicant to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Abreu, Christian M.                      Sowers, Troy

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

Scotland, Ulric A.

**Consent Agenda A**

The Commission considered 59 applicants from the Consent Agenda A; Vice-Chair DeNapoli moved; seconded by Commissioner Furst to approve 39 applicants and require 20 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Arruza, Carlos M. Jr.	Bailey, Jennifer R.	Boily, Stephane
Bradford, Robert Earl	Christmas, Jeanette P.	Clark, Matthew J.
Cottrell, Robert O.	Donato, Michelle L.	Donovan, Kelly A.
Finch, Charles K.	Franks, Timothy W.	Gomez, Jorge E.
Kalin, Wade	Jenkins, Forrest A.	Kull, Robert E.
Lawson, Robert A.	Leon, Joseph W.	Manko, Timothy J.
McCune, Linda	McElyea, Joseph L.	Miller, Bradley E. Jr.

Millinger, Nancy J.	Mimikos, Christopher	Nolan Cathrine
Nolan, John	Pappas, Robert R.	Pasolli, Scott A.
Pietri Nieves, Japhet R. E.	Puccini, Richard P.	Reynolds, Leslie
Rivera, Victor	Rousseau, Jon V.	Ryan, John E.
Ryan, Michael F.	Santisteban, Ana M.	Sina, Bryan D.
Speight, Rachael E.	Woodward, Carla B.	Wroten, Marya F.

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

Aubut, Michael P.	Baysura, Robert J.	Forestal, Guybs
Galley, Joseph M.	Gonzalez, Adolfo H.	Kepler, Patrick E.
Kirk, Christopher G.	Kline, Joseph M.	Ledet, Brady R.
Liburd, Adrian	Lynn, Paul	Nicholas, Claude H.
Pappas, Alexandros Jr.	Prescott, Blessing M.	Rizea, Tina C.
Scultz, John A.	Sloan, Julian R. III	Souza, Robert A.
Williams, Reynaldo Jr.	Wyatt, Sherri L.	

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m.

**September 15, 2010**

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:45 a.m., in Orlando, on this 15th day of September, 2010.

Chair Roger Enzor, Vice-Chair Richard DeNapoli; Claude “Chip” Boring, Darla Furst, Michael Guju, Ralph McCoig and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O’Bryant Jr., Director; Jennifer Blakeman, Senior Attorney; Warren Sanger, Investigator II; Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

**Summary of Applicants**

Ms. Denise Johnson, OMC II, presented 55 Summary of Applicants requesting to sit for the real estate examination.

Tab E – Candelaria, David M.; present, represented by Attorney Nancy Campiglia, present – Commissioner Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 6 to 1.

Tab N – Doering, Michael J.; present, represented by Attorney Nancy Campiglia, present – Vice-Chair DeNapoli moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion carried unanimously. Vice-Chair DeNapoli moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab S – Gendler, Allen A.; present, represented by Attorney Nancy Campiglia, present; Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 5 to 2.

Tab BA – Vosmak, Vitaliy; present; represented by Attorney Nancy Campiglia, present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab H – Colley, Joel A.; not present, represented by Attorney Daniel Villazon, present – Application withdrawn and waived 90-day requirement.

Tab AW – Servais, Richard B.; not present; represented by Attorney Daniel Villazon, present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab A – Allen, Christopher X.; not present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to deny the application for mutual sales associate; motion carried unanimously.

Tab B – Altman, Ronald; not present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab C – Andrade, Kelvin A.; not present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried 4 to 3.

Tab D – Buchta, Jackie L.; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab F – Cardoso, David H.; present – Commissioner Furst moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab Q – Galante, Nicolo; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BC – Yanes, Lisset; present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried unanimously.

Tab G – Colemon, Gerald; not present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab I – Compo, Alex; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab J – Cowherd, Benjamin J.; present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab K – Crystal, Hope N.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab L – Degross, James P.; not present – Commissioner Boring moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab M – Delgado, Carlos A.; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab O – Easterling, Travis O. Sr.; present – Application withdrawn and waived 90-day requirement.

Tab P – Edelglass, Diane C.; present – Commissioner Boring moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab R – Gemignani, Mark; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab T – Gomez, Richard P. Jr.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab U – Gonzalez, Jesus R.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 6 to 1.

Tab V – Harbus, Maria; present – Commissioner Guju moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab W – Harris, Lenwood W.; not present – Commissioner McCoig moved; seconded by Commissioner Guju to deny the application for broker; motion carried unanimously.

Tab X – Henriques, Gigi N.; present – Application withdrawn and waived 90-day requirement.

Tab Y – Holliday, Josh; present – Application withdrawn and waived 90-day requirement.

Tab Z – Jimeno, Giancarlo, present – Informal hearing. Applicant withdrew the appeal.

Tab AA – Johnson Richard W.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AB – Kelly, James P.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AC – Kelly, Mary A.; present – Commissioner Boring moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AD – Kirkland, Douglas L.; present – Commissioner Boring moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried 4 to 3.

Tab AE – Lee, Ho Yeon; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AP – Packard, Tiffany; present – Application withdrawn and waived the 90-day requirement.

Tab AF – Lone, Vivian D.; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab AG – Low, Alfred; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AH – Loy, Dennis R.; not present – Applicant requested a continuance. Vice-Chair DeNapoli moved; seconded by Commissioner Boring to continue the application for sales associate; motion carried unanimously. Applicant waived the 90-day requirement.

Tab AI – Martin, Brian M.; present – Application withdrawn and waived the 90-day requirement.

Tab AJ – Mascherino, Andrew D. Jr.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to deny the application for sales associate; motion carried unanimously.

Tab AK – Miller, Ronald C.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab AL – Morales, Francisco; present – informal hearing – Applicant withdrew the appeal.

Tab AM – New, Cynthia A.; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab AN – Nott, Robert M.; present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for broker; motion carried unanimously.

Tab AO – Olsen, Laurence C.; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AQ – Phillips, Antonio F., present – Application withdrawn and waived the 90-day requirement.

Tab AR – Pronman, Gary E.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AS – Robinson, Joel M.; present – Application withdrawn and waived the 90-day requirement.

Tab AT – Rodriguez, Angel L. Jr.; present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried 5 to 2.

Tab AU – Schmer, Justin D.; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AV – Sealy, Calvin M.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AX – Smith, Carrie M.; present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab AY – St. Clair, Denise; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab AZ – Vanderwerf, Sarah M.; present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for broker; motion carried unanimously.

Tab BB – Williams, Megan; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

### **Director’s Comments**

Instructor CE Seminars – Director O’Bryant reported that the Division has completed three instructor seminars; the last one was held in Orlando in conjunction with the Florida Realtor Convention and it worked out very well. The Division will conduct three more in 2011 to be held in Jacksonville, Pinellas and West Palm.

Commissioner Furst inquired about the broker proficiency exam coming up in January. Director O’Bryant reported that he covers the outline of the exam at the Instructor Seminars and it is currently with the Bureau of Education and Testing to conduct out reach to the schools in October.

### **Chair’s Comments**

Chair Enzor thanked staff for the job they do each month to facilitate the meetings.

### **Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 19 and 20, 2010, in Orlando, Florida.

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Roger Enzor, Chair  
Florida Real Estate Commission

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Thomas O’Bryant, Jr.,  
Director  
Florida Real Estate Commission