

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 16 and 17, 2012
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 16th day of October, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Chip Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. 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; Patrick Cunningham, Chief Attorney; Al Cheneler, Megan Demartini, Joshua Kendrick, Leigh Matchett, Lauren Roderick and Jaime Royal, Assistant General Counsels (Ms. Demartini, Mr. Kendrick, Ms. Matchett and Ms. Royal, appeared via video conference); Jenny Schwartz, Government Analyst I; Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and addressed questions and comments from the Commission. Ms. Watkins reported that Mr. LeTarte is no longer with the Department and that Ms. Sara Kimmig is acting as Bureau Chief in the interim and she will be present next month to provide the ULA report.

Financial Reports Ending June 30, 2012

Director Watkins presented the Financial Reports ending June 30, 2012, and reported that she will provide the Commission's questions to the department and will provide their response in November. Ms. Watkins addressed questions and comments from the Commission. Commissioner Hornsleth moved; Commissioner Podolsky seconded to send forth a letter to the department requesting someone from Finance and Accounting address the Commission's questions at the next meeting. The motion passed without dissent.

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report and addressed comments from the Commission. Ms. Watkins reported that the department has received over 2,600 real estate applications monthly consistently over the past 6 months.

Report Regarding Enforcement Trends and Escrow Audits

Director Watkins presented the report regarding Complaint Trends and Escrow Audits. Ms. Watkins addressed questions and comments from the Commission.

Report Regarding Legal Case Activity

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 26 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 26 Escrow Disbursement Orders and 4 Orders. Commissioner Enzor seconded the motion. The motion passed without dissent.

Recovery Fund Claim

Tab A – Melva Abreu and Lazaro Abreu and Lazaro Homes, LLC v. Richard Jason Hannan, DBPR Case No. 2012018080

There were no appearances on behalf of either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$27,155.00. Commissioner Guju seconded the motion. The motion passed without dissent.

Tab B – Pamela Brannen and Homes Jones v. Terry Ray Hicks, DBPR Case No. 2011026393

There were no appearances on behalf of either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Enzor moved to approve the order granting the claim in the amount of \$10,000.00. Vice-Chair Boring seconded the motion. The motion passed without dissent.

Tab C – HB Investment Associates, Inc. v. Ernest M. Sittenfeld, DBPR Case No. 2012026078

Mr. Sittenfeld appeared to provide testimony. Mr. McMorrow, Esquire, appeared on behalf of the Claimant. 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 Boring moved to approve the order granting the claim in the amount of \$50,000.00. Commissioner Guju seconded the motion. The motion passed without dissent.

Tab D – Michael Morrison v. Henrietta Suskevich, DBPR Case No. 2012005134

There were no appearances on behalf of either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the

recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$2,473.00. Vice-Chair Boring seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab G – Gaston Andres Henriquez, SL 3031278, Case No. 2011026398 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: \$250.00 fine; investigative costs; 6 month probation; must complete 2 three-hour ethics courses; must attend 2 two-day FREC meetings. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, by having plead guilty in the 11th Judicial Circuit, in and for Miami-Dade County, Florida.

Tab M – Bruce R. Bates, BK 427330, Case No. 2011036199 – Respondent’s Petition to Set Aside Final Order

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Guju; motion passed without dissent to set aside the Final Order filed June 15, 2012.

Action Taken: Final Order vacated.

Tab N – Rafael Arcila, SL 3176242, Case No. 2012014311 – Settlement Stipulation

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

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

Penalty imposed: \$750.00 fine, investigative costs, shall complete an Ethics Course. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty and being adjudicated guilty of using fraudulent immigration documents; violated Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty and being adjudicated guilty of using fraudulent immigration documents.

Action taken: Settlement Stipulation accepted.

Tab P – John Edward Fothergill, Jr., BK 587020, Case No. 2009059715 – Settlement Stipulation

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

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

Penalty imposed: \$750.00 fine, investigative costs; shall complete a FREC-approved 3-hour Ethics Course. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to timely inform the Commission of his plea of nolo contendere for aggravated stalking; violated Section 455.227(1)(t), Florida Statutes, when Respondent failed to timely inform the Commission of his plea of nolo contendere for criminal mischief.

