

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 18 and 19, 2012
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 18th day of September, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Chip Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. 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; Megan Demartini, Joshua Kendrick and Leigh Matchett, Assistant General Counsels; Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 25 Escrow Disbursement Orders and 6 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 25 Escrow Disbursement Orders with an amendment to Tab K and 6 Orders. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Recovery Fund Claim

Tab A – Yordania Medina v. Noelvis Gamez, DBPR Case No. 2012023519

There were no appearances on behalf of either party. 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 Hornsleth moved to approve the order granting the claim in the amount of \$35,000.00. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab D – Courtney George Dixon, BK 681828, Case No. 2010018751 – Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Enzor moved to dismiss the Administrative Complaint. Commissioner Hornsleth seconded the motion. The motion passed 4 to 2.

Action Taken: Case dismissed.

Tab E – Courtney George Dixon, BK 681828, Case No. 2011039143 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was present and not represented by counsel. Commissioner Hornsleth served on the probable cause panel.

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

Penalty imposed: \$500.00 fine, investigative costs within 6 months. **Violation:** Respondent violated a lawful order issued under the provisions of Chapter 455 or 475, by filing to comply with the Final Order filed November 29, 2010.

Tab N – Armando J. Cardella, SL 675393, Case No. 2011022209 – Settlement Stipulation

Respondent was present and represented by Daniel Villazon, Esquire, also present. Commissioner Boring was excused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Enzor to accept the Stipulated Settlement dropping Counts I and III of the Administrative Complaint. The motion passed without dissent.

Penalty imposed: \$1,000.00 fine, investigative costs, attend one 2-day FREC meeting, Respondent shall remove the website advertising properties not owned by Respondent within 30 days of the effective date of the Final Order. **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker on behalf of a Corporation and not Respondent’s registered broker.

Action taken: Settlement Stipulation accepted.

Tab P – Mary Susan Jacobs, BK 703491, Case No. 2011020767 – Settlement Stipulation

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

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

Penalty imposed: \$250.00 fine; **Violation:** Violated Section 475.25(1)(r), Florida Statutes, by failing to include a definite expiration date in the Exclusive Right of Sale Listing Agreement for Subject Property One and Two.

Action taken: Settlement Stipulation accepted.

Tab J – Norma Rodriguez, SL 3103502, Case No. 2010002459 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Matchett represented the Department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty of Count 1 as charged in the Administrative Complaint and dismiss Count II of the Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Suspension for 6 months, \$2,000.00 fine, investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when she failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund deposit, check, draft.

Tab I – Dorian Molina, BK 651472, Case No. 2012004838 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Demartini represented the Department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved to dismiss the Administrative Complaint. Commissioner DeNapoli seconded the motion. The motion passed 4 to 2.

Action Taken: Administrative Complaint dismissed.

Tab G – William Ondra Joel, II, SL 3206179, Case No. 2011012222 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Demartini 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 DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the

Administrative Complaint. Commissioner Guju moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$2,000.00, investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when he was found guilty of one count of Conspiracy to Commit Wire Fraud and Mail Fraud, two counts of Mail Fraud, eight counts of Wire Fraud, and two counts of Making False Statements on a Loan Application; Respondent violated Section 455.227(1)(t), Florida Statutes, when he failed to report convictions to the FREC in writing within thirty days of being convicted.

Tab A – Sarah E. Hendricks, SL 3239708, Case No. 2011030936 – Recommended Order

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

Ms. Demartini represented the Department and presented the case to the Commission. Commissioner Enzor moved; seconded by Commissioner Podolsky to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order of the Administrative Law Judge. The motion passed without dissent.

