

**Ken Lawson, Secretary**

**Rick Scott, Governor**

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
October 18 and 19, 2011  
General Meeting**

Chair Richard DeNapoli called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 18<sup>th</sup> day of October, 2011.

The following Commission members were in attendance: Chair Richard DeNapoli, Vice-Chair Michael Guju, Claude "Chip" Boring, Darla Furst, Roger Enzor, Ralph McCoig and John Ruffier. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Andrew Fier and Joseph Solla, Assistant General Counsel; John Platt, Investigator II; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

**Approval of the Minutes**

Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the Minutes of the September 20 and 21, 2011, General Meeting, as written. Motion passed without dissent.

**Escrow Disbursement Orders**

Assistant General Counsel Joseph Solla presented 25 Escrow Disbursement Orders and 1 Order for the Commission's consideration. Commissioner Ruffier moved to accept the 25 Escrow Disbursement Orders and 1 Order, as presented. Commissioner Furst seconded the motion. Motion passed without dissent.

**Recovery Fund Claim Final Orders and Order**

**Tab A – Angelo Zuino v. Peter Langer (deceased), DBPR Case No. 2011031306**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner McCoig moved to approve the order granting the claim in the amount of \$1,550.00. Commissioner Enzor seconded the motion. The motion passed without dissent.

Vice-Chair Guju inquired as to what the amount of funds that have been paid out so far. Mr. Solla stated that, \$6,175.00 was paid to claimants in August; \$109,557.41 in September, \$8216.00 this month and

\$26,051.49 in November and thereafter any new claims coming in will be informed that the funds the statute allows has been exhausted. Commissioner Guju stated he was curious as to how a particular company was able to take the accounts over so quickly. Chair DeNapoli stated perhaps a law should be put into place that a broker designates who will handle their real estate contracts in the event of their demise just as attorneys are required to do. Mr. Solla addressed additional comment and questions from the Commission.

**Tab B – Kay Fousek v. Peter Langer (deceased), DBPR Case No. 2011031584**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to approve the order granting the claim in the amount of \$1,225.00. Commissioner Furst seconded the motion. The motion passed without dissent.

**Tab C – Uwe Speckmann v. Peter Langer (deceased), DBPR Case No. 2011031587**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to approve the order granting the claim in the amount of \$1,008.69. Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab D – Gregg B. Bryant v. Peter Langer (deceased), DBPR Case No. 2011033744**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Ruffier moved to approve the order granting the claim in the amount of \$3,266.00. Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab E – Carmel Pagnotta (Ellis) v. Peter Langer (deceased), DBPR Case No. 2011034935**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Furst moved to approve the order granting the claim in the amount of \$850.00. Commissioner Ruffier seconded the motion. The motion passed without dissent.

**Tab F – Bonita J. Deledda v. Peter Langer (deceased), DBPR Case No. 2011039138**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla stated that the Claimant is a tenant and no funds were owed to the Claimant as a result of the department's audit of the licensee's accounts. The Claimant is requesting the Commission to waive the requirement for obtaining a civil judgment against the licensee in this matter. Mr. Solla stated that the death of the Licensee does not alter the landlord/tenant relationship between the claimant and the property owner and that this claim is a matter properly determined pursuant to the provisions of the Florida Residential Landlord Tenant Statute, Chapter 83. Mr. Solla advised that the Claimant has failed to satisfy the statutory requirements for payment from the Recovery Fund. The Commission considered the facts and circumstances. Commissioner Ruffier moved to decline waiving the requirement of a civil judgment pursuant to Section 475.483(1)(a), Florida Statutes and deny Claimant's request for payment from the

Real Estate Recovery Fund. Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab G – Michael W. Whitlock v. Peter Langer (deceased), DBPR Case No. 2011039223**

Claimant was not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Enzor moved to approve the order granting the claim in the amount of \$2,550.00. Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab H – Clark F. and Linda H. Geiger v. Anne Woodward, DBPR Case No. 2011011334**

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Claimant appeared in support of the claim. 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 Ruffier moved to approve the order granting the claim in the amount of \$5,000.00. Commissioner Boring seconded the motion. The motion passed without dissent.

**Legal Final Order Docket**

**Tab A – Adrienne June Henry, BK 677271, Case No. 2010041499 – Voluntary Surrender of Licensure for Permanent Revocation**

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

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

**Penalty imposed:** Revocation.

**Tab B – Andrey Barhatkov, BK 660647, Case No. 2010060012 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$179.00 investigative costs. **Violation:** Guilty of failure to comply with a lawful Final order issued by the FREC in Case No. 2006007298 in violation of Section 475.25(1)(e), Florida Statutes.

**Tab C – Nigel Anthony Bettencourt, BK 3231082, Case No. 2010027480 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** \$500.00 fine, \$528.00 investigative costs, 6 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of failure to immediately deposit Buyer’s check into an escrow or trust account in violation of Rule 61J2-14.010(1), Florida Administrative Code and therefore, Section 475.25(1)(e), Florida Statutes; guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, Florida Statutes or the performance of any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes by failing to produce various records related to the department’s ongoing investigation after requested to do so in violation of Section 475.42(1)(i), Florida Statutes.

**Tab D – Kyle Cimiotti, BK 3166010 and BK 3227584, Case No. 2009060409 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$2,000.00 fine, \$231.00 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of intermingling escrow funds with funds in the brokerage’s management account in violation of Rule 61J2-14.008(2)(a), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Tab E – Kyle Cimiotti, BK 3166010 and BK 3227584, Case No. 2010055997 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$2,000.00 fine, \$537.90 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of failure to satisfy a civil judgment within a reasonable time frame in violation of Section 475.25(1)(d), Florida Statutes and, therefore, in violation of Section 475.42(1)(f), Florida Statutes.

**Tab F – Kyle Cimiotti, BK 3166010 and BK 3227584, Case No. 2010000458 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$1,000.00, \$191.40 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft in violation of Section 475.25(1)(d)1, Florida Statutes.

**Tab G – Kristen Flores, BK 3013768, Case No. 2010063016 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$3,500.00 fine, \$808.50 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft when Respondent failed to account or deliver to Moore, upon demand, the \$10,000.00 deposit in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction when Respondent failed to return Moore’s escrow deposit, upon demand or when Respondent absconded with Moore’s escrow deposit in violation of Section 475.25(1)(b), Florida Statutes.

**Tab H – Kristen Flores, BK 3013768, Case No. 2010059514 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$10,000.00, \$917.40 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft by issuing a check in the amount of \$1,600.00 to Heath which was dishonored by the bank in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction when Respondent failed to return Heath’s rental income and deposit in violation of Section 475.25(1)(b), Florida Statutes.

**Tab I – Kristen Flores, BK 3013768, Case No. 2010060638– Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$10,000.00, \$709.50 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft when Respondent failed to account or deliver to Jarvis and Cross, upon demand, the \$2,750.00 deposit in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction when Respondent misappropriated the \$2,750.00 in escrow funds belonging to Jarvis and Cross in violation of Section 475.25(1)(b), Florida Statutes.

**Tab J – Kristen Flores, BK 3013768, Case No. 2010018999 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$1,000.00, \$495.00 investigative costs. **Violation:** Guilty of failure to notify the Commission of conflicting demands regarding a deposit within 15 days in violation of Rule 61J2-10.032, Florida Administrative Code and therefore, Section 475.25(1)(e), Florida Statutes.

**Tab K – Kristen Flores, BK 3013768, Case No. 2010061463– Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing**

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

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

**Penalty imposed:** Revocation, \$10,000.00, \$627.00 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft when Respondent issued a dishonored check to Coldwell Banker and/or the Foleys in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction when Respondent issued checks to Coldwell Banker and Foley which were dishonored in violation of Section 475.25(1)(b), Florida Statutes.

**Tab M – Hermann A. Zingg, BK 3041458, Case No. 2008040147 – Respondent’s Request for an Extension of Time to Comply with Final Order**

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved, seconded by Commissioner Furst; motion passed without dissent to deny the Respondent’s request for an extension.

**Action Taken:** Extension request denied.

Cases withdrawn or continued

Tab L – Dawn V. St. Hillaire  
Tab N – Alexander Lvovsky

## **General Session continued**

### **Nominations of Chair and Vice-Chair**

Chair DeNapoli opened the floor for nominations.

Commissioner Ruffier nominated Vice-Chair Michael Guju for Chair. Commissioner McCoig nominated Commissioner Furst for Chair. Commissioner Boring moved to close nominations, seconded by Commissioner McCoig. The motion passed without dissent.

The Commissioners thanked Chair DeNapoli and Vice-Chair Guju for the service and leadership they have provided to this committee. Vice-Chair Guju spoke in support of serving as Chair. Commissioner Furst offered words in support of nomination as Chair.

Chair DeNapoli asked who was in favor for Vice-Chair Guju as Chair. The Commissioner voted three in support and four against. Chair DeNapoli asked who was in favor for Commissioner Furst as Chair. The Commission voted four in support and three against. Commissioner Furst was elected for Chair.

Commissioner Enzor nominated Commissioner Boring for Vice-Chair. Commissioner Ruffier moved to close nominations for Vice-Chair; seconded by Commissioner McCoig. The motion passed without dissent. Commissioner Boring was elected for Vice-Chair. Commissioner Boring thanked the Commissioners for their support and has personally enjoyed that the Commissioners have all worked well together for the time he has served on this Commission.

Commissioner Furst announced that she learned this morning that Commissioner Ruffier has resigned. Commissioner Ruffier stated it has been one year since his term ended and it has been a hard decision but this will be his last meeting.

### **Rules Discussion**

FREC Counsel Tom Barnhart stated that the General Counsel's Office has identified this rule for repeal and requested the Commission review the following rule for repeal:

#### **61J2-20.049 – Commission Member Compensation**

The Commission reviewed this rule and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig to keep this rule and not offer for repeal. The motion passed without dissent.

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

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

#### **1. Deriving and Supporting Adjustments – New Course – Application No. 14964**

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Ruffier seconded the motion. The motion passed without dissent.



2. Relocation Appraising New ERC Summary Appraisal Report – New Course – Application No. 14970

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner McCoig moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair Guju seconded the motion. The motion passed without dissent.

3. Real Estate Investors and your Business – New Course – Application No. 15140

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner McCoig moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Furst seconded the motion. The motion passed without dissent.

4. Environmental Challenges – New Course – Application No. 15290

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair Guju seconded the motion. The motion passed without dissent.

**Ratification of Suspended Licenses**

Deputy Director Johnson requested the Commission ratify reinstatement of the real estate licenses of Arlene S. Munoz and Steffany Martin who have met all requirements for reinstatement. Commissioner Ruffier moved; Vice-Chair Guju seconded to ratify the department's actions. The motion passed without dissent.

**Consent Agenda**

The Commission considered 133 applicants from the Consent Agenda; Chair DeNapoli moved; seconded by Commissioner McCoig to approve 93 applicants and require 40 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adkins, Bradley D	Fulmore, Alisia	Peterson, Lisa M
Alvarado, Richard K	Getz, Michael	Pope, Richard A
Amelotte, John C Jr	Granato, Anthony L	Prevette, Prentiss G
Arce, Hernando	Guirola, Armando	Reed, Shannon M
Arnold, Laurence E	Gutzmore, Sandra J	Reeve, John LeBleu
Arterbery, Lynda	Hartman, Tracy Y	Reider, Nicole E
Austin, Danielle M	Hatton, Michael	Revollo Luna, Jackeline
Blosser, Gregory B	Hawa, Gidah J	Rosenthal, Thomas P
Brooks, Travis B	Hoth, Dennis J	Saal, Mariano Kevin
Bryars, Mark	Houd, Zachariah	Sams, Stephen M
Busboom, Myron L	Jankelow, Ardrienne	Scheller, Pamela
Callau, Miriam V	Kainan, Maor	Schneider, Elizabeth A
Chadwick, Brennon J	King, John A	Seale, Greg
Ciferri, Dallas	Larson, Jack A	Silver, Carlos E
Colby, Brett A	Lee, Daniel H	Slade, Tina M

Colon, Josie  
Corley, Candice C  
Crouch, Michael J  
Dallas, Debbie A  
De Jesus, Alexander 20  
Dedelow, William II  
Deramos, Malcolm  
Dillard, Omari S  
Donavan, Matthew T  
Ebersold, Clifton  
Elbanna, Alexander S  
Falke, Angela L  
Fernandez, Mayoli  
Fontanez, Pablo A  
Foreman, Dave Rossani 30  
Forrest, Richard R

Livadas, Peter A  
Londeree, Catherine S  
Mansour, Norman  
Marban, Jorge H  
Margaritini, Luiza R  
Marks, Keith  
Maskell, Heidil  
Masoudbeyki, Morteza  
McCants, Kevin E  
Merino, Michael A  
Millares, Guillermo  
Naticchione, Brian J  
Neary, Patrick  
O'Neill, Mary F  
Ochoa, Douglas G

Staller, Michael R  
Szambelan, Richard  
Taft, Daniel  
Tamayo, Roberto  
Thompson, Franz B  
Toscano, Jose J  
Urquhart, Robert Andrew  
Van Gool, Kristoffer L  
Vaughns, Laneeka  
Vidussi, Don  
Vigo, Alexajandro I  
Williams, Mary E  
Wojcicki, Peter  
Woodcox, Jeffrey A  
Zamora, Colon E

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

Aguiar, Gregory  
Anderson, Jennifer B.  
Beck, Brian W.  
Berrios, Heather  
Boctor, Amir G.  
Carvajal, David F.  
Casey, Michael H.  
Collins, Anastasia  
Deal, Jack  
Duncan, Kraig D.  
Eckenrode, George V.  
Gonzalez, Jose E.  
Hall, David M.  
Hoffman, Maria C.

Jones, Kimberly D  
Kindt, Jason  
Lincoln, Dana E  
Lomonosov, Julia  
Loscalzo, Lori M  
Madden, Joseph F  
McClellan, Craig W  
McNally, Michael D  
Naite, Virgen M  
Niles, Ivan G  
Oldro, Kathleen  
Oliver, Asia K  
Pafort, Carol A

Petty, Michael D  
Phillips, Thomas L  
Pollack, Steven B  
Ruiz, Josefina G  
Spaulding, Steven M  
Stevens, George P  
Tapia, Ana L  
Taylor, Robert B  
Thompson Gerald F  
Tome Moreno, Agustin  
Torres, Oswaldo  
Vargas, Cesar A  
Wilke, Adam

### **Unlicensed Activity Report**

Deputy Director Johnson presented the Unlicensed Activity Report.

### **Monthly Exam Performance Summary Report**

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

### **Public Comments**

Commission received comments from the members of the audience.

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:30 p.m.

**October 19, 2011**

Chair Richard DeNapoli reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 19<sup>th</sup> day of October, 2011.

The following Commission members were in attendance: Chair Richard DeNapoli, Vice-Chair Michael Guju, Claude "Chip" Boring, Darla Furst, Roger Enzor, Ralph McCoig and John Ruffier. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham and Andrew Fier, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; John Platt, Investigator II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III;; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

### **Report Regarding Budget**

Director Watkins addressed the budget shortfall relating to the Florida Real Estate Appraisal Board and provided financial reports for both FREC and FREAB including, but not limited to, the Actual and Projected Revenues, Expenses and Changes in Account Balance for the Operating, Unlicensed Activity, Education and Research Foundation (applicable to FREC only) and Recovery Fund (applicable to FREC only) accounts for the Fiscal Years ending June 30, 2007 through June 30, 2016. Director Watkins explained the options the department considered to address the shortfall, which included transferring 2.2 million from the FREC operation account and further explained how the department came to this amount. Director Watkins addressed questions and comments from the Commission.

Upon conclusion of the discussion Commissioner Enzor moved that FREC support the donation of 2.2 million dollars and any future allocations as needed to the Florida Real Estate Appraisal Board; seconded by Commissioner Boring. Motion passed without dissent. Director Watkins reported that the department brought this issue to the Florida Realtor's Executive Committee and it supported the department's solution.

Director Watkins reported that the Recovery Fund Claim operating account has been depleted and the department is looking at ways to resolve this issue and one option is implementing the recovery fund fee of \$3.50 per year for broker and \$1.50 for sales associates. If this is the option chosen it will most likely be implemented in March 2012. The Director addressed questions and comments from the Commission.

### **Summary of Applicants**

OMC II Jocelyn Pomales presented 60 Summary of Applicants requesting to sit for the real estate examination.

Tab N – William Garcia, not present; represented by Daniel Villazon, Esquire, present – Application withdrawn and waived the 90-day requirement.

Tab H – Arnould A. Daoud, present; present and represented by Attorney Nancy Campiglia; present – Commissioner Enzor moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed with one in dissent.

Tab K – Ahmed Elbatrawy, present; represented by Attorney Nancy Campiglia, present – Ms. Campiglia requested a continuance for 60 days and waived the 90-day requirement. Vice-Chair Guju moved; seconded by Commissioner Ruffier to grant a continuance for 60 days. Motion passed without dissent.

Tab Y – Julie Poli, not present; represented by Attorney Nancy Campiglia, present – Applicant requested a continuance until November 16, 2011. Vice-Chair Guju moved; seconded by Commissioner McCoig to grant a continuance until November 16, 2011. Motion passed without dissent.

Tab Z – Kenneth T. Rasnick, not present; represented by Attorney Nancy Campiglia, present – Applicant requested a continuance until November 16, 2011. Commissioner McCoig moved; seconded by Commissioner Ruffier to grant a continuance until November 16, 2011. Motion passed without dissent.

Tab AC – Milford D. Walker, present and represented by Attorney Nancy Campiglia, present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab C – Phaniel St. Vill, present and represented by Nancy Campiglia, Esquire, present – informal hearing – Commissioner Boring moved; seconded by Vice-Chair Guju to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried without dissent.

Tab D – Gwendolyn D. Alexander, present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed with one in dissent.

Tab E – Jose A. Buitrago, Jr., present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed with one in dissent.

Tab AD – Mitchell White, present – Application withdrawn and waived the 90-day requirement.

Tab F – Cochran, Boyd T., present – Commissioner McCoig moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab G – Latonya L. Cooper, present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab I – Susanna Deck, present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab J – Michael B. Durham, present – Commissioner Ruffier moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab M – Michael J. Gagas, present – Commissioner Boring moved; seconded by Commissioner McCoig to approve the application for sales associate; the motion passed without dissent.

Tab U – Angela C. Mehit, present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab V – John D. Moore, present – Application withdrawn and waived the 90-day requirement.

Tab AB – James A. Stephens, present – Commissioner Ruffier moved; seconded by Commissioner McCoig to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried without dissent.

Tab A – Cuarte, Celia M.; not present – Applicant requested a continuance until November 16, 2011, and waived the 90-day requirement. Commissioner Boring moved; seconded by Commissioner McCoig to grant a continuance until November 16, 2011. Motion passed without dissent.

Tab B – Miranda Eddy.; not present – Applicant requested a continuance until November 16, 2011, and waived the 90-day requirement. Commissioner McCoig moved; seconded by Commissioner Boring to grant a continuance until November 16, 2011. Motion passed without dissent.

Tab L – John L. Flood, not present – Application withdrawn.

Tab O – Angela D. Glynn, not present – Commissioner Furst moved; seconded by Commissioner Ruffier to deny the application for sales associate; the motion passed without dissent.

Tab P – Christopher M. Grant, not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed without dissent.

Tab Q – Tiwana D. Holmes, not present – Applicant requested a continuance until November 16, 2011, and waived the 90-day requirement. Commissioner McCoig moved; seconded by Commissioner Furst to grant a continuance until November 16, 2011. Motion passed without dissent.

Tab R – Sara R. Hopper, not present – Informal hearing – Commissioner Ruffier moved; seconded by Commissioner Enzor to uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab S – Jason Kaplan, not present – Commissioner Enzor moved; seconded by Vice-Chair Guju to deny the application for sales associate; the motion passed without dissent.

Tab T – Robin Lynch, not present – Commissioner Furst moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed with two in dissent.

Tab W – Kristin L. Palazini, not present – Commissioner McCoig moved; seconded by Vice-Chair Guju to deny the application for sales associate; the motion passed without dissent.

Tab X – David G. Partridge, not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to deny the application for sales associate; the motion passed without dissent.

Tab AA – Janeth E. Shepherd, not present – Application withdrawn and waived the 90-day requirement.

Tab AE – Glenn A. Williams, not present – Commissioner Enzor moved; seconded by Vice-Chair Guju to deny the application for sales associate; the motion passed without dissent.

### **Director's Remarks**

Director Watkins stated that the application issues have not fallen off the radar; we are awaiting guidance on how we may use the criminal history report, however, the Deputy General Counsel assigned to meet with FDLE has switched roles and a replacement has not been named to date. Director Watkins stated she would keep the Commission updated of the progress.

Director Watkins reported that this month there were serious problems in burning the agenda and explained that the division begins the process in ample time to get the disk to the Commissioners 2 weekends in advance and every month a different complication arises. Therefore, the division has have requested that the Deputy Secretary now coordinate these efforts. Director Watkins reported that she will be meeting with the Deputy Secretary and the Director of Information Technology to discuss solutions to resolve the issues.

Director Watkins congratulated incoming Chair Darla Furst and Vice-Chair Chip Boring and also thanked current Chair DeNapoli and Vice-Chair Guju for all they have done for the real estate industry and is looking forward to their continued service to the Commission.

Director Watkins understands that Commissioner Ruffier announced his resignation and wanted to take the opportunity to thank Commissioner Ruffier for his service on behalf of the division and department. Director Watkins stated that Commissioner Ruffier will be missed and that the next person will have big shoes to fill.

### **Commission's Comments**

Commissioner Ruffier stated today is his last Commission and it is both a joyous and sad day and thanked his fellow Commissioners both present and past. He also thanked FREC Counsel Tom Barnhart. Commissioner Ruffier stated that Director Watkins has been a joy as a director, thanking her and all of her staff. He further stated that he will miss sitting with the Commissioners for two days each month but that he will still be around on occasion.

Chair DeNapoli thanked everyone and stated that it has been an honor to serve as Chairman and will be happy to pass the gavel to Commissioner Furst as the new Chair.

Vice-Chair Guju thanked Chair DeNapoli and Commissioner Ruffier for their comments and stated that Commissioner Ruffier has been quietly effective.

Commissioners Enzor and McCoig thanked Chair DeNapoli and Vice-Chair Guju for the work they have done this past year and congratulated the incoming Chair Darla Furst and Vice-Chair Chip Boring.

Commissioner Boring thanked everyone for their support and stated that it has been a learning experience and a privilege to serve on this Commission and is looking forward to continue on some of the issues that it has been addressing.


Commissioner Furst stated it has been a pleasure to serve on the Commission and looks forward to continue working with the Commissioners and division staff in her new position.

Commissioners thanked Director Watkins and division staff for all their hard work and also how much they enjoy her as their Executive Director.

**Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:42 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 15 and 16, 2011, in Orlando, Florida.

  
Richard DeNapoli, Chair  
Florida Real Estate Commission

  
Juana C. Watkins, Director  
Florida Real Estate Commission