Action taken: Settlement Stipulation accepted.

Tab R – Candra G. Mack, SL 3192466, Case No. 2011060708 – Settlement Stipulation

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

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved; seconded by Commissioner Podolsky to accept the Stipulated Settlement. The motion passed 5 to 1.

Penalty imposed: Suspension 60 days, \$500.00 fine, investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when Respondent plead guilty to a crime of moral turpitude.

Action taken: Settlement Stipulation accepted.

Tab U – Leon Pringle, BK 605147, Case No. 2011040084 – Settlement Stipulation

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

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

Penalty imposed: \$250.00 fine, investigative costs; **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account and deliver, upon demand, Complainant's earnest money deposits.

Action taken: Settlement Stipulation accepted

Tab B – Bentley Realty of South Florida, Inc., CQ 1022958, Case No. 2011027579 – Petitioner’s Informal

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

Ms. Arzillo represented the department and presented the case to the Commission. The Respondent submitted a letter requesting a continuance. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Enzor; motion passed without dissent to grant a continuance until the November FREC meeting.

Action Taken: Case continued until November 13, 2012.

Tab C – Joaquin DeJesus Blanco, SL 457424, Case No. 2010035301 – Respondent’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revoke; \$1,000.00 fine. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes (2009), when Respondent failed to self-report within 30 days from the date of his felony conviction; violated Section 475.25(1)(n), Florida Statutes, because Respondent is confined in a penal institution; violated Section 475.25(1)(f), Florida Statutes, when Respondent was tried and found guilty of trafficking methamphetamine.

Tab D – Hannah T. Campbell, SL 573827, Case No. 2011005083 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair Boring; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion passed 4 to 2 to impose the following sanctions:

Penalty imposed: Suspension for 5 years; \$5,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the Commission within 30 days of being found guilty of a felony; violated Section 455.227(1)(t), Florida Statutes, when Respondent failed to notify the Commission within 30 days of being found guilty of a crime or within 30 days of the effective date of Section 455.227(1)(t), Florida Statutes.

Tab E – Ralph Gonzalez, BK 3212017, Case No. 2011025062 – 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 served on the probable cause panel.

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

Penalty imposed: Revocation, investigative costs. **Violation:** Respondent violated Section 475.25(1)(s), Florida Statutes when Respondent’s registration as a real estate broker, License No. BK 3031011, in the state of Florida was revoked.

Tab F – Jon Jerald Hammill, SL 3151182, Case No. 2011018756 – Respondent’s Request for an Informal Hearing

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

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

Action Taken: Revocation, investigative costs. **Violation:** Respondent violated Section 475.42(1)(f), Florida Statutes, when Respondent plead guilty to a crime involving moral turpitude or fraudulent or dishonest dealing in the United States District Court; violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the Commission within thirty days of Respondent pleading guilty to a felony in the United States District Court; violated Section 455.227(1)(t), Florida Statutes, when Respondent failed to report in writing to the Commission within thirty days of pleading guilty to a crime in the United States District Court.

Tab H – Harvey Miles Lowell, SL 3036436, Case No. 2012000652 – Respondent’s Request for an Informal Hearing

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

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

Action Taken: Revocation. **Violation:** Respondent violated Section 475.42(1)(f), Florida Statutes, when Respondent plead guilty and was adjudicated guilty of conspiracy to commit wire fraud and six counts of wire fraud, which is a crime involving fraud and dishonest dealings; violated Section 475.25(1)(p), Florida

Statutes, when Respondent failed to notify the Commission within thirty days after pleading guilty and being adjudicated guilty of conspiracy to commit wire fraud and six counts of wire fraud.