Penalty imposed: Suspension 5 years, \$2,000.00 fine; **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, by operating as a sales associate for an entity not registered as her employer, and therefore, in violation of Section 475.25(1)(e), Florida Statutes; violated Section 455.227(1)(j), Florida Statutes, by aiding assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

Action taken: Adopted Recommended Order

Tab C – Stacy Leann DeSalvo, SL 3031744, Case No. 2011041667 – Respondent's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Suspension for 1 year, \$1,000.00 fine, investigative costs. **Violation:** Respondent violated Section 455.227(1)(t), Florida Statutes, by failing to notify the Commission in one or more instances and, therefore is in violation of Section 475.25(1)(e), Florida Statutes.

Tab F – Maha Hanna, SL 3089070, Case No. 2011048139 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by

Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: \$1,000.00 fine, investigative costs, 28-hour reactivation CE course, 6 months probation, attend 1 two-day FREC meeting. **Violation:** Respondent violated Section 475.42(1)(d), Florida Statutes, by filing a civil action against Saltzman, who was at no time Respondent's employer, for the recovery of a real estate commission in connection to a real estate service.

**Tab K – Reid Organization, Inc., CQ 102177, Case No. 2012006939 and
Tab L – Scott D. Reid, BK 312362, Case No. 2012006938 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

Action Taken: Respondent Reid Organization, Inc. – Revocation, \$2,000.00 fine, investigative costs; Respondent Scott Reid – Revocation, \$4,500.00, investigative costs. **Violation:** Respondent Reid Organization, Inc. – violated Section 475.25(1)(d), Florida Statutes, by failing to timely account or deliver a client's funds; violated Section 475.25(1)(i), Florida Statutes (2011), by obstructing or hindering the enforcement and ability to perform a duty under the authority of Chapter 475, Florida Statutes. **Violation:** Respondent Scott Reid – violated Section 475.25(1)(b), Florida Statutes (2011), when he committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction involving the escrow funds; violated Section 475.25(1)(d), Florida Statutes (2011), when he failed to timely account or deliver his client's funds; violated Section 475.25(1)(i), Florida Statutes (2011), when he obstructed or hindered the enforcement and ability to perform a duty under the authority of Chapter 475, Florida Statutes.

Tab M – Margaret A. Roberts, SL 680423, Case No. 2009066076 – Voluntary Relinquishment of License

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

Ms. Matchett represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Commissioner Enzor to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Accepted Relinquishment of License for Permanent Revocation

Tab O – Janet Lynn Geriak, SL 3169997, Case No. 2012010538 – Settlement Stipulation

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

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

Penalty imposed: \$250.00 fine, investigative costs, must complete an Ethics Course; **Violation:** Respondent violated Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering a plea of nolo contendere; violated Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering a plea of nolo contendere to a third degree felony.

Action taken: Settlement Stipulation accepted.

Tab Q – Stepfon T. Norwood, SL 321192, Case No. 2011053103 – Settlement Stipulation

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

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

Penalty imposed: Suspension for 90 days, \$2,000.00 fine, investigative costs, attend 1 two-day FREC meeting; **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, when Respondent acted in the capacity of a real estate broker for a corporation, while being licensed as a sales associate for another employer; violated Section 475.42(1)(d), Florida Statutes, when Respondent collected funds in connection with the lease of real property, not in the name of Respondent's registered employer; violated Section 475.25(1)(e), Florida Statutes, by violating Section 455.227(1)(j), Florida Statutes, by aiding an entity in the unlicensed practice of real estate.

Action taken: Settlement Stipulation accepted.

Tab R – Enel Diamond, BK 3107904, Case No. 2012004307 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation, \$5,500.00 fine, investigative costs. **Violation:** Respondent violated Section 475.25 (1)(b), Florida Statutes (2011), when he committed fraud; misrepresentation, concealment, false promises, false pretenses, dishonest dealings trick, scheme, or device, culpable negligence, or breach of trust

in his business transactions involving the escrow funds; violated Section 475.25(1)(d), Florida Statutes (2011), when he failed to timely account or deliver this client's funds; violated Section 475.25(1)(k), Florida Statutes (2011), when he failed to immediately place deposits in escrow; when he failed to timely account or deliver his client's funds; violated Section 475.25(1)(i), Florida Statutes (2011), when he obstructed or hindered the enforcement and ability to perform a duty under the authority of Chapter 475, Florida Statutes.

Cases Continued or Withdrawn

Tab B – Bruce R. Bates, Case No. 2011036199

Tab H – Deborah Jordan Case No. 2011050913

General Session

Approval of the Minutes

Commissioner Enzor moved; seconded by Commissioner Podolsky to approve the Minutes of the August 21 and 22, 2012, General Meeting, as written. The motion passed without dissent.

Report Regarding Enforcement Trends and Escrow Audits

Deputy Director Johnson presented the report regarding Complaint Trends and Escrow Audits. The Commission entered into discussion. Department staff addressed questions and comments from the Commission.

Unlicensed Activity Report

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

Financial Reports Ending June 30, 2012

Deputy Director Johnson presented the Financial Reports ending June 30, 2012, and addressed questions and comments from the Commission. Chair Furst requested the Financials be revisited next month so that someone from Finance can appear to answer the Commission's questions.

Monthly Exam Performance Summary Report

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

Report Regarding Legal Case Activity

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

Rule Development Workshop

Rule 61J2-14.009 – Real Estate Sales Associate

Deputy Director Johnson presented this rule for the Commission's review. FREC Counsel Barnhart stated the purpose this workshop is to amend the language to comply with statutory changes and to correct a rule

referenced after Law Implemented. The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth; motion carried unanimously to move forward with the rule making process and amend the rule as follows:

Every sales associate who receives any deposit, as defined in Rule 61J2-14.008, Florida Administrative Code, shall deliver the same to the broker or employer no later than the end of the next business day following receipt of the item to be deposited. Saturday, Sundays and legal holidays shall not be construed as business days. Receipt by a sales associate or any other representative of the brokerage firm constitutes receipt by the broker for purposes of paragraph 61J2-14.008(1)(d), Florida Administrative Code. *Specific Authority 475.05 FS. Law Implemented 475.25(1)(k) FS. History—New 1-1-80, Formerly 21V-14.09, Amended 7-20-93, Formerly 21V-14.009, Amended 7-5-95, 11-10-97, 2-5-04.*

FREC Counsel Clark presented the department's Statement of Estimated Regulatory Costs for the Commission's consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Commissioner DeNapoli moved to accept the proposed determination that there would be no financial impact on small businesses. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Review and Consideration of the Real Estate Continuing Education Course

Deputy Director Johnson presented the following continuing education course for the Commission's consideration:

Breaking Barriers Fair Housing – New Course (3 hours) – Application No. 16912 – Richard A. Giumenta, The CE Shop, Inc.

Mr. Gimenta was not present. The applicant provided additional documentation for the Commission's review. The Commission entered into discussion. Commissioner Enzor moved to approve the continuing education course listed above with revisions as stated in the supporting document, as with revisions it does meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Consent Agenda, Agenda A

The Commission considered 205 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve 157 applicants and require 48 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alvarado, Diane	Hrnak, Jason	Parbtani, Anil
Balboa, Sergio	Hughes, Derek	Parker, Daniel
Banko, Katherine	Hunter, Jayne	Patterson, William
Batiste, Ivy	Ibrahim, Sami	Peacock, Kimberly
Baxter, Robert	Irizarry, Christopher	Pearl, Diane
Beattie, Diana	Izquierdo, Max	Petridis, Peter
Benmeir, Roy	Jacobs, Dean	Poirier, Bernard
Bernhardt, Eric	Jauch, William	Prevolos, Nicholas
Bishop, Matthew	Jemmett, Andrew	Price, Marie
Blanco, Roxana	Johnson, Keith	Rabolli, Justin
Bouza, Jorge	Kanan, Bradford Jr.	Ragsdale, Charles
Brenneisen, Heidi	Kartner, Stacy	Ramon, Juan Jr.

Brooks, Travis
Burdette, Scott
Campa, Christopher
Carter, Evangeline
Casals, Jose
Cascardo, Juan
Castillo, Ricardo
Cefali, Michael
Claherty, Mark
Cochran, Lendi
Collins, Jason
Collins, Yancey
Connell, John
Creech, Billy
Criner, Edwin
Crum, Robert
Danastasiofrizzell, Tina
De Leon, Silvia
Denahan, Joshua
Desocio, Kimberly
Dobrescu, Alina
Dvorak, Thomas
Eissler, Eric
Ervie, Cayce
Espaillat, Francisco
Ferchak, William
Ferrin, John
Fleming, Howard
Fondeur, Felix
Foster, Shirley
Gaiefsky, Brian
Gerundo, Joao
Giacco, Kenneth
Gordon, Lourdes
Graybeal, Keith
Groves, Austin
Gullett, Carolyn
Haines, Andrew
Hayes, Michael
Hebert, Michael
Hernandez, Alfonso

Kleeger, Jeffrey
Kleinschmidt, Stanley
Knode, Stacey
Kolmetz, Mark
Kronengold, Andrea
Kusha, May
La Manna, Attilio
Lambert, Tanja
Laws, Andrew
LeClair, Denis
Leon, Ronald
Lindsay, Melissa
Lopez, Ariel
Lopez, Jorge
Lores, Manuel Jr.
Luttrul, Jay
Machado, John
Machatton, Christopher
Mahany, Cody
Malamoutsis, Peter
Marchi, Raphael
Marin, Guillermo,
Marshall, Daria
Marshall, Kevin
Mason, Betty
McLean, Zachary
Mejia, Jose
Merchant, Justin
Miller, Russell
Moran, Brian
Morris, Joshua
Moss, Robert
Mulcahy, Patrick
Murphey, William
Myers, Jordan
Nutt, Patrick
O'Neal, Ekaterina
Ozog, John
Pace, Jennifer
Palumbo, Brandon

Reyes, Karel
Rich, Linda
Rivera Colon, Gabriel
Roberts, Randall
Rocque, Charles
Rodriguez, Anthony
Rogers, Rex
Rountree, Aaron
Ruiz, Pedro
Russell, David
Ryan, Ellen
Salehjee, Farooq
Santiago, Christian
Santucho, Cristina
Sauer, Michael
Saunders, Eddie
Silberman, Allen
Skupien, John
Solon, Eddy
Southwell, Roxanna
Spina, Joseph
Stephens, Mark
Stinson, Rushton III
Stone, Kevin
Strickland, Melissa
Sutton, Carol
Thomas, David
Thomas, Hope
Thomas, Phillip
Toro, Nathaniel
Valdivieso, Carlos
Velazquez, Leon, Yermein
Wagenseil, Anna
Wagner, Staci
West, Parker
Wilcox, Kim
Williams, Brandon
Williams, Keith
Winton, Donald
Wolverton, Christopher

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

Andres Pelegrino, Rolando
Arrondo, Adrian
Barreto, Jorge
Castera, George
Coleman, Teri
Conitzer, Ruben
Crews, Anthony
Currie, Leah
Cyrklefsky, Travis
Doyle, Ryan
Giles, James

Joseph, Lucmon
Kallberg, Philip
Kilfeather, James
Kirn, Markus
Koller, Kenneth
Levy, Howard
Litke, Benjamin
Maldonado, Frank
Manzoni, Genevieve
McHenry, Steven
Mitchell, Shawna

Perociel, Deepak
Prahl, John
Rattet, Austin
Reyes, Jose
Samudio, Fernando
Santa Cruz Pacheco, Julio
Searcy, James Jr.
Sethi, Susana
Small, Carlton
Spiller, Kari
Tommer, Richard

Gonzalez, Yaima
Haddock, Johanna
Hernandez, Yvette
Hill, Aaron
Hood, Daniel

Murphy, Erin M.
Neagu, Razvan
North, Patrick
O'Brien, Patrick
Peralta, Michelle

Torres, William
Varela, Jose
Waldman, Monte
Walker, Lisa
Williams, Dwight

There being no further business and no objection, the Chair recessed the meeting at approximately 4:25 p.m. until 8:30 a.m. tomorrow.

September 19, 2012

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 19th day of September, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Chip Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. 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; Lauren Roderick, Assistant General Counsel; Jocelyn Pomaes, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomaes presented 31 Summary of Applicants requesting to sit for the real estate examination.

Tab X – Claudia Navarro, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab P – Nelson Kass, present, represented by Evan Kass, Esquire, also present – Commissioner Guju moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab T – Brian Loebker, present, represented by Daniel Villazon, Esquire, also present – Chair Furst recused herself from participation. Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab A – Matthew J. Betsinger, present – informal hearing – Commissioner Podolsky moved; seconded by Commissioner Guju to deny the request for informal hearing; the motion passed without dissent.

Tab B – Katherine Butsinas, present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Guju moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; the motion passed without dissent.

Tab C – Nicholas Abate, not present – Applicant requested a continuance until November 2012. Commissioner DeNapoli moved; seconded by Commissioner Podolsky to continue until November; the motion passed without dissent.

Tab D – Ashley L. Abercrombie, present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab E – Caio Achcar, present – Commissioner Podolsky moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab F – Brian F. Bauer, present – Applicant withdrew the application and waived the 90-day requirement.

Tab G – John Baxter, present – Applicant waived the 90-day requirement and requested a continuance.

Tab H – Judith D. Brizendine, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab I – January Condon, not present – Commissioner Enzor moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab J – Larry S. Coy, present – Applicant withdrew the application and waived the 90-day requirement.

Tab L – Tiesha N. Dyer, not present – Commissioner Podolsky moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab M – Steven J. Estrada, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab N – Jennifer D. Gentile, present – Commissioner Podolsky moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab K – Niya Curinton Dix, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Q – Michaela M. Krisanda, present – Applicant withdrew the application and waived the 90-day requirement.

Tab O – Edwin Hernandez, Jr., present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab R – Phillip C. Ledbetter, present – Applicant withdrew the application and waived the 90-day requirement.

Tab S – Joseph Locicero, not present – Commissioner Podolsky moved; seconded by Commissioner Enzor to deny the application for broker; the motion passed without dissent.

Tab U – Vivek R. Malut, not present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the application for broker; the motion passed without dissent.

Tab V – Trevor McBride, not present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab W – David P. Miller, Jr., present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 2.

Tab Y – Javier Rivera, present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab Z – Abdul R. Shabir, present – Commissioner Podolsky moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab AA – Matthew E. Spath, present – Commissioner Podolsky moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab AB – Brindley E. Tucker, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AC – Wesley T. Tyner, not present – Commissioner Podolsky moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab AD – Anthony J. Vazquez, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AE – William T. Waderton, III, present – Commissioner DeNapoli moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Summary of Applicant – Agenda B

OMC II Jocelyn Pomales presented 1 Summary of Applicant requesting to sit for the real estate examination.

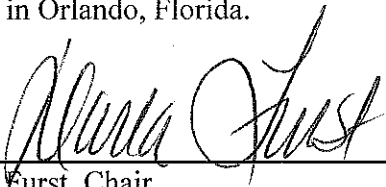
Tab A – Sarah Vazquez, not present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Commission Remarks

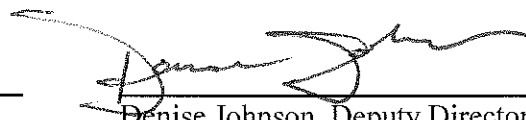
Chair Furst thanked Deputy Director for stepping in for Director Watkins.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 16 and 17, 2012, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Denise Johnson, Deputy Director
Florida Real Estate Commission