

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 15 and 16, 2015
General Meeting**

Chair Darla Furst, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 15th day of September, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Lee Chotas, Poul Hornsleth and Thomas Luzier. Commissioner Enzor and Commissioner Boring had excused absences. 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; Josh Kendrick, Chief Attorney; Alison Parker and Jennie Schwartz, Assistant General Counsels; Appearing via teleconference: Al Cheneler; Daniel David, Brande Miller, Crystal Stephens, James Whealdon and Maureen White, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

The Commission postponed the approval of the Minutes of the August 18 and 19, 2015, FREC meeting to October 2015.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Application and License Count Reports

Licensing Supervisor Warren Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Agenda Schedule

Legal Case Activity Report

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

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 11 Escrow Disbursement Orders and 8 Orders for the Commission's consideration. The Commission entered into discussion. Vice-Chair Fryer moved to accept 11 Escrow Disbursement Orders and 8 Orders. Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Legal Appearance Docket

Tab A – Jack Alexander, BK 3250602; Case No. 2014044326 – Petitioner's Motion for Informal Hearing

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. After discussion, Vice-Chair Fryer moved; seconded by Commissioner Luzier; the motion passed without dissent to continue the matter until October 20, 2015.

Action taken: Case continued.

Tab C – Gabriela Espejo, SL 3317966; Case No. 2015004336 – Respondent's Request for Informal Hearing

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

Ms. Miller represented the department and presented the case to the Commission. The Commissioner granted the hearing and entered into discussion. FREC Counsel Barnhart stated that the charges in the Administrative Complaint are not appropriate for the allegations and recommended that the Commission dismiss the matter. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth; motion passed 4 to 1 dissent to dismiss the Administrative Complaint.

Action taken: Case dismissed.

Tab B – Michael Allan Babiarz, SL 668474; Case No. 2014044727 – Petitioner's Motion for Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed 3 to 2 to continue the penalty phase until January 2016.

Action taken: Penalty phase continued until January 2016.

Tab H – Surinder Singh Pabla, SL 3266301; Case No. 2014051776 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of \$1,000.00; investigative costs of \$239.25; complete a 3-hour core law course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(t), Florida Statutes, by failing to report his nolo contendere plea to reckless driving (reduced from driving under the influence) to Petitioner within 30 days.

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

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

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

Action taken: Revocation; investigative costs of \$49.50; attend 2 complete general FREC meetings; probation for 12 months. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to inform the commission, in writing, within 30 days of his guilty plea to online solicitation of a minor and child exploitation; Section 475.25(1)(f), Florida Statutes, by pleading guilty to one count of online solicitation of a minor and child exploitation.

Tab M – Mirtha Cecilia Aguilar, SL 3177649; Case No. 2014045746 – Settlement Stipulation

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

Ms. Lloyd represented the department and presented the case to the Commission. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement as orally amended. The motion passed without dissent.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$168.00; attend 1 complete FREC meeting; complete a 3-hour core law course; probation for 6 months. **Violation(s):** Section 475.42(1)(a), Florida Statutes, by operating as a real estate broker while Respondent was not a duly licensed to operate as a real estate broker; Section 455.227(1)(j), Florida Statutes, by advertising or holding out to the public that Respondent’s unlicensed entity CFL is authorized to transact or otherwise engage in the sale of real property, by employing or procuring CFL to appear on an internet website offering brokerage services, by employing or procuring CFL to facilitate the sale and purchase of real property, and by causing an unlicensed entity’s name to be published on an internet website for the purpose of facilitating the sale and purchase of real property.

Action taken: Settlement Stipulation accepted.

Tab S – Joseph Francis Santomassino, BK 684022; Case No. 2014038461 – Settlement Stipulation

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

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

Penalty: Suspension for 60 days; administrative fine of \$4,250.00; investigative costs of \$470.25; complete a 4-hour escrow course; attend 2 complete FREC meetings; probation for 12 months. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by failing to immediately place the \$15,000.00 check into an escrow account; Section 475.25(1)(v), Florida Statutes, by issuing a check without ensuring there were adequate funds to cover the withdrawal and depositing an escrow check into an operating account; Section 475.25(1)(d)1, Florida Statutes, when he failed to timely account for or deliver the remaining \$12,000.00 of the escrow deposit.