Tab I – Frank Morales, Jr., BK 3075790, Case No. 2009052926 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation, investigative costs. **Violation:** Respondent violated Section 475.42 (1)(i), Florida Statutes (2009), by failing to comply with the investigator’s lawful request to examine Respondent’s brokerage records; failing to maintain telephone numbers and addresses at which Respondent may be contacted to facilitate records inspection; and in general, engaging in a patten of conduct that has hindered Petitioner’s ability to properly investigate the original complaint; violated Section 475.5015, Florida Statutes, and therefore has violated Section 475.25(1)(e), Florida Statutes, by failing to comply with the investigator’s lawful request to examine Respondent’s brokerage records; violated Section 455.275(1), Florida Statutes, and therefore Section 475.25(1)(e), Florida Statutes, as evidenced by the return of Petitioner’s mail delivered to the then registered address of Respondent; the investigator’s need to acquire an updated address from Respondent; and the inability of the investigator to locate Petitioner subsequently; violated Section 455.227(1)(j), Florida Statutes, by aiding GIR, a business entity not registered at the time with Petitioner, in the practice of real estate activities requiring licensure.

Tab J – Gretell Perez, SL 3175877, Case No. 2012012230 – Respondent’s Request for an Informal Hearing

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

Ms. Matchett represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved; seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as amended in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: \$250.00 fine, investigative costs. **Violation:** Respondent violated Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty to Petit Theft.

Tab K and Tab L – John D. Schmidt, BK 491908, Case No. 2010051179 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing and Case No. 2011047985 – Respondent’s Request for an Informal Hearing

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

Ms. Arzillo represented the Department and presented the case to the Commission. The Respondent submitted a request for a continuance. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner Enzor; motion passed without dissent to continue the matters until November 13, 2012.

Action Taken: Cases continued until November 13, 2012.

Tab O – Leonardo Armada, SL 3245385, Case No. 2012007618 – Settlement Stipulation

Respondent was not present and represented by Mycki Ratzan, Esquire, not present. Commissioner Guju was recused due to participation on the probable cause panel.

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

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

Action taken: Settlement Stipulation accepted.

Tab Q – Judy Limekiller, SL 3131877, Case No. 2012018222 – Stipulation

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

Ms. Matchett represented the Department and presented the case to the Commission. The attorneys for Respondent requested a continuance. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to continue the matter until November 13, 2012.

Action Taken: Case continued until November 13, 2012.

Tab T – Tami McDowell, SL 3192466, Case No. 2010030813 – Settlement Stipulation

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

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

Action taken: Settlement Stipulation denied.

Tab W – Clifford David Altemare, BK 3062479, Case No. 2011039145 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation, investigative costs. **Violation:** Respondent violated Section 475.25 (1)(b), Florida Statutes, when he committed fraud; misrepresentation, concealment, false promises, false pretenses, dishonest dealings trick, scheme, or device, culpable negligence, or breach of trust in any business transactions; violated Section 475.25(1)(d)1, Florida Statutes, when he failed to account or deliver funds; violated Rule 61J2-14.010, Florida Administrative Code and, therefore, Section 475.25(1)(e), Florida Statutes, when he failed to immediately deposit trust funds.

Tab X and Tab Y – Rafael Garofalo, SL 3041688, Case No. 2010019246 and 2011050155 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Action Taken: Revocation; \$4,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order issued under the provisions of Chapters 475 and 455, Florida Statutes; Respondent violated Section 455.227(1)(q), Florida Statutes, when Respondent failed to comply with a lawful order issued by the Florida Real Estate Commission.

Tab Z – Fernando Gonzalez, SL 3157144, Case No. 2011053723 – Respondent’s Request for Final Order

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

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

Action Taken: \$1,500.00 fine; investigative costs; 6 months probation; must attend 1 two-day FREC meeting. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, by committing fraud,

misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or devise, culpable negligence, or breach of trust.

Tab AA – Roberto Luis Leon, ZH 1002543, Case No. 2010023350 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation, investigative costs. **Violation:** Respondent violated a lawful order issued under the provisions of Chapter 455 or 475.

Tab AB – Raquel Moya, BK 3232829, Case No. 2010032886 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Action Taken: Revocation; \$1,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, by committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or devise, culpable negligence, or breach of trust.

Tab AC – Christopher Dale Phillips, SL 590031, Case No. 2011010533 – Voluntary Relinquishment of License

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

Ms. Demartini represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to accept the Voluntary Relinquishment of License and close the waiver hearing based on the acceptance of the Voluntary Relinquishment. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab AD – The Hassle Free Group, LLC, CQ 1031936, Case No. 2011035133 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation; \$1,000.00; investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1., Florida Statutes, by failing to remit to Owner the rents and the security deposit for Property.

Tab AE – Joell Marie Thierry, SL 3143734, Case No. 2011057402 – Respondent’s Request for Final Order

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

Ms. Matchett represented the Department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Vice-Chair Boring; motion passed 4 to 2 to impose the following sanctions:

Action Taken: Suspension for 3 years; \$1,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading guilty to Grand Theft; violated Section 475.25(1)(f), Florida Statutes, when she pled guilty to Grand Theft, which is a crime that involves moral turpitude.

Tab AF – Paul Tsiorba, SL 3170195, Case No. 2011053853 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Roderick 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 Boring; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Guju moved, seconded by Commissioner Enzor; motion passed 5 to 1 to impose the following sanctions:

Penalty imposed: Revocation with prejudice, investigative costs. **Violation:** Respondent violated a lawful order issued under the provisions of Chapter 455 or 475.

Tab AG – Anthony Vocaturo, BK 3098523, Case No. 2011035128 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation; \$1,000.00; investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1., Florida Statutes, by failing to remit to Owner the rents and the security deposit for Property.

Cases Continued or Withdrawn

Tab A – Luis Manuel Aparicio, Case No. 2010059974

Tab B – Bentley Realty of South Florida, Inc., Case No. 2011027579

Tab K and Tab L – John D. Schmidt, Case No. 2010051179 and Case No. 2011047985

Tab Q – Judy Limekiller, Case No. 2012018222

Tab S – Guirlande Mardy, Case No. 2011023486

Tab V – Mary D’Nette Allen, Case No. 2010015024

General Session

Nominations for Chair and Vice-Chair

Chair Furst opened the floor for nominations.

Commissioner Enzor nominated Vice-Chair Chip Boring for Chair. Commissioner DeNapoli seconded the motion. The motion passed without dissent. Vice-Chair Boring was elected for Chair.

Commissioner Hornsleth nominated Commissioner Enzor for Vice-Chair. Commissioner DeNapoli seconded the motion. The motion passed without dissent. Commissioner Enzor was elected for Vice-Chair.

Approval of the Minutes

Commissioner Enzor moved; seconded by Commissioner DeNapoli to approve the Minutes of the September 18 and 19, 2012, General Meeting, as written. The motion passed without dissent.

Rules Discussion

Rule 61J2-2.027 – Application by Individuals

FREC Counsel Barnhart presented this rule for the Commission’s review. FREC Counsel Barnhart stated the purpose this workshop is to amend the language to comply with statutory changes and to correct a rule referenced after Law Implemented. The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Podolsky; motion carried unanimously to move forward with the rule making process and amend the rule as follows:

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

(a) No change.

(b) If the application is for broker:

(i) 1. Has been registered as an active sales associate for at least ~~24~~ 12 months during the preceding 5 years under one or more brokers;

(ii) 2. Has held a current and valid real estate sales associate's license for at least ~~24~~ 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, F.S.; or

(iii) 3. Has held a current and valid real estate broker's license for at least ~~24~~ 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.

(c) No change.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) Whether the applicant has ever been convicted or found guilty of, or entered a guilty plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction or if applicant is currently under criminal investigation; ~~If ever convicted of a crime, or if any judgment or decree has been rendered against the applicant for fraud or dishonest dealings, or;~~

(b) ~~If now a patient of a mental health facility or similar institution for the treatment of mental disabilities, or~~

(b) (e) Whether the applicant has ever ~~If ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances, or;~~

(c) (d) Whether the applicant has had any license, registration or permit to practice any requested profession, occupation, vocation or business revoked, annulled, suspended, relinquished, surrendered or otherwise disciplined in Florida or in any other jurisdiction or if any such proceeding or investigation is now pending; and ~~If ever had a broker's or sales associate's license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.~~

(d) Whether the applicant has had an application for a real estate license denied in Florida or in any other jurisdiction or if there is a pending proceeding to deny such application.

(3) Each application shall be accompanied by a completed FBI fingerprint card for processing, and applicant must submit digital fingerprint data for processing to determine if the applicant has a criminal history record.

(4) No change.

Rulemaking Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History—New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, 11-26-03, Amended _____.

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

JAPC Comments

61J2-24.001 – Disciplinary Guidelines and 61J2-24.002 – Citation Authority

FREC Counsel Barnhart reported that he received a letter from the Joint Administrative Procedures Commission (JAPC) outlining several technical issues. Mr. Barnhart stated that he responded to JAPC stating that the Commission would provide a notice of change to address the issues.

Rules Report

FREC Counsel Barnhart provided a Rules Report for the Commission's review.

Review and Consideration of the Real Estate Continuing Education Course

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

Renewal Course #1 – New Course (14-hour CE) – Application No. 17228 – Amy Zanzinger, RealEstateCE.com

Ms. Zanzinger was not present. The Commission entered into discussion. Commissioner Hornsleth moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Renewal Course #2 – New Course (14-hour CE) – Application No. 17232 – Amy Zanzinger, RealEstateCE.com

Ms. Zanzinger was not present. The Commission entered into discussion. Commissioner Enzor moved to deny the continuing education course listed above it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Special Agenda

2013 FREC Calendar

Director Watkins presented the 2013 FREC calendar for the Commission's consideration and approval. Commissioner Hornsleth moved to approve the 2013 Meeting Calendar as presented. Commissioner Enzor seconded the motion. The motion carried unanimously without dissent.

Consent Agenda, Agenda A

The Commission considered 177 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve 136 applicants and require 41 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Aguilar, Cindy
Aizenshatat, Jacqui

Garcia, Cesar
Garcia, Maria

Mullen, Keith
Olivier, Jean

Alkan, Serhan
Alton, Brian
Arburtha, James
Arensault, Michael
Baker, George
Bedley, Kenneth
Bello, Heidi
Bengoa Moreno, Javier
Bentzel, Robert
Benzan, Johnny
Beringer, Daniel
Birdi, Manpreet
Boren, Sarah
Bowden, Benny
Bowman, Duane Jr.
Boykin, Jahmal
Brooks, James
Brown, Walter
Burky, Brett
Butler, Eliza
Campbell, Teresa
Ciofu, Mary
Clements, Laniqueka
Cole, Jeffrey
Combs, Christine
Condon, Thomas
Corbett, Lisa
Cox, Arthur Jr.
Cruz, Ruben
D'Alessandro, Tabatha
Demorest, Gregory
Dibiasi, Emil
Dixon, Matthew
Fedash, David
Ferguson, Patti
Fernandez, Arnaldo
Fields, Ramonda
Fistel, Jill
Flaum, Mojsze
Foster, Hsien
Franco, Dagaberto Jr.
Funes, Carlos
Fyath, Jeffrey
Gaddis, Jerry

Geoghan, Kelly
Ghanime, Joseph
Gilbert, Paul
Girlinghouse, Melissa
Golm, Crystal
Gomez, Juan
Gonzalez, George
Gonzalez, Jose
Gosselin, Keith
Granado, Eloisa
Granger, Hugh II
Graves, Robert
Grimaldi, Frank
Hannon, Robert
Harper, Richard
Hartman, John
Hayle, Aisha
Heistand, Richard
Hill, Dennis
Ianuzi, David
Isner, Chantel
James, General
Jarvis, Geoffrey
Jebelli, Ziba
Jerome, Jill
Jones, Richard
Kahn, Jared
Karesen, Erika
Kopolovits, Jeffrey
Kosier, James
Koun, Conelius Jr.
Larkin, John Jr.
Leavitt, Katherine
Leseux, Pascal
Lewis, Trent
Mackinnon, George
Madison, Johnny
Magee, Laurie
McLaughlin, Andrew
McLeod, Lourdes
Mitchell, Brian
Monroe, Gregory
Montana, Katherine

Panton, Latoya
Parker, Brittney
Pena, Maximo
Pirrello, James
Portner, Henry
Pray, Tony
Presson, Steven
Ptashinski, Joseph
Ragan, Ronald
Rains, Bryon
Ramirez, Paula
Richardson, Renee
Rinckey, Robert
Roman Martinez, Jose
Rothstein, Jack
Rullman, Todd
Rush, Christopher
Russo, Louis
Santiago, Homar
Serpa, Felipe
Silvestre, Christian
Spencer, Daniel
Spitaleri, Jacqueline
Stadmiller, Darren
Suissa, Alain
Thomas Kenrick, Christopher
Thomas, Jessica
Thurmond, Casey
Trelles, Daniel
Trzepacz, Ronald
Van Olffen, Kelly
Vias, Antonio
Walsh, Brian
Warren, Kenneth
Weltzien, Falk
Wheaton, Billy
Williams, Andrew
Williams, David
Williams, Franklin Jr.
Willis, Janice
Wittenberg, David
Young, James
Yourga, Daniel

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

Adams, Anthony
Allalemdjian, Michael
Baker, Bonnie
Borge, Rafael
Boucinha, Daniel
Bragg, Rachel
Brandt, Andrea
Bridges, Kyle

Feinsod, Mitchell
Fleming, Sean
Fontanez, Jarel
Fruen, Jason
Herrera, Carlos
Ivory, Yolanda
Kemph, Faulton
Litman, Lance

Perez, Rene
Persaud, Chatram
Ramsey, Margaret
Roberts, Curtis
Rodriguez, Maria
Saavedra, Margaret
Saunders, Susan
Shaw, Herbert

Brown, Jacinth
Cloe, Vince
Degerdon, Stephen
Doyle, Jared
Engler, John
Farley, Joseph

Lombardi, Daniel
Mallary, Marquis
Matutes, Andres
McMillan, Seneca
Merhy, Nathalie
Muller, Audrey

Silvers, Derrick
Sissum, Joyce
Trub, James
Valenti, Durant
Valentin, Nicholas

Consent Agenda, Agenda B

The Commission considered 1 applicant from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 1 applicant; the motion passed without dissent.

The following applicant was approved:

Yunez, Antonio

There being no further business and no objection, the Chair recessed the meeting at approximately 3:45 p.m. until 8:30 a.m. tomorrow.

October 17, 2012

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, on this 17th day of October, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Chip Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. 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; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Jenny Schwartz, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

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

Tab O – Johanna Haddock, present – Commissioner Guju moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab E – Brian T. Allen, present, represented by Michael Owen, Esquire, also present – Commissioner Guju moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed 6 to 1.

Tab C – Michelle Linenko, present, represented by Daniel Villazon, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Enzor moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously

entered regarding the application for sales associate; the motion passed without dissent. Applicant withdrew the application.

Tab AA – Genevieve M. Manzoni, present, represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed 5 to 2.

Tab AJ – Deepak Perociel, not present, represented by Daniel Villazon, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AN – Julio C. Santa Cruz Pacheco, not present, represented by Daniel Villazon, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AO – James H. Searcy, Jr., not present, represented by Daniel Villazon, Esquire, present – Vice-Chair Boring moved; seconded by Commissioner Guju to approve the application for broker; the motion passed without dissent.

Tab AS – Richard Tommer, not present, represented by Daniel Villazon, Esquire, present – Commissioner Enzor moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AU – Jose L. Varela, present, represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 3.

Tab AX – Dwight Williams, present, represented by Daniel Villazon, Esquire, also present – Applicant withdrew the application and waived the 90-day requirement.

Tab A – Jesse K. Appel, present – informal hearing – The Commission entered into discussion. The applicant withdrew his informal hearing request.

Tab Z – Frank B. Maldonado, present represented by David Hill, Esquire, also present – Commissioner Hornsleth moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 5 to 2.

Tab B – Paul Damiano, not present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Enzor to uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab D – Joseph Rodriguez, not present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Boring to uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab F – Adrian A. Arrondo, not present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab G – Jorge A. Barreto, not present – Commissioner Podolsky moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab H – George J. Castera, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab I – Anthony Crews, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab J – Leah R. Currie, present – Commissioner Podolsky moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab K – Ryan M. Doyle, present – Applicant withdrew the application and waived the 90-day requirement.

