

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
October 14 and 15, 2014  
General Meeting**

Chair Roger Enzor, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., in Orlando, Florida, on this 14<sup>th</sup> day of October, 2014.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Poul Hornsleth, Chip Boring, Dick Fryer and Darla Furst. Commissioner Podolsky and Commissioner Chotas were excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Denise Johnson, Deputy Director; Andrew Fier, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Alison Lamont, Jennie Schwartz, Assistant General Counsel; Appearing via teleconference: Daniel Brackett, Daniel David, David Folley, Josh Kendrick and Ann Prescott, Assistant General Counsels; Brian McAvoy, ULA Investigator Supervisor; Jocelyn Pomales, Education Coordinator; Johanne Knudson, Government Analyst I; Nyasha Riley, Government Analyst I; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

**Approval of the Minutes**

Commissioner Furst moved; seconded by Commissioner Fryer to approve the Minutes of the September 16 and 17, 2014, General Meeting, as written. The motion passed without dissent.

**Reports**

**Enforcement Trends and Escrow Audits Reports**

Deputy Director Johnson presented the report regarding Enforcement Trends and Escrow Audits Summary and addressed questions and comments from the Commission.

**Unlicensed Activity Report**

Deputy Director Johnson presented the Unlicensed Activity Report and addressed questions from the Commission. Ms. Johnson reported that Bureau Chief Kimmig was recently informed by the Statewide Prosecutor's Office that Paul Ventacaswamy, who was prosecuted by the Department for unlicensed activity, was sentenced to 10 years in prison for organized fraud. Commissioner Furst provided kudos to the Department for waging an extensive public awareness campaign against unlicensed activity and the importance of using licensed professionals.

Vice-Chair Hornsleth acknowledged former Commissioner S.W. Ellis who was sitting in the audience.

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

Education Coordinator Pomales presented the monthly Exam Performance Summary Report and addressed questions and comments from the Commission.

Deputy Director Johnson reported that the Broker Syllabus has not been updated in quite some time and inquired if the Commission wanted to schedule a workshop to review the Broker Syllabus. Commissioner Fryer stated that he would be happy to facilitate the workshops.

### **License Count Report**

Deputy Director Johnson presented the License Count Report and addressed questions and comments from the Commission.

### **Legal Case Activity Report**

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

### **Legal Agenda Schedule**

#### **Escrow Disbursement Orders**

Assistant General Counsel Cheneler presented 8 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. After discussion, Commissioner Fryer moved to issue Tab A, Case No. 2014013100 an Order in lieu of an Escrow Disbursement Order; Commissioner Furst seconded the motion; the motion passed without dissent. Vice-Chair Hornsleth moved to accept 7 Escrow Disbursement Orders and 5 Orders as amended; Commissioner Fryer seconded the motion; the motion passed without dissent.

#### **Recovery Fund Cases**

##### **Agenda A; Tab W – Virginia Pope v. Tarek Kirschen, DBPR Case No. 2010025371**

Mr. David presented the matter to the Commission. Mr. Tushaar Deasi, Esquire, was present with Ms. Pope, requested the Commission reconsider the Final Order Denying Recovery Fund Claim. Mr. Deasi and Ms. Pope presented testimony in support of the request. The Commission granted the reconsideration. After conclusion of discussion, Commissioner Fryer moved to uphold the previous Final Order Denying Recovery Fund Claim; Commissioner Furst seconded the motion; the motion carried unanimously.

##### **Agenda C; Tab A – Vanessa Calver and Linda Stewart v. Gregory Christner, DBPR Case No. 2009-012226**

Mr. David presented this matter to the Commission. Mr. Michael Pugh, Esquire, attorney for Claimants, was present. Mr. David stated that the Department was withdrawing its request for reconsideration and will move forward with processing payment from the Recovery Fund.

## Agenda A

- Tab B** – Edward Graham Brown v. Myrna Ambroise, DBPR Case No. 2012-029610  
**Tab C** – Edward Graham Brown v. Steve Gerald Ambroise, DBPR Case No. 2012-029618  
**Tab D** – Duncan Steele and Regan Wood v. Steve Gerald Ambroise, DBPR Case No. 2012-029631  
**Tab E** – Christopher and Susan Apps v. Steve Gerald Ambroise, DBPR Case No. 2014-004992  
**Tab J** – John Robert and Patricia Bottom v. Mark D. Goldberg, DBPR Case No. 2012-029617  
**Tab K** – Nigel Paul and Clare Louise McGoldrick v. Mark D. Goldberg, DBPR Case No. 2012-029621  
**Tab L** – Allan McLuckie, Sr. v. Mark D. Goldberg, DBPR Case No. 2012-029623  
**Tab M** – Allan McLuckie, Sr. v. Mark D. Goldberg, DBPR Case No. 2012-029624  
**Tab N** – Ian Charles Selby and Pina Frances Selby v. Mark D. Goldberg, DBPR Case No. 2012-029627  
**Tab O** – Ian Charles Selby and Alfonso Altieri v. Mark D. Goldberg, DBPR Case No. 2012-029629  
**Tab P** – Duncan Steele and Regan Wood v. Mark D. Goldberg, DBPR Case No. 2012-029632  
**Tab Q** – Michael and Valerie Tilley v. Mark D. Goldberg, DBPR Case No. 2012-029634  
**Tab R** – Christopher and Susan Apps v. Mark D. Goldberg, DBPR Case No. 2014-005003  
**Tab S** – Edward Graham Brown v. Mark D. Goldberg, DBPR Case No. 2012-029619  
**Tab T** – Dean and Samantha Risdale v. Mark D. Goldberg, DBPR Case No. 2012-029625  
**Tab U** – David and Gillian Sheppard v. Mark D. Goldberg, DBPR Case No. 2012-029630  
**Tab Z** – David and Gabrielle Watkins v. Tracy Penny, DBPR Case No. 2012-029614  
**Agenda B, Tab A** – Joy Hendricks v. Myrna Ambroise, DBPR Case No. 2012-029609

Mr. David presented these matters to the Commission. Mr. Pugh, attorney for Claimants was present. Mr. Villazon, attorney for Respondent Goldberg, was also present. Mr. David advised that the statute does not allow the Claimants to receive payment from the recovery fund and recommended the Commission deny the claims. The Commission considered the facts and circumstances. Commissioner Fryer moved to approve the Final Orders denying the claims. Commissioner Furst seconded the motion. The motion passed 4 to 1.

## Agenda A

- Tab I** – Martha Martinez v. Alicia Garcia, DBPR Case No. 2014-015380

Mr. David presented this matter to the Commission. Mr. Gus Lage, Esquire, attorney for the Claimant, was present in support of the claim. The Licensee was not present. Mr. David 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 Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$50,000.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

- Tab G** – Susan King v. Latara Marie Clements, DBPR Case No. 2014-030181

Case continued until November 2014.

- Tab Y** – Susan King v. Michael O'Donnell, DBPR Case No. 2014-030172

Case continued until November 2014.

- Tab H** – Gloria Espinal v. Albert Deering, DBPR Case No. 2011-043922

Case continued until November 2014.

**Tab V – Roberto De La Nuez v. David Hernandez, DBPR Case No. 2014-005112**

Mr. Folley presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Folley 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 Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$4,000.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

**Tab X – Victor Dahni & Jane Danhi v. Bruce Edward Manny, DBPR Case No. 2011-030834**

Case continued until November 2014.

**Tab AA – Nalini Ragbursingh v. Quince Plunkett, DBPR Case No. 2012-039924**

Case continued until November 2014.

**Tab AB – Erika Willis v. Scott David Reid, DBPR Case No. 2013-038582**

Case continued until November 2014.

**Tab AC – ACM Browncroft, etc. v. Teresa B. Reilly-O-Doherty, et al., DBPR Case No. 2013-047612**

Mr. David presented the above matters to the Commission. Neither the Claimant nor the Licensee was present. Mr. David advised that the statutes do not allow the Claimant to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to approve the Final Order Denying Recovery Fund Claim. Vice-Chair Hornsleth seconded the motion. The motion passed without dissent.

**Legal Appearance Docket**

**Tab E – Chris K. Von Hohenstraeten, BK 3205645 and 2333189; Case No. 2013018381 – Settlement Stipulation**

Respondent was present; Respondent was represented by Steven Johnson, Esquire, also present. Commissioner 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 entered into discussion. Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to accept the Stipulated Settlement dismissing Count II of the Administrative Complaint. The motion passed without dissent.

**Penalty:** \$1,000.00 fine; investigative costs; attend one complete FREC general meeting; complete a 4-hour FREC-approved continuing education course. **Violation(s):** Section 475.42(1)(i), Florida Statutes, by placing a lien on real property in order to coerce payment of money to Respondent or for the purpose of collecting a commission.

**Tab H – Francis Brandon Brugal, SL 3224266; Case No. 2013050320 – Settlement Stipulation**

Respondent was not present; Respondent was represented by Steven Johnson, Esquire, present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel. Commissioner Chotas served on the probable cause panel. Commissioner Chotas was excused and not in attendance.

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

**Penalty:** \$2,000.00 fine; investigative costs; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2012), by having violated Section 475.42(1)(b), Florida Statutes (2012), when Respondent operated as a broker and not under the direction, control or management of his broker; Section 475.25(1)(e), Florida Statutes (2012), by having violated Section 475.42(1)(d), Florida Statutes (2012), when Respondent collected money in connection with a real estate transaction as a deposit or payment, not in the name of his employer and without the express consent of his employer; Section 455.227(1)(j), Florida Statutes (2012), when Respondent aided, assisted, procured, employed, or advised an unlicensed entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

**Tab A – Luis Antonio Bido, SL 3239687; Case No. 2013033363 – Respondent’s Request for Informal Hearing**

Respondent was present. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Brackett represented the department and presented the case to the Commission. The Respondent disputed the allegations. The Commission entered into discussion. Commissioner Furst moved; seconded by Vice-Chair Hornsleth to refer the matter to the Division of Administrative Hearings (DOAH). The motion passed without dissent.

**Action taken:** Case referred to DOAH.

**Tab P – Eric David Mulcahy, SL 3231173; Case No. 2014019043 – Settlement Stipulation**

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Boring to accept the Stipulated Settlement. The motion passed 3 to 1.

**Penalty:** \$750.00 fine; investigative costs; attend 1 complete FREC meeting. **Violation(s):** Section 472.25(1)(f), Florida Statutes, when Respondent pled nolo contendere to Possession with Intent to Sell Cannabis, which is a crime of moral turpitude.

**Action taken:** Settlement Stipulation accepted.

Vice-Chair Hornsleth was delayed.

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

**Tab E** