

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 17 and 18, 2013
General Meeting**

Chair Claude “Chip” Boring, III, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 17th day of September, 2013.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Josh Kendrick and Jennifer Blakeman, Assistant General Counsels; Sean Anderson, Christine Arzillo, Daniel Brackett, Al Cheneler, Daniel David and Anne Prescott, Assistant General Counsels appeared via video conference; Sara Kimmig, Bureau Chief of Enforcement; JoEllen Peacock, Education Coordinator; Jenny Schwartz, ULA Supervisor; Jocelyn Pomaes, Operation Management Consultant II; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner Podolsky to approve the Minutes of the August 20 and 21, 2013, General Meeting, as written. The motion passed without dissent.

Reports

Financial Reports Ending June 30, 2013

Director Watkins presented the Financial Reports ending June 30, 2013. Mr. Dick Fryer, IFREC Schools, provided comments. Director Watkins addressed questions and comments from the Commission.

Vice-Chair Enzor inquired about the real estate scholarship initiative. Director Watkins stated that the contract procedures have changed and slowed the process a bit; however the contract is approved for 3 years and the funds will be disbursed in accordance to the contract. Commissioner Furst and Mr. Dick Fryer provided an update of the Florida Realtors Scholarship program and addressed questions from the Commission. Director Watkins and Deputy Director Johnson addressed additional questions and comments from the Commission.

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report. Commissioner Furst reported that a workshop will be held tomorrow after the FREC meeting to go over the sales associate syllabus. Ms. Watkins addressed additional questions and comments from the Commission.

Report Regarding Enforcement Trends and Escrow Audits

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

Unlicensed Activity Report

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

Report Regarding Legal Case Activity

Chief Attorney Cunningham stated that due to technological issues the graph is unavailable and orally provided an update.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 8 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 8 Escrow Disbursement Orders and 3 Orders. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Recovery Fund Case

Tab D – Sadao and Reiko Maeda v. Rieko Niizato, DBPR Case No. 2012035848

Assistant General Counsel Solla presented this matter to the Commission. The Licensee was not present. Ms. Terri N. Thomas, Esquire, appeared on behalf of the Claimants. Ms. Thomas stated that she has received additional evidence in support of the claim. Commissioner Podolsky moved to continue the matter until October 2013, to give Ms. Thomas the opportunity to provide additional information. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Tab A – Madonna Holdings, LLC, et al. v. Marsha Bailey-Barbaria, DBPR Case No. 2013031847

Assistant General Counsel Solla presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Solla advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Podolsky moved to approve the order denying the claim. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Tab B – Madonna Holdings, LLC, et al. v. James William Banford, DBPR Case No. 2013031839

Assistant General Counsel Solla presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Solla advised that the Claimant does not qualify statutorily to receive payment

from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner DeNapoli moved to approve the order denying the claim. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Tab C – Mauricio Chavarriaga v. Marvin Del Valle, DBPR Case No. 2011052214

Assistant General Counsel Solla presented this matter to the Commission. Neither the Claimant nor the Licensee was present. 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 Podolsky moved to approve the order granting the claim in the amount of \$50,000.00. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Legal Agenda Schedule

Tab F – Ilene Sue Peterson, BL 3057813, Case No. 2013009292 – Petitioner’s Motion for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Robert Nettleton, Esquire, also present. Vice-Chair Enzor was recused due to participation on the probable cause panel.

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

Action Taken: \$1,000.00 fine; investigative costs; 6 months probation; must attend one (1) 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent illegally notarized a Quit Claim Deed.

Tab C – Ronald Dillard Clifton, Jr., BK, 646167, Case No. 2011037174 – Settlement Stipulation

Respondent was not present; Respondent was represented by James L. Harr, Esquire, present and Dannie Hart, Esquire, not present. Commissioner Podolsky was recused due to participation on the probable cause panel.

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

Penalty imposed: Suspension for 10 months; \$1,000.00 fine; investigative costs; must attend 3 two-day FREC general meetings. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was found guilty of bribery and false statements; Section 475.25(1)(n), Florida Statutes, when Respondent was incarcerated at a Federal Prison Camp.

Action taken: Settlement Stipulation accepted.

Tab D – Randall Lawrence Gilbert, SL 3142968, Case No. 2011044311 – Petitioner’s Motion for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present. Respondent was represented by Mr. Gavin Caddy, Esquire, present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Ms. Prescott represented the department and presented the case to the Commission. Mr. Caddy presented a Motion to Reschedule Final Action Hearing. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion carried unanimously to continue the informal hearing until October 15, 2013; motion passed without dissent to impose the following sanctions:

Action taken: Informal hearing continued until October 15, 2013.

Tab G – Richard A. Proctor, SL 315526, Case No. 2012010448 – Respondent’s Request for an Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner Hornsleth; motion carried unanimously to dismiss the charges contained in the Administrative Complaint. The motion passed without dissent.

Action taken: Administrative Complaint dismissed.

Tab E – Michael J. Padova, SL 3129553, Case No. 2012017017 – Petitioner’s Motion for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Brackett represented the department. Mr. Harwood requested a continuance until October 15, 2013. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion passed without dissent to continue the case until October 15, 2013.

Action taken: Case continued until October 15, 2013.

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

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

Ms. Prescott represented the department. Mr. Harwood stated that there are disputed issues of material fact and requested a formal hearing. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner DeNapoli; motion carried unanimously to continue the case until October 17, 2013.

Action taken: Case continued until September 17, 2013.

Agenda B, Tab A; Agenda A, Tab V – Barbara Jane Stamm, BK 3131702, Case No. 2012020812 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Arzillo represented the department and presented the case to the Commission. The Commission found the Respondent guilty as charged in the Administrative Complaint at the August 20, 2013, general meeting. The Commission entered into discussion for the penalty phase. Commissioner Podolsky moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action taken: Suspension for 1 year; 2 years probation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled nolo contendere to Grand Theft, a felony.

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

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

Mr. David represented the department and presented the case to the Commission. The Commission found the Respondent guilty as charged in the Administrative Complaint at the August 20, 2013, general meeting. The Commission entered into discussion for the penalty phase. Commissioner Podolsky moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action taken: Suspension for 5 years, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled nolo contendere to Grand Theft, a felony.

General Session continued

Petition for Waiver of Rule 61J2-10.034, Florida Administrative Code

Deputy Director Johnson presented the petition received from Charles L. Cooper, Jr., Esquire on behalf of Tallahassee Land Management, Inc. Ms. Misty Taylor, Esquire appeared on behalf of Bryant, Miller, Olive, P.A. Director Watkins provided a brief summary of the petition. The Commission entered into discussion. Commissioner DeNapoli moved to continue the matter until the next meeting for further clarification; Commissioner Podolsky seconded the motion. The motion passed without dissent.

Legal Agenda Schedule continued

Tab P – Teofil Neal Kapp, SL 629826, Case No. 2012021396 – Respondent’s Request for Waiver Hearing

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

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

Action Taken: Suspension for 1 year; \$1,500.00 fine; investigative costs; attend 2 complete FREC general meetings; probation for 15 months. **Violation(s):** Section 475.25(1)(a), by violating Section 475.42(1)(b), Florida Statutes when Respondent operated as a broker for any person not registered as her or his employer; Section 475.25(1)(a), by violating Section 475.42(1)(d), Florida Statutes when Respondent collected money in his own name and not in the name of his employer and with the express consent of the employer.

Tab A – Jaswant S. Bhatti, Lic. ,Case No. 2012033494 – Case continued.

Tab I – Scott Schuhriemen, SL 3215078, Case No. 22012048664 – Case withdrawn.

Tab J – Deborah Ann Sellers, SL 3042708, Case No. 2011053314 – Respondent’s Request for an Informal Hearing

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

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

Action taken: Suspension for 60 days; \$500.00 fine, investigative costs; must attend 2 complete FREC general meetings; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, when contest and failing to report her pleas to the Department within 30 days.

Tab K – Tony D. Persaud, BK 421786, Case No. 201035649 – Case withdrawn

Tab L – Ernesto A. Hidalgo, SL 3210332, Case No. 2012000766 – Settlement Stipulation

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

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

Penalty imposed: \$750.00 fine; investigative costs; complete a 60-hour post-licensure course by classroom attendance; shall attend 1 complete FREC general meeting. **Violation(s):** Section 455.227(1)(j), Florida Statutes, by aiding or assisting an unlicensed entity engage in the licensed profession of real estate and, therefore, is in violation of Section 475.25(1)(a), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab M – Julio A. Pavone, BK 3004716, Case No. 2012046570 – Settlement Stipulation

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

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

Penalty imposed: \$500.00 fine; investigative costs; complete a 3-hour escrow management course.

Violation(s): Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), F.A.C., when he failed to immediately deposit Buyer's check into an escrow or trust account; Rule 61J2-14.012 by failing to reconcile his trust account monthly.

Action taken: Settlement Stipulation accepted.

Tab N – Boris Russanov, SL 3205003, Case No. 2013002200 – Settlement Stipulation

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

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

Penalty imposed: \$1,000.00 fine; investigative costs; complete a 3-hour ethics course; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-10.025(1), Florida Administrative Code, when Respondent failed to list the licensed name of his broker; by advertising a property for which he was not the listing agent; by advertising a property not currently listed for sale; and by advertising a listing which prompted prospective buyers to believe the content of the advertisement for Subject Property.

Action taken: Settlement Stipulation accepted.

Tab O – Joseph Andrew Guaracino, SL 3101282, Case No. 2012007749 – Petitioner's Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to the crime of conspiracy to commit mail fraud and wire fraud – a crime which directly relates to the activities of a licensed broker or sales associate, as well as a crime of moral turpitude; Section 475.25(1)(n), Florida Statutes, by being confined to federal prison.

Tab Q – Luis J. Lara, SL 3168945, Case No. 2013011629 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2009-2011), when Respondent instructed the above witnesses to make out blank money orders, collected those money orders when a sales associate, put his own name on the money orders, and failed to report the funds and transactions to the brokerage; Section 475.25(1)(k), Florida Statutes (2009-2011), by failing to immediately place money orders intended to be escrow deposits from clients, in connection with the above-mentioned Subject Properties I through IV, with his broker; Section 475.25(1)(e), Florida Statutes (2009-2011), by violating Rule 61J2-14.009, Florida Administrative Code, by failing to immediately deliver money orders intended to be escrow deposits from clients to his broker or employer in connection with four Subject Properties; Section 475.25(1)(a), Florida Statutes (2009-2011), through violating Section 475.42(1)(b), Florida Statutes (2009-2011), when Respondent collected escrow funds from multiple clients in connection with four Subject Properties and personally retained such escrow funds; Section 475.42(1)(d), Florida Statutes (2009-2011), when Respondent cashed multiple money orders in his own name in connection with four Subject Properties without the express consent of Coldwell Banker.

Tab R – Cesar A. Mora Llanos, SL 3148119, Case No. 2011045475 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2011), when Respondent acted dishonestly or with culpable negligence by failing to account for or deliver real estate funds to Kleynhas and concealed Respondent’s representation and collection of real estate funds from Broker; Section 475.42(1)(b), Florida Statutes (2011), when Respondent, a licensed Real Estate Sales Associate, operated as a broker; Section 475.42(1)(d), Florida Statutes (2011), when Respondent collected money in connection with a real estate brokerage transaction as a deposit, not in the name of his employer and without the express consent of his employer; Section 475.25(1)(e), Florida Statutes (2011), by violating Rule 61J2-14.009, Florida Administrative Code (2011), when Respondent collected a payment connected to a real estate transaction and failed to deliver the payment to Respondent’s employer by the end of the next business day following receipt of the payment.

Tab S – Elizabeth S. Owens, BK 3156832, Case No. 2012045076 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Suspension for 1 year; \$1,000.00 fine; investigative costs; probation for 1 year. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-2.027(2)(a), Florida Administrative Code, when Respondent failed to disclose on her application that on or about July 27, 2000, Respondent pled no contest to reckless driving; Section 455.227(1)(t), Florida Statutes, by failing to report to the Commission her pleas within 30 days.

Tab T – Sorama Reguera, SL 3188301, Case No. 2012051002 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when Respondent failed to place any money to be escrowed with her registered employer; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Code, by failing to deliver said check to Respondent’s employer; Section 475.42(1)(d), Florida Statutes, when Respondent failed to place any money to be escrowed with her registered employer.

Tab U – Debra L. Skolnik, SL 566555, Case No. 2012046787 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent violated a lawful order issued under the provisions of Chapter 455 or 475.

General Session continued

Review and Consideration of the Real Estate Continuing Education Courses

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

Tab F – Understanding the FICO Credit Scoring Model and It's Affect on Home Financing – New Course (2 hours Specialty CE – classroom) – Application No. 18801 – Roney DuBose, DuBose and DuBose, LLC.

Mr. and Mrs. Dubose were present in support of the application. The Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements set forth in Section 475.182(1), Florida Statutes; Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Tab G– Staying Alive!!! – New Course (3 hours Specialty CE – classroom) – Application No. 19042 – John R. Beiber, Bieber Enterprises, LLP

Mr. Bieber was present in support of the application. The Commission entered into discussion. Vice-Chair Enzor moved to approve the continuing education course listed above as it does meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Special Agenda

Tab A – Correspondence from Linda Crawford

Director Watkins presented correspondence received from Linda Crawford. Ms. Crawford presented the following for the Commission's review and discussion:

1. Update Syllabus – Include a content outline;
2. Waiting period to retest after failing the license exam;
3. Rotation of exam questions on the exam forms;
4. Online students perform better on the license exam;
5. Consider requiring examinees to repeat the pre-license course after repeated failures;
6. Verify the exam answer key independently; Manually grade a random sample of license exams; against computerized grading to verify grading accuracy;
7. Include reliability statistics on the monthly exam report.

The Commission thanked Ms. Crawford for her presentation.

General Session continued

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

Director Watkins presented the petition received from Peter Spiropoulos and stated that the broker was also invited to attend or provide comments. Mr. Spiropoulos nor the broker were present in support of the request. The Commission reconsidered the petition which included the amended advertisement and entered into discussion. The Commissioner received comments from Margy Grant, Vice President and General Counsel, and Donna Ryan (title) of Florida Realtors. Commissioner Podolsky moved to deny the petition; Commissioner Furst seconded the motion; motion failed with a vote of 3 to 3. The Commission entered into further discussion. Vice-Chair Enzor moved to approve the advertisement exactly as presented; Commissioner DeNapoli seconded the motion; the motion failed with a vote of 3 to 3.

Consent Agendas

Agenda A

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

The following applicants were approved:

Bartosh, Michael	Florman, Mark	Miranda, Jim
Beasley, Daniel	Fosky, James	Olivera Martinez, Eduardo
Behme, Michael	Gabriel, James	Paret, Martha
Benjamin, Scott	Geary, Justin	Payton, Vicky
Bird, Alexander	Gilece, Carolyn	Perrotta, Louis
Bugna, Scott	Gonzalez, Joel	Riegal, Sean
Campbell, John	Hekaros, Kristopher	Sandy, Tiffany
Carrillo, Rogelio	Henriquez, Daniel	Snodgrass, Clyde II
Curecheru, Sergiu	Herring, Kimberly	Tijerina, Priscilla
DeJoie, Stephen	Hetrick, Jill	Tillman, Holly
Dombrowski, Robert	Hrynyak, Svitlana	Warren, Autumn
Doonan, Michael	Johnston, David	Webb, Nefertiti
Dykes, Daniel	Kazaros, James	Weber Williams, Diana
Edwards Kenmay, Travis	Lloyd, Karin	White, Kechia
Feber, Jennifer	Martin, Denise	Wolf, Keith
Figueroa, Anthony	Mendez, Reinaldo	Wright, Matthew

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

Anderson, Forrest	Hari, Tyler	Naler, John
Baker, Chris	Henriques, Anthony	Paterson, Alexander
Bello, Alvaro	Jones, Gregory	Pogodina, Yulia
Betancourt, Teresa	Kobrin, Joshua	Puzacke, Jason
Campanaro, Henry	Levine, Michael	Russo, Audra
Charles, Benito	Maldonado, Daniel Sr.	Sale, Joseph
Delgado, Maribel	Martin, Neville	Trujillo, Nestor
Duffaut, Alfredo	McNearney, Gerard III	Vasconez, Maria
Garcia, Brandon	Millan, Delores	Womack, Frank
Gorz, Sean		

Agenda B

The Commission considered 70 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 59 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Anderson, Candy	Granados, Rosa	Payne, Jeremy
Ardoin, Brandon	Hansen, Lesley	Pelfrey, Brian
Barney, Jeffery	Hawkins, Anthony	Pereira, Patricia
Belsky, Thomas	Hiltebeitel, Donald	Pieper, Taylor
Benzler, Paul	Hoffman, Jason	Polvan, Therese

Bistline, Nekisa
Cornelison, Aaron
Corsaletti, Lisa
Couch, Frank
Dasila, Bruno
Davidson, Peyton
De Leon, Efrain
Dutra, Diego
Elder, John
Feliciano, Jaida
Forbes, Edmund
Giello, Matthew
Gilday, Ryan
Giles, Steven
Gomez, Lazaro

Hufeld, Brand
Jones, Luther III
Keegan, Cee
Kurz, Samantha
Lamour, Estefania PA
Lima, Marcelo
Mangino, Charles
Marulli, David
McAllister, Scott
McLeod, Donald
Mechesney, Susie
Meehan, Christine
Muniz, Anna
O'Neill, Rory
Pacitto, Michael

Rolnick, Scott Jr.
Ruiz, Cesar
Sanchez, Sandra
Shuttleworth, William
Stiller, Bernd Jr.
Stone, Shelly
Temple, Tina
Terrell, Chadwick
Trahan, Scott
Turner, Chad
Walklett, Sharon
Wallace, Jesse
Williams, Abner
Williams, Athony

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

Arias, Mauricio
Diaz, Nereyda
Gabriel, Rodney
Henderson, Clayton

Keeler, John
Lee, Shelley
Lozado, Evelyn
Marulis, Nilokas

Reyes, Joris
Sutherland, John
Weeks, Matthew

Public Comments

The Commission received comments from Linda Crawford inquiring about separate applications for correspondence vs. distance courses. The consensus was that the applicant did not have to submit separate applications, but it would be up to the Commission to clarify the issue upon individual request.

Recess

There being no further business and no objection, the Chair recessed the meeting at approximately 4:00 p.m. until 8:30 a.m. tomorrow.

September 18, 2013

Chair Claude "Chip" Boring, Jr. reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of September, 2013.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Sean Anderson and Daniel Brackett, Assistant General Counsels; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, 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

Chief Attorney Patrick Cunningham and OMC II Jocelyn Pomales presented 61 Summary of Applicants requesting to sit for the real estate examination.

Tab BC – Uban Gregorio Rojo, present with interpreter – Applicant withdrew the application.

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

Tab BB– Angelo G. Rodriguez, present; was represented by Daniel Villazon, Esquire, also present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab T – Luis J. Garcia, present with interpreter; was represented by Leila Chacko, Esquire, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab F – Katherine Bourgeois, present; was represented by James Harwood, Esquire, also present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed without dissent.

Tab AD – Douglas John Ingram, present; was represented by James Harwood, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AF – Peter Kanevsky, not present was represented by James Harwood, Esquire, present – Applicant requested a continuance and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Commissioner Podolsky to grant a continuance; the motion passed without dissent.

Tab AS – Felipe Lopes Moreira, not present was represented by James Harwood, Esquire, present – Applicant withdrew the application.

Tab AV – Pedro Ortega, present was represented by James Harwood, Esquire, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth approve the application for sales associate contingent upon the applicant providing full disclosures in writing by close of business today at 5:00 p.m.; the motion passed 5 to 1.

Tab AY – Mario F. Restrepo, not present was represented by James Harwood, Esquire, present – Applicant requested a continuance and waived the 90-day requirement.

Tab C – Luis Enrique Badillo, present – Applicant withdrew the application and waived the 90-day requirement.

Tab E – William Bonner, present – Applicant withdrew the application and waived the 90-day requirement.

Tab I – Krystal Caswell Clark, present; Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab J – David Eugene Childers, present – Applicant withdrew the application and waived the 90-day requirement.

Tab L – Scott Christianson, present – Applicant withdrew the application and waived the 90-day requirement.

Tab N – Christian Cope, present – Applicant withdrew the application and waived the 90-day requirement.

Tab P – James M. Desmond, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed without dissent.

Tab Q – James Laurie Donohue, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab R – Kelly Dugan Natale, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab W – Karla Giorgio, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate contingent upon providing proof of termination of probation within 30 days; the motion passed without dissent.

Tab AB – James E. Heller, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed with one in dissent.

Tab AC – Jon Holland, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AW – Stoyanka K. Petrova, not present; was represented by James Harwood, Esquire, present – Application withdrawn.

Tab AE – Ross Jones, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AG – Harold Adam Keller, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Denise Leon Paulina, present – Applicant requested a continuance until the November meeting and waived the 90-day requirement.

Tab AM – Ralph McKay Lytle, III, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth approve the application for sales associate contingent upon the applicant providing full disclosures in writing by close of business today at 5:00 p.m.; the motion passed without dissent.

Tab AP – Rachel McGinnis, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab AQ – Don Mead, Jr., present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AR – Mario Menendez, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed 4 to 2.

Tab AT – Morel, Rolando Jr., present – Commissioner Hornsleth moved; seconded by Commissioner Furst approve the application for sales associate contingent upon the applicant providing full disclosures in writing by close of business today at 5:00 p.m.; the motion passed 4 to 2.

Tab AU – Razvan Neagu, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BD – Jeffrey Threlkeld, present – Applicant withdrew the application and waived the 90-day requirement.

Tab BE – Matthew Turner, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab BF – Leslie Vasquez, present – Applicant withdrew the application and waived the 90-day requirement.

Tab BG – Lorenzo Victoria, present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for sales associate; the vote was 3 to 3. No action taken.

Tab A – William Allen, present – reconsideration – The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny the Commission previously entered and continue the matter for 60 days to amend the application. The applicant waived the 90-day requirement.

Tab B – Stephane Amare, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab D – Michele G. Beckford, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 4 to 2.

Tab G – Corey Burkhart, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab H – Edwin Daniel Candelo, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab K – Shane Christian, not present – Applicant requested a continuance to October and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Commissioner Furst to continue the application until October 16, 2013; the motion passed without dissent.

Tab M – Jorge A. Coelle, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab O – Stephanie Crissman, not present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to continue the application until October 16, 2013; the motion passed without dissent.

Tab U – Leo R. Gariepy, Jr., not present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5 to 1.

Tab S – Priscilla Foz Sheils, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

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

Tab Y – Jason Russell Grammes, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for broker; the motion passed without dissent.

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

Tab AA – Nader Hazan, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AH – Kimmie Preston Kiser, Jr., not present – Applicant requested a continuance. Commissioner Podolsky moved; seconded by Commissioner Furst to continue the application until October 16, 2013; the motion passed without dissent.

Tab AI – Alberto Laguardia, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AK – Tracy Linstedt, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AL – Michael Than Lwin, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to continue the application until October 16, 2013; the motion passed without dissent.

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

Tab AO – Drew Mazurkiewicz, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

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

Tab AZ – George Riggs, III, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab BA – Rafael Rios, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Agenda B, Tab A – Cyril Nzerue, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Agenda C, Tab A – Tracey Kimmons, not present – Reconsideration – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously entered, the motion passed without dissent.

Commission's Remarks

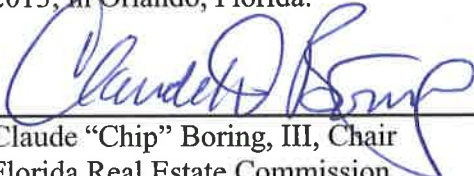
The Commission thanked everyone for the efficiency and the time to put the agenda together.

Public Comments

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

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 15 and 16, 2013, in Orlando, Florida.



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



Juana Watkins, Director
Florida Real Estate Commission