Special Agenda

Tab A – Applicant William A. Morrissey – Application No. 3611569 – Petition for an Evidentiary Hearing

Applicant was present; Applicant was represented by James Harwood, Esquire, present. Mr. Harwood stated that there are disputed issues of material fact and requested that this matter be forwarded to the Division of Administrative Hearings. The Commission entered into discussion. Commissioner Chotas moved that the Commission refuses to state that there is a disputed issue of material fact and to set this matter for an informal hearing next month. Commissioner Luzier seconded the motion. The motion passed 4 to 1.

Legal Appearance Docket continued

Tab I – Miguel Alfonso Rodriguez, SL 3235883; Case No. 2015016227 – Respondent’s Request for Informal Hearing

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

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

Penalty: No sanctions imposed in Case no. 2015016227; revocation for Final Order Case No. 2012017058; revocation suspended until January 2016; should Respondent complete the previous requirements in Case No. 2012017058 the revocation shall not be imposed. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the terms of the above Final Order.

Tab J – Sergei Vitrenko, SL 3276699; Case No. 2015005922 – Petitioner’s Motion for Informal Hearing

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

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

Action taken: Administrative fine of \$500.00; investigative costs of \$554.50; complete a 3-hour core law course; attend 1 complete general FREC meeting; probation for 12 months. **Violation(s):** Section 475.42(1)(a), Florida Statutes, by acting as a Broker on behalf of his registered corporation, VLG, LLC, as defined by Section 475.01(1)(a), Florida Statutes, without being the holder of a valid and current active license.

Tab P – Helen Laura Meacock, SL 3242520; Case No. 2015001913 – Settlement Stipulation

Respondent was present; Respondent was represented by John M. Castellano, Esquire, not present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present.

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Chotas to accept the Stipulated Settlement. The motion passed three to two.

Penalty: Suspension for 1 month; administrative fine of \$1,000.00; investigative costs of \$486.75; complete a 3-hour ethics course; attend 2 complete FREC meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by removing Jewelry from Subject Property without the permission of Subject Property's owner.

Action taken: Settlement Stipulation accepted.

General Session continued

Review and Consideration of the Real Estate Education Courses

Tab D – Core Law – New Course (Law; Distance Education (CE Only) – Application No. 23689 – Informal Hearing – Amy Zanzinger, RealEstateCE.com

Ms. Meredith Bell, RealEstateCE.com, appeared in support of the course. The Commission entered into discussion. Vice-Chair Fryer moved to vacate the Notice of Intent to Deny and approve the course with conditions; Commissioner Luzier seconded the motion. The motion passed without dissent.

Tab G – Understanding the FHA Purchase Reverse Mortgage – New Course (1 hour Specialty CE; classroom) – Application No. 23963 – Cherolyne K. Fogarty, Walk The Talk Presentations, Inc.

Mr. Tim Linger appeared in support of the application. The Commission entered into discussion. Vice-Chair Fryer stated that CE courses may not be approved for less than 2 hours and suggested that Mr. Linger modify the course to include materials and a timeline for 2 hours. Mr. Linger requested to continue the matter and waived the 90-day requirement. Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to continue the matter to allow the applicant to revise the course; the motion passed without dissent.

Tab H – Florida Escrow Management – New Course (4 hours Combination Law and Specialty; Distance Education (CE Only) – Application No. 23995 – Frank Cooke, Cooke Real Estate School

Mr. Cooke appeared in support of the course. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course; Commissioner Chotas seconded the motion. The motion passed without dissent.

Special Agenda continued

Ms. Pomales presented a request for approval application for real estate instructor by degree, experience and broker's license of experience for instructor license received from Paul D. Diaz. Mr. Diaz was present and provided mitigation in support of his application. The Commission entered into discussion. Vice-Chair Fryer moved to approve the application; Commissioner Hornsleth seconded the motion. The motion passed 4 to 1.

Director Watkins stated that the Division would update its processing guidelines so that Tallahassee has clear guidance. The Division will direct Tallahassee to update the application.

Legal Appearance Docket continued

Tab D – Jaime L. Gutierrez, SL 3135546; Case No. 2015018454 – Respondent’s Request for Informal Hearing

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

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

Penalty: Suspension for 90 days; administrative fine of \$2,000.00; investigative costs of \$148.50; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to report his conviction of driving under the influence and damage to property to the Petitioner within 30 days and by failing to report his plea of nolo contendere to driving while license was suspended to the Petitioner within 30 days.

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

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

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

Penalty: Revocation. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to timely notify the Department within 30 days of a plea of guilty or adjudication of “080-1 Grand Theft in the 3rd Degree and Petit Theft (\$100-\$300) and False Report to a Law Enforcement Officer; Section 475.25(1)(f), Florida Statutes, as a result of said convictions.

Tab F – Adrian Talaiferro Maceo McMillian, SL 3272213; Case No. 2015002833 – Petitioner’s Motion for Informal Hearing

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

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

Penalty: Suspension for 1 year; administrative fine of \$1,000.00; investigative costs of \$264.00; complete a 3-hour core law course; attend 2 complete FREC meetings; probation for 12 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to report to the department within 30 days after entering a plea of nolo contendere to Cannabis Less Than 20 Grams and Driving with License Cancelled, Suspended or Revoked-2nd Offense; Section 455.227(1)(t), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to report to the department within 30 days after entering a plea of guilty to Carrying a Concealed Weapon, Possession of Cannabis Less Than 20 Grams,

Possession of Drug Paraphernalia and No Valid Driver's License; Section 475.42 (1)(b), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by being licensed as a sales associate and operating as a broker by negotiating a rental agreement with tenant for Tudela without having an ownership interest in the subject property and by leasing subject property to tenant for Tudela for the purpose of collecting or receiving compensation or valuable consideration; Section 475.42 (1)(d), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by being licensed as a sales associate and collecting a non-refundable binder deposit for subject property.

Tab G – Roberto L. Ojeda, SL 3283528; Case No. 2015007354 – Respondent's Request for Formal Hearing

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

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

Action taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of Theft of Public Money and Property; Section 475.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering a guilty plea to Theft of Public Money and Property.

General Session continued

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

Director Watkins presented the petition received from Kirsten Smith-Pope. Mr. Joshua Logan, Esquire and Ms. Smith-Pope appeared in support of the petition. The Commission entered into discussion. Commissioner Chotas moved to continue this discussion until next meeting and direct Director Watkins to reach out to the appropriate individuals to get additional feedback; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Legal Appearance Docket continued

Tab L – Nancy Jimenez, 3186831; Case No. 2014019874 – Petitioner's Motion for Entry of a Final Order and Respondent's Request for an Extension of Time

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

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

Penalty: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the terms of the Final Order in Case No. 2010027007.

Tab N – Damon M. Brabson, SL 3314289; Case No. 2015002171 – Petitioner's Motion for Informal Hearing

Case continued.

Tab O – Florida Dream Real Estate, Inc., CQ 1040512; Case No. 2014007075 – Settlement Stipulation

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

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

Action taken: Settlement Stipulation denied.

Tab Q – Michael O'Donnell, BK 3224538; Case No. 2014006716 – Settlement Stipulation

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

Ms. Parker represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved to deny the stipulation and offer a counter a stipulation; seconded by Commissioner Luzier. The motion passed without dissent.

Action taken: Stipulation rejected; Counter-stipulation offered.

Tab R – Tanisha Rice, SL 3090626; Case No. 2015001400 – Settlement Stipulation

Respondent was not present; Respondent was represented by Jude Faccidomo, Esquire, not present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present.

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

Penalty: Suspension for 1 month; administrative fine of \$1,000.00; complete a 3-hour ethics course; attend 2 complete FREC meetings. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing of entering a guilty plea to Grand Theft in the First Degree, a felony, within 30 days of the effective date of Section 475.227(1)(t), Florida Statutes ; Section 475.25(1)(f), Florida Statutes, by being found guilty of Grand Theft in the First Degree, a crime of moral turpitude; Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering a guilty plea to Grand Theft in the First Degree, a felony.

Action taken: Settlement Stipulation accepted.

Tab T – Joanne E. Fitzgerald, SL 3132874; Case No. 2015014213 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was not represented counsel. There was no probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Voluntary Relinquishment of License for Permanent Revocation.

Tab U – Denise Marie Goss, SL 3036900; Case No. 2015015928 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2014), by failing to timely comply with the Final Order in Case No. 2012039530.

Tab V – Kai R. Holmgren, SL 667580; Case No. 2014046962 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs of \$1,072.50. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to deliver the first rental deposit to Digital Diamond upon demand and filing to deliver the second rental deposit to Digital Diamond upon demand; Section 475.25(1)(k), Florida Statutes, by failing to immediately place the Rental Deposits with his registered employer, broker; Section 475.42(1)(d), Florida Statutes, when Respondent collected the Rental Deposits in connection with real estate brokerage transactions, not in the name of his employer and without the express consent of his employer.

Tab W – Eric Robert Zahniser, SL 3121230; Case No. 2014044771 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs of \$363.00. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to provide the return of Cole’s escrow funds upon demand; Section 475.25(1)(b), Florida Statutes, by failing to provide the return of Cole’s escrow funds upon demand.

General Session continued

Review and Consideration of the Real Estate Education Courses

Tab B – *Current Changes and Pending Changes In Real Estate Law* – New Course (2 hours Law; Classroom) – Application No. 22755 – Anthony Suarez, Esq., Suarez Law Group

The applicant was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 2 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab C – *A Practical Guide to Construction Liens* – New Course (7 hours Specialty CE; Classroom) – Application No. 23678 – Cassi J. Gruber, National Business Institute

The applicant was not present. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Luzier to deny the course; the motion passed without dissent.

Tab E – *Business Planning and Marketing for the Residential Specialist* – New Course (14 hours Specialty; Classroom) – Application No. 23893 – Lynda S. Anthony, Florida Keys Board of Realtors

The applicant was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 11 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab F – *Commercial Leases* – New Course (7 hours Combination Law and Specialty; Classroom) – Application No. 23920 – Mark Rackley, CLE International

The applicant was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab I – *14-hour Continuing Education for Real Estate Licensees* – New Course (14 hours Combination Law and Specialty; Distance Education (CE Only) – Application No. 24009 – Marc A. Love, Institute of Real Estate Education, LLC

The applicant was not present. The Commission entered into discussion. Commissioner Hornsleth moved to approve the course; Vice-Chair Fryer seconded the motion. The motion passed without dissent.

Tab J – *72-hour Real Estate Broker Pre-Licensing* – New Course (72 hours Broker Pre-Licensure; Distance Education (CE Only) – Application No. 24010 – Marc A. Love, Institute of Real Estate Education, LLC

The applicant requested a continuance.

Rules Report

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

Annual Regulatory Plan

FREC Counsel Barnhart presented the Annual Regulatory Plan to the Commissioners for review and discussion. The Commission entered into discussion and directed Mr. Barnhart to include in the plan the advertising rule and a new proposed rule relating to approved methods of distant learning. Vice-Chair Fryer moved to approve the plan as amended; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Discussion of Rule 69B-186.010 – Unlawful Inducements Related to Title Insurance Transactions

Director Watkins presented a copy of proposed Rule 69B-186.010, Florida Administrative Code, which the Department of Financial Services (DFS) has published for a hearing to be held next month in Tallahassee. Ms. Watkins explained that the proposed rule would address what DFS feels like are unlawful inducements in real estate transactions and therefore, it is seeking to prohibit individuals under its jurisdiction from being able to pay the interested parties which would include real estate licensees, real estate appraisers, mortgage brokers and lenders, developers, builders, etc. Ms. Watkins stated that she wanted to bring this to the Commission's attention in the event they felt inclined to weigh in.

Special Agenda

Communication Received From Nancy G. Abudu, ACLU

Director Watkins presented communication received from Nancy G. Abudu, ACLU, requesting that the FREC amend Rule 61J2-24.006(6)(b), Probation, to strike the last sentence relating to items of prohibited clothing as how one chooses to dress is protected expression under the First Amendment or a liberty interest protected under the Fourteenth Amendment. Commissioner Luzier moved; seconded by Commissioner Hornsleth to open Rule 61J2-24.006 – Probation for development. The motion passed without dissent.

Communication Received From Evan Demchick

Director Watkins presented communication received from Evan Demchick requesting the Commission accept his Masters in Business Administration as equivalency for pre-licensing education as a real estate sales associate. Ms. Pomales stated that the degree is not in real estate and therefore does not qualify. The Commission entered into discussion. Vice-Chair Fryer moved to deny the request; Commissioner Chotas seconded the motion. The motion passed without dissent.

Request for Multiple License Received From Giovanni Fleury

Director Watkins presented a request from Giovanni Fleury for a multiple broker license. The Commission entered into discussion. Vice-Chair Fryer moved to deny the request; seconded by Commissioner Luzier. The motion passed without dissent.

Director Watkins respectfully requested to bring back the topic of multiple license requests at a future meeting to discuss proposed guidelines for approving multiple licenses, similar to the approval process for initial application. Ms. Watkins stated that the proposed guidelines would establish parameters in which the Commission feels may be approved by the Department. Ms. Watkins said that the Division will draft a list for the Commissions consideration and approval. The Commission responded affirmatively.

Communication Received From Rhode Island Department of Business Regulation

Director Watkins presented communication received from Rhode Island regarding reciprocity. Ms. Watkins inquired if the Commission would consider a mutual recognition agreement with Rhode Island. The Commission entered into discussion and directed Ms. Watkins to ask the Bureau of Education and Testing (BET) to initiate the process. Ms. Watkins said that upon completion of the study would bring the results back to the Commission. The Commission responded affirmatively.

Consent Agenda A

The Commission considered 96 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 74 applicants and require 22 applicants to be placed on the Summary of Applicant Agenda; the motion passed 3 to 1.

The following applicants were approved:

Abergel, Tal	Gilstrap, Michael Wayne	Pereverzev, Rose
Albritton, Willie James Jr.	Goldrich, Jesse	Petrucelli, David John
Baker, Michael Anthony	Gonzales, Roberto	Piompino, Ciro Gino
Bennie, Andrew	Green, Peter Richard	Reyes, Daniel
Berfield, Lori Lynn	Green, Reba	Rigby, Christine
Bollhorst, Penny	Hadrava, Kimberly Yvonne	Rollins, Candice
Boyle, Julie	Hammet, Ben Hay III	Saylor, Naisha
Bruneau, Nathan	Harris, Lawrence Robert III	Selby, Nicole
Burg, William	Haynes Delaney, Ramona Y.	Shepherd, Russell H.

Calcines, Ileana
Cohan, Devin Daniel
Coley, Terry
Crear, Michael
Davis, Richard M Sr.
Ellis, Todd Stephen
Enright, Sheila R.
Evans, Curtis Lloyd
Favard, Roudiny
Fenn, Jacob M
Fernandez, Carlos Jesus
Forrestal, Bryan
Franco, Sergio Enrique
Garrett, Frank Alphonzo
Gentile, Jordan Tyler
Gill, Kuran Alex

Holmes, James T.
Hoth, Timothy Michael
Hundley, David Patrick
Huston, Adam Patrick
Joseph, Calixte
Korpak, Robert Henry
Koven, Schuyler
Lamp Ii, Richard Graham
Leikip, Timothy A.
Levine, Daniel
Lindmeier, James Patrick
Mcclave, Hannah Doray
Mcgraw, Michael Frank
Miller, David
Newton, Brandon
Miller, Jonathan

Shushpanova, Anna K.
Smallridge, Eric William
Stewart, Jenna
Taylor, Craig J. II
Thomas, Kara
Thompson, Denise M.
Torres, Renato F.
Truesdale, Cassidy Jo
Van Arman, Sean Stephan
Walker, Frank Bernard
Weaver, Lee
Weber, Eric
Welch, Megan
White, Kenneth M.
Zimmerman, Jonathan

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

Charles, Manuel
Christensen, Lauri S.
DeCastro, Najary Emilia
Finch, Stephen Randall
Gallego, Abel
Giles, Jordan Michael
Hines Smith, Kaemal C.
Jernigan, David Randall

Kalil, Jeffrey D.
Kraiter, Anatoly
Manrique, Alma Gabriela
Martinez, Yamiley
Maurer, David
Perez-Mota, Emmanuela
Pitta, Sergio

Pozo, Jaime
Reve, Tessa
Sollitto, Craig Michael
Sweval, Greyson
Taylor, Brandon
Tschirn, Jude Joseph
Youngerman, Jared

Consent Agenda B

The Commission considered 18 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 12 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed 3 to 1.

The following applicants were approved:

Adcock, Dustin
Ciceraro, Erik
Clark, Sharon
Crum, Bradley Charles

Friday, Kathryn
Marles, Virginia Anne
Morales, Lilian
Ortega, Juan Felipe

Rebolledo, Marisol
Rumbea, Carlos Alberto
Sanders Daniels, Lanetta L.
Venhorst, Shane Michael

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

Eatman, Edward L III
Harris, Ricardo Larel

Jackson, Tiara
Kenton, Mellas

King, Mark Alexander
Maneri, Joseph C.

Public Comments

The Commissioner offered but did not receive any comments.

Commissioner Fryer stated that he appreciated the opportunity to attend ARELLO and Commissioner College and provided highlights of his attendance.

Recess

There being no objection, the Chair recessed the meeting at approximately 4:20 p.m. until 8:30 a.m. tomorrow.

September 16, 2015

Chair Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, on this 16th day of September, 2015.

The following Commission members were in attendance: Chair Darla Furst, Lee Chotas and Poul Hornsleth. Commissioner Enzor appeared telephonically. Vice-Chair Dick Fryer arrived at 10:30 a.m. Commissioner Boring and Tom Luzier had excused absences. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

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

Summary of Applicants

Acting Licensing Supervisor Warren Sanger presented 53 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Raquel Castro Garcia, present; represented by Nancy P. Campiglia, Esquire, present – informal – Commissioner Hornsleth moved; seconded by Commissioner Enzor to vacate the Notice of Intent to Deny; the motion passed 3 to 1. Commissioner Hornsleth moved; seconded by Chair Furst to approve the application for sales associate; the motion passed 3 to 1.

Tab C – Francisco Javier Ackerman, present; represented by Daniel Villazon, Esquire, present – Commissioner Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Q – Alfredo Guardiola, not present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AH – Sarah Ashley Peterson, present; represented by Daniel Villazon, Esquire, present – Applicant withdrew the application.

Tab AL – Ron Sagarino, not present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab H – Carlos Orlando Burattini, present – Commissioner Hornsleth moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed without dissent.

Tab J – Ashley Nicole Day, present – Commissioner Hornsleth moved; seconded by Chair Furst to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab L – Daniel Rae DeMint, present – Applicant withdrew the applicant.

Tab M – Steven Alexander Dominguez, present – Commissioner Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 3 to 1.

Vice-Chair Fryer joined the meeting.

Tab AR – Alisha McKai Stover, present – Commissioner Hornsleth recused himself from discussion. Applicant withdrew the application.

Commissioner Enzor was excused from the remainder of the meeting.

Tab N – Kevin Dunigan, present – Applicant withdrew the application.

Tab O – Dianna Ellis, present – Applicant withdrew the application.

Tab P – Alberto Sanchez Espino, present – Vice-Chair Fryer moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 3 to 1.

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

Tab S – Bryan Herrick, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab T – Melissa Hicks, present – Commissioner Chotas moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab U – Ashley Jones, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab V – Shawn Kahres, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab W – Tina Lynn Latremor, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab X – Eduardo Lorenzo, Jr., present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Y – Sean Brian MacNeir, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 3 to 1.

Tab AD – Ronnie Patrick Monroe, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AE – Robert Joseph O'Brien, Jr., present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 3 to 1.

Tab AF – Timothy Edward Parr, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AG – Theresa M. Perna, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AI – Alexandra Lauren Rita, present – Commissioner Chotas moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Ross Von Rittgers, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AM – Equan Shabazz, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 3 to 1.

Tab AN – Greg Michael Simpson, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate with conditions; the motion passed 3 to 1.

Tab AP – Chris Soucy, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AS – Stephen Douglas Tasker, II, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AU – Lawrence Williams, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AV – Lainie K. Wolfe, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for broker; the motion passed without dissent.

Tab AW – Carl Zeigler, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab B – Genesis Anna Gutierrez, not present – informal – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to vacate the Notice of Intent to Deny and approve the application for sales associate; the motion passed without dissent.

Tab D – Hurd P. Anstadt, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab E – Eliyahu Shaul Benamou, not present – Commissioner Hornsleth moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed without dissent.

Tab F – David Julius Bendt, not present – Vice-Chair Fryer moved; seconded by Chair Furst to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab G – Ethan Leland Bickford, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab I – Christine M.S. Cavalcanti, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab K – Angel De Jesus, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab Z – Garth Andrew Mather, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AA – Patrick John McIntosh, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AB – Hector Rafael Mestril, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AC – Clark Mitchell, not present; was represented by Nancy P. Campiglia, Esquire, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AK – Adriana C. Rodriguez, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AO – Angel Luis Soler, not present; was represented by Steven W. Johnson, Esquire, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AQ – Mario Jermaine Stanley, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AT – Lorraine N. Vigil, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Chair’s Remarks

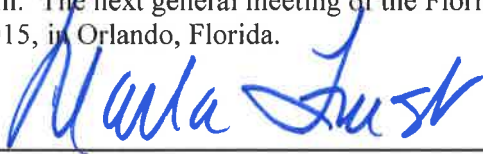
Chair Furst thanked the Department and Division for sending the Commissioners and FREC Counsel to ARELLO and stated that she would provide a brief report at the October FREC meeting.

Public Comments

The Commission offered but received no comments.

Adjournment

There being no further business and no objection, the Vice-Chair adjourned the meeting at approximately 3:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 20 and 21, 2015, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission