

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 20 and 21, 2011
General Meeting**

Chair Richard DeNapoli called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 20th day of September, 2011.

The following Commission members were in attendance: Chair Richard DeNapoli, Vice-Chair Michael Guju, Claude "Chip" Boring, Darla Furst, Ralph McCoig and John Ruffier. Commissioner Enzor was excused. Ms. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Department and Division staff present at the meeting: Juana C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Andrew Fier and Joseph Solla, Assistant General Counsel; JoEllen Peacock, Education Coordinator; Lynette Kane, Operations Management Consultant II; Janice Taylor, Government Analyst I; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; seconded by Commissioner Furst to approve the Minutes of the August 30 and 31, 2011, General Meeting, as written. Motion passed without dissent.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report. Director Watkins reported the numbers have been consistently high and that many of the cases are in the Central Florida region. Vice-Chair Guju agreed that the numbers of complaints are considerably higher than last year and asked how the division will accommodate the increase. Director Watkins stated that she has had discussions with key personnel in Tallahassee and although due to budget cuts the division does not have the funds to fill any vacancies, the division will be receiving assistance from the Division of Regulation to eliminate the aged cases for both real estate and unlicensed activity by the end of the year as charged by the Commission. Director Watkins addressed additional questions and comments from the Commission and the audience.

Monthly Exam Performance Summary Report

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

Discussion of Real Estate Application Background Questions

Director Watkins stated that this issue has expanded beyond question one since the last Commission meeting. Director Watkins reported that she recently participated in a conference call with various division directors, the Deputy Secretary and representation from the office of General Counsel to discuss issues relating to the reports the department receives resulting from electronic fingerprinting and how the department is using them. She further reported that the contractual relationship between the State, FDLE and FBI dictates how the department may use that information. Director Watkins stated that the department is reviewing the contract. She further stated that the division has determined that the applicant may request the FDLE report from the FDLE, however, they may not get FBI report due to federal laws and confidentiality; the Florida Real Estate Commission is specifically exempted from this provision. Director Watkins stated that in an effort to be helpful to the applicant the division will provide general information i.e. location, year so that the applicant can get the information. However, there is some question at this point whether the confidentiality law cited extends not only to the document, but also the report and content as well. Chair Enzor asked Ms. Clark if the Attorney General's Office will weigh in on this. Ms. Clark said no but reported that she attended a seminar for nursing and that a representative from the FBI stated that their intent is that the information is not provided to anyone including the applicant and that they plan on conducting audits of various states and if they find the state is misusing the information they may cease providing the information to that state. The Commission received comments from the audience. Director Watkins stated that she will report as much information to the Commission as she is permitted once they receive clarity on this issue.

2012 FREC Calendar

Director Watkins presented the 2012 FREC calendar for the Commission's consideration and approval. Vice-Chair Guju moved to approve the 2012 Meeting Calendar as presented. Commissioner Boring seconded the motion. The motion carried unanimously without dissent.

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 12 Escrow Disbursement Orders and 1 Order for the Commission's consideration. Commissioner McCoig moved to accept the 12 Escrow Disbursement Orders and 1 Order, as presented. Vice-Chair Guju seconded the motion.

Recovery Fund Claim Final Orders

Tab A – Mary and Phil Sweeney v. Peter Langer – DBPR Case No. 2011027942 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$2,100.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab B – Marc Fraga v. Peter Langer – DBPR Case No. 2011028078 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the

request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$26,346.44. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab C – Ann Marie Staib v. Peter Langer – DBPR Case No. 2011028605 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Furst moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$1,938.50. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab D – Eduardo Gonzalez v. Peter Langer – DBPR Case No. 2011028693 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla stated that the Claimant is a tenant and no funds were owed to the Claimant as a result of the department's audit of the licensee's accounts. The Claimant is requesting the Commission to waive the requirement for obtaining a civil judgment against the licensee in this matter. Mr. Solla stated that the death of the Licensee does not alter the landlord/tenant relationship between the claimant and the property owner and that this claim is a matter properly determined pursuant to the provisions of the Florida Residential Landlord Tenant Statute, Chapter 83. Mr. Solla advised that the Claimant has failed to satisfy the statutory requirements for payment from the Recovery Fund. The Commission considered the facts and circumstances. Vice-Chair Guju moved to decline waiving the requirement of a civil judgment pursuant to Section 475.483(1)(a), Florida Statutes and deny Claimant's request for payment from the Real Estate Recovery Fund. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab E – Alexander B. Henry v. Peter Langer – DBPR Case No. 2011028973 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim, per the result of the department audit of the Licensee's accounts, in the amount of \$6,508.50. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab F – Randolph Schmelig v. Peter Langer – DBPR Case No. 2011029839 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$12,240.00. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab G – Christopher Salvo v. Peter Langer – DBPR Case No. 2011029840 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order

granting the claim in the amount of \$4,171.50. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab H – David Colaberdino v. Peter Langer – DBPR Case No. 2011029845 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$11,154.50. Commissioner McCoig seconded the motion. The motion passed without dissent.

Tab I – Maria E. Chimbidas v. Peter Langer – DBPR Case No. 2011030412 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Furst moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim, per the result of the department audit of the Licensee's accounts, in the amount of \$1,075.00 Commissioner Boring seconded the motion. The motion passed without dissent.

Tab J – Pam Gardner v. Peter Langer – DBPR Case No. 2011030478– Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim, per the result of the department audit of the Licensee's accounts, in the amount of \$4,070.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab K – John Karousos v. Peter Langer – DBPR Case No. 2011031308 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$5,332.33. Commissioner McCoig seconded the motion. The motion passed without dissent.

Tab L – Anthony Pavlides v. Peter Langer – DBPR Case No. 2011031310 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$8,100.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab M – Charles and Nicki Kross v. Peter Langer – DBPR Case No. 2011031314 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order

granting the claim in the amount of \$1,245.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab N – Lesa Einhorn v. Peter Langer – DBPR Case No. 2011032774 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$1,050.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab O – Marguerite Mauter v. Peter Langer – DBPR Case No. 2011033643 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$2,950.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab P – Jim V. Ciadella v. Peter Langer – DBPR Case No. 2011033749 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Boring moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$1,600.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab Q – Joan Creed v. Peter Langer – DBPR Case No. 2011034625 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Boring moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$2,180.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab R – Mary Ellen Hope v. Peter Langer – DBPR Case No. 2011034738 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla stated that the Claimant alleges that she is the owner of the property and is requesting the Commission to waive the requirement for obtaining a civil judgment against the licensee in this matter. This matter was reheard on September 21, 2011, as a result of receiving additional information from the Claimant.

Tab S – Joanne Wojciechowski v. Peter Langer – DBPR Case No. 2011034945 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Boring moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$10,007.77. Vice-Chair Guju seconded the motion. The motion passed without dissent.

Tab T – Jayne Hall v. Peter Langer – DBPR Case No. 2011034947 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla stated that the Claimant is a tenant and no funds were owed to the Claimant as a result of the department’s audit of the licensee’s accounts. The Claimant is requesting the Commission to waive the requirement for obtaining a civil judgment against the licensee in this matter. Mr. Solla advised that the Claimant has failed to satisfy the statutory requirements for payment from the Recovery Fund. The Commission considered the facts and circumstances. Commissioner McCoig moved to decline waiving the requirement of a civil judgment pursuant to Section 475.483(1)(a), Florida Statutes and deny Claimant’s request for payment from the Real Estate Recovery Fund. Vice-Chair Guju seconded the motion. The motion passed without dissent.

Tab U – Geoffrey E. Nunn v. Peter Langer – DBPR Case No. 2011037019 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$1,100.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab V – Janet Susskind v. Peter Langer – DBPR Case No. 2011037028 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$727.50. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab W – Jacqueline McDonough v. Peter Langer – DBPR Case No. 2011037284 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$1,900.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Tab X – Gerardette M. Hartnett v. Peter Langer – DBPR Case No. 2011037292 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Furst moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve the order granting the claim in the amount of \$3,475.67. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab Y – Kristin Henry v. Peter Langer – DBPR Case No. 2011037768 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Boring moved to waive the requirement of obtaining a civil judgment for damages against the Licensee and approve

the order granting the claim in the amount of \$2,590.00. Commissioner McCoig seconded the motion. The motion passed without dissent.

Tab Z – William G. Seiler and Diana Seiler v. Anne Woodward – DBPR Case No. 2011020071 – Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the order granting the claim in the amount of \$5,000.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab A – William Gainey, BK 677106, Case No. 2011016923 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revocation.

Tab B – Jeffrey Allen Janofski, SL 626397, Case No. 2008048886 – Respondent’s Request for an Informal Hearing

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

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

Penalty imposed: \$500.00 fine, \$589.05 investigative costs, 6 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of failing to deliver the buyer’s check to his employer in violation of Rule 61J2-14.009, Florida Administrative Code and therefore Section 475.25(1)(e), Florida Statutes.

Tab C and D – Melina Moya, SL 3196327, Case Nos. 2010032898 and 2010052497 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revocation.

Consent Agenda A

The Commission considered 116 applicants from the Consent Agenda; Commissioner McCoig moved; seconded by Commissioner Ruffier to approve 96 applicants and require 20 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Asnip, Michael	Hester, Marquitta	Pham, Thomas
Bieneman, Peter	Hollander, Jared	Pruitt, Steve
Boscarino, Charles	Horton, Shane	Purvis, James II
Boutin, John	Hurt, James	Quintana, Milagros
Brennan, John P	Hutcherson, Lynette	Quispe, Yuri Javier
Cade, James	Iezzi, Thomas	Rodriguez, Dionisio
Chapman, Scott	James, Evrett	Rodriguez, Steven
Clark, Scott	Kemp, Michael	Rohrer, Marc
Collard, Robert	Kessler, Michael	Rotalde, Miguel
Contreras, Beatriz	Kohn, Alfonso	Rouso, Mark
Cuha, Aaron	Koutsos, Leander	Salamone, Chris
Darnell, William	Kovalenko, Valentin	Saltmarsh, Ernest
Daw, John	Lehrer, Rachel Ray	Schade, Scott
De Carvalho, Rita	Lemus, Jesse	Scheer Garcia, Guillermo
Dias, Wilson	Lestourgeon, Todd	Schiegner, Jordan
Dibattista, Jessica	Lopes, Angela	Shirola, Antonio
Dudley, Mark	Lopez, Antonio	Smith Floyd, Tracy
Durosier, Johnier	Lucas, John	Smith, Joseph
Ferrer, Idager	Lustig, Adam	Smith, Susan Joy
Feyas, Peter	Malleck, Shaynaz	Sullivan, Diane
Fisher, Daniel	Malone, Sean	Taylor, Adam K
Fisher, Jesse	Manglia, Phillis	Tegov, Alexander
Friedman, Derek	Marrill, Justin	Tsoukalas, Constantina
Furst, Joseph	McGinnis, David	Tsyganov, Yuri
Gagne, Kristen	Metrakos, Sandra	Vasquez, Jessica
Gainey, Michael	Miller, Charles	Wall, Reginald
Galmiche, Kelly	Mole, Michael	Weaver, Steven
Garnett, Brian	Nowlin, Ryan	Wesley, John
Glowniak, Adrienne	Ona, Juan Carlos	West, Smokshane
Griffith, Felicia	Oneil, Timothy	Willsie, Jessica
Guzman, Atahualpa	Ortega, Filemon	Wolaver, Knox James
Haddock, Kinsey III	Petros, Heath	Zarudny, Dennis

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

Alexander, Gwendolyn	Glynn, Angela	Palazini, Kristen
Buitrago, Jose Jr.	Grant, Christopher	Poli, Julie
Cooper, Latonya	Holmes, Tiwana	Shepherd, Janeth
Durham, Michael	Kaplan, Jason	Walker, Milford III

Flood, John
Gagas, Michael
Garcia, William

Lynch, Robin
Mehit, Angela
Moore, John

White, Mitchell
Williams, Glenn

Consent Agenda B

The Commission considered 10 applicants from the Consent Agenda B; Commissioner Ruffier moved; seconded by Commissioner Boring to approve 8 applicants and require 2 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Culp, Thomas
Davis, Crystal
Falcone, Joseph

Kalisz, Joanna
Lattrell, Ron
Moradel, Carlos

Nantex, Jair
Smith, David J

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

Partridge, David

Rasnick, Kenneth

There being no further business and no objection, the Chair adjourned the meeting at approximately 10:45 a.m.

September 21, 2011

Chair Richard DeNapoli reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of September, 2011.

The following Commission members were in attendance: Chair Richard DeNapoli, Vice-Chair Michael Guju; Claude "Chip" Boring, Darla Furst, Roger Enzor and Ralph McCoig. Commissioner Ruffier was excused. Ms. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Department and Division staff present at the meeting: Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Andrew Fier, Assistant General Counsel; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; 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.

Mary Ellen Hope v. Peter Langer – DBPR Case No. 2011034738 – Assistant General Counsel Solla requested the Commission rehear this matter to the Commission to consider information the division received from the Claimant. Mr. Solla stated that the Claimant alleges that she is the owner of the property and provided a copy of an amended order determining homestead showing the that property was the passed to Toni Fiattarone, Robert Giffone, Linda Allocco and Mary Ellen Hope upon the death of the owner and is requesting the Commission to waive the requirement for obtaining a civil judgment against the licensee in this matter. The Commission considered the facts and circumstances. Commissioner McCoig moved to vacate the previous Final Order and create a new Final Order to waive the requirement of obtaining a civil judgment for damages against the Licensee

and approve the order granting the claim in the amount of \$284.70 payable to Toni Fiattarone, Robert Giffone, Linda Allocco and Mary Ellen Hope. Commissioner Furst seconded the motion. The motion passed without dissent.

Summary of Applicants

Deputy Director Johnson presented 70 Summary of Applicants requesting to sit for the real estate examination.

Tab C – St. Vill, Phaniel; present and represented by Nancy Campiglia, Esquire; present – Informal hearing – Ms. Campiglia requested a continuance until October. Commissioner McCoig moved; seconded by Commissioner Boring to continue the Informal Hearing until October 19, 2011; the motion passed without dissent.

Tab AH – Linn, Steven; not present and represented by Daniel Villazon, Esquire; present – Application withdrawn and waived the 90-day requirement.

Tab K – Classie, Christina; present and represented by Nancy Campiglia, Esquire; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Lucas, Michael J.; present and represented by Nancy Campiglia, Esquire; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with two in dissent.

Tab BQ – Willis, John T.; present and represented by Nancy Campiglia, Esquire; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab P – Daoud, Arnold A.; present and represented by Nancy Campiglia, Esquire; present – Applicant requested a continuance and waived the 90-day requirement. Commissioner McCoig moved; seconded by Vice-Chair Guju; the motion passed without dissent.

Tab R – Elbatrawy, Ahmed I.; present and represented by Nancy Campiglia, Esquire; present – Applicant requested a continuance and waived the 90-day requirement. Commissioner McCoig moved; seconded by Vice-Chair Guju; the motion passed without dissent.

Tab AF – Lamp, Jordan J.; not present and represented by Nancy Campiglia, Esquire; present – Commission granted a 90-day continuance on August 31, 2011. The matter is continued until November.

Tab AN – McCreary, Andrew; present and represented by Bob Dwyer, Esquire; present – Application withdrawn and waived the 90-day requirement.

Tab BM – Vira, Danai; present and represented by Aly Benitez, Esquire; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with two in dissent.

Tab A – Duarte, Celia M.; not present – Informal hearing – Applicant requested a continuance. Commissioner McCoig moved; seconded by Commissioner Enzor to continue the matter for 90 days; the motion passed without dissent.

Tab B – Siegel, Marc; not present and represented by Mycki Ratzan, Esquire; not present – Informal hearing – Commissioner Furst moved; seconded by Commissioner Enzor to uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab D – Aquino, Nylsa; not present – Commissioner Furst moved; seconded by Vice-Chair Guju to approve the application for sales associate; the motion passed without dissent.

Tab E – Balaz, Richard; present – Application withdrawn and waived the 90-day requirement.

Tab F – Beltran, Madelin; not present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed without dissent.

Tab G – Bourbeillon, Sabrina L.; not present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with two in dissent.

Tab H – Brown, Sabrina; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab I – Burroughs Love, Tenise; not present – Commissioner Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab J – Carreno Diaz, Daniel R.; not present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab L – Clayton, Andre D.; present – Commissioner Enzor moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed with 2 in dissent.

Tab M – Cochran, Boyd T.; not present – Applicant requested a continuance. Vice-Chair Guju moved; seconded by Commissioner McCoig to continue the matter until October 19, 2011.

Tab N – Daly, Kimberly M.; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed with one in dissent.

Tab O – Damgaard, Ryan J.; present – Commissioner McCoig moved; seconded by Vice-Chair Guju to approve the application for sales associate; the motion passed without dissent.

Tab Q – Davila, Daniel E.; present – Application withdrawn and waived the 90-day requirement.

Tab S – Elias, Ronia A.; not present – Application withdrawn.

Tab T – Faison, Brian David; present – Vice-Chair Guju moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed without dissent.

Tab U – Fennell, Jordan P.; not present – Manuel Disgdiertt appeared as a character witness – Commissioner McCoig moved; seconded by Vice-Chair Guju to approve the application for sales associate; the motion passed without dissent.

Tab V – Franklin, Jeffrey; not present – Commissioner McCoig moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab W – Gaither, Carla L.; present – Commissioner Furst moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed with two in dissent.

Tab X – Gomez, Carlos F.; present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for broker; the motion passed without dissent.

Tab AG – Leyva, Jessica; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with two in dissent.

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

Tab Z – Hopper, Sara R.; not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner McCoig moved; seconded by Vice-Chair Guju to continue the matter until October 31, 2011; the motion passed without dissent.

Tab AB – Johnson, Matthew J.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AC – Joseph, Crystal; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent

Tab AD – Kass, Wayne; not present – Application withdrawn.

Tab AE – Lamm, Jeffrey M.; present – Application withdrawn and waived 90-day requirement.

Tab AI – Liott, Catrina L.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AK – Lyons, Rachelle W.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with two in dissent.

Tab AM – Marchbanks, Carlus D.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AO – McGonigal, Mark F.; present – Commissioner Enzor moved; seconded by Vice-Chair Guju to deny the application for sales associate; the motion passed without dissent.

Tab AP – Moncada, Brenda; present – Commissioner McCoig moved; seconded by Vice-Chair Guju to approve the application for sales associate; the motion passed with two in dissent.

Tab AQ – Morrow, Steven W.; present – Vice-Chair Guju moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed with two in dissent.

Tab AR – Napieralski, Monica; present – Applicant withdrew application and waived the 90-day requirement.

Tab AS – Ortega, Armando; present – Commissioner McCoig moved; seconded by Vice-Chair Guju to approve the application for sales associate; the motion passed without in dissent.

Tab AT – Ortstadt, John A.; present – Applicant withdrew application and waived the 90-day requirement.

Tab AU – Paiva, Ryan D.; present – Vice-Chair Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without in dissent.

Tab AV – Patel, Pravim; present – Commissioner McCoig moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AW – Perrine, Brent D.; present – Commissioner Enzor moved; seconded by Vice-Chair Guju to deny the application for sales associate; the motion passed with 2 in dissent.

Tab AX – Pirot, Gerard G.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for broker; the motion passed with one in dissent.

Tab AZ – Richardson, Dion A.; present – Applicant withdrew application and waived the 90-day requirement.

Tab BA – Rogers, Richard C.; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for broker; the motion passed without dissent.

Tab BB – Rojas, Javier Augusto; present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for broker; the motion passed with two in dissent.

Tab BD – Ruiz, Roland A.; present – Applicant withdrew application and waived the 90-day requirement.

Tab BG – Smyth, Richard M.; present – Commissioner Furst moved; seconded by Vice-Chair Guju; motion failed two to four. Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed with two in dissent.

Tab BL – Verastegui, Brightie E.; present – Applicant withdrew application and waived the 90-day requirement.

Tab BN – Volcy, Nakita; present – Vice-Chair Guju moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed with one in dissent.

Tab BO – Westphall, Gerald B.; present – Applicant withdrew application and waived the 90-day requirement.

Tab BR – Wright, Loretta; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AA – Johnson, Alonderay A.; not present – Commissioner McCoig moved; seconded by Vice-Chair Guju to deny the application for sales associate; the motion passed without dissent.

Tab AL – Mahoney, Krystin Leah; not present – Vice-Chair Guju moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed with one in dissent.

Tab AY – Reed, Richard A.; not present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed without dissent.

Tab BC – Ruble, Christopher A.; not present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab BE – Schmitt, Joseph R.; not present – Commissioner McCoig moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab BF – Smith, Bradley S.; not present – Commissioner McCoig moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab BH – Spencer, Richard L. III; not present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BI – Summers, Jerry D.; not present – Commissioner Furst moved; seconded by Commissioner McCoig to approve the application for broker; the motion passed without dissent.

Tab BJ – Tassy, Errol Y.; not present – Commissioner McCoig moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab BK – Torres, David; not present – Commissioner Furst moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab BP – Wilkes, Sirran S.; not present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed with one in dissent.

Director Comments

Deputy Director Johnson stated that Director Watkins had two comments; the first was to address Vice-Chair Guju's inquiry relating to the discrepancy in the financial report last month and explained that a column was inadvertently dropped and not carried over from the previous fiscal year's report. Second was that the FREC Newsletter article from the Chair and/or volunteer from the Commission is due within the next two weeks.

Commission's Comments

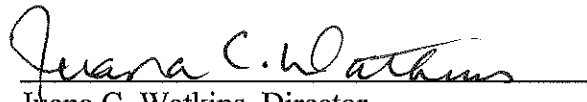
Chair DeNapoli requested that more care is taken in preparing the summary for the applicants. Deputy Director Johnson stated she would pass that along.

Commissioner Enzor congratulated Mr. Cunningham on his new position as Chief Attorney. Commissioner Enzor asked where the numbers were for pending cases in legal and inquired why there were only 4 cases on the Legal Agenda. Chief Attorney Cunningham stated that he was concerned as well and reported that this anomaly was due to the turnover relating to real estate attorneys. Chief Attorney Cunningham further stated that it will take a little time to get the new attorneys up to speed but that it is being addressed. Commissioner Enzor requested to receive a report next month reflecting the numbers for pending cases.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 6:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 18 and 19, 2011, in Orlando, Florida.


Richard DeNapoli, Chair
Florida Real Estate Commission


Juana C. Watkins, Director
Florida Real Estate Commission