Tab L – Seadrick Gnat, present – Commissioner Podolsky moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab M – James P. Giles, present – Commissioner Podolsky recused himself from participation. Vice-Chair Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

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

Tab P – Yvette Z. Hernandez, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab Q – Aaron Hill, not present – Commissioner Podolsky moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab R – Daniel R. Hood, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 5 to 2.

Tab S – Lucmon Joseph, not present – Applicant withdrew the application.

Tab T – Philip Kallberg, not present – Commissioner Podolsky moved; seconded by Commissioner Enzor to deny the application for broker; the motion passed 5 to 2.

Tab U – James P. Kilfeather, present – Commissioner Podolsky moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed 6 to 1.

Tab V – Marcus, Kirn, not present – Applicant withdrew the application.

Tab W – Kenneth E. Koller, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab X – Howard G. Levy, present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 6 to 1.

Tab Y – Benjamin Litke, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 5 to 2.

Tab AB – Steven F. McHenry, present – Applicant withdrew the application.

Tab AC – Edward McNaught, present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6 to 1.

Tab AD – Shawna Mitchell, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without 6 to 1.

Tab AE – Erin M. Murphy, present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AF – Razvan Neagu, not present – Commissioner Podolsky moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab AG – Patrick A. North, not present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6 to 1.

Tab AH – Kathleen M. O'Brien, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

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

Tab AK – Austin J. Rattet, not present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AL – Jose Reyes, not present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AM – Fernando Samudio, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab AP – Susana S. Sethi, not present – Commissioner Podolsky moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab AQ – Carlton C. Small, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AR – Kari A. M. Spiller, present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Vice-Chair Boring to grant a continuance; the motion passed without dissent.

Tab AT – William Torres, present – Commissioner Enzor moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab AV – Monte C. Waldman, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AW – Lisa Walker, not present – Commissioner Podolsky moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 6 to 1.

Summary of Applicant – Agenda B

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

Tab A – John Baxter, not present – Commissioner DeNapoli moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Special Agenda

Correspondence from William John Fitzsimmons

Director Watkins presented a letter received from William J. Fitzsimmons requesting that the Commission approve his request for a multiple real estate license. Mr. Fitzsimmons did not appear in support of his request. The Commission entered into discussion. After discussion, Commissioner Podolsky moved; seconded by Commissioner Enzor to deny Mr. Fitzsimmons' request; the motion passed without dissent.

Correspondence from Ronald Tatreau

Director Watkins presented a letter received from Ronald Tatreau requesting that the Commission allow him to use his 4-year degree to be exempt from the 60-hour post-license education requirement for renewal of his broker license. Mr. Tatreau did not appear in support of this request. The Commission entered into discussion. After discussion, Commissioner Podolsky moved; seconded by Vice-Chair Boring to deny Mr. Tatreau's request; the motion passed without dissent.

Correspondence from Michael Orlando

Director Watkins presented a letter received from Michael Orlando requesting that the Commission grant a hardship extension to allow him to complete the 28-hour reactivation course end-of-course exam and allow him to renew late and reinstate his null and void license. Mr. Orlando did not appear in support of his request. The Commission entered into discussion. After discussion, Commissioner Guju moved; seconded by Commissioner Podolsky to deny Mr. Orlando's request; the motion passed without dissent.

Public Comments

The Commission received comments from a member of the audience.

Commission Remarks

Commissioner Guju reported that this was his last meeting and stated that it has been his extreme pleasure to serve on the Commission for 5 years. He added that he has learned a great deal and has made some very good friends and that he also has enjoyed working with the Division staff.

The Commission stated that it has been a great honor working with Commission Guju and appreciates the valuable contribution he has provided to the real estate industry and wished him the best in his all his endeavors. Chair Furst stated that Commissioner Guju is a man of principles and loves his family. Chair Furst added that Commissioner Guju has been a wealth of knowledge and he will be missed.

Director Watkins stated that on behalf of Secretary Lawson; the Department of Business and Professional Regulation and this division she extends tremendous thanks and appreciation to Commission Guju for his services.

Chair Furst stated that it has been a real honor to serve as Chair this past year because of the people she serves with and thanked everyone for the opportunity.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 13 and 14, 2012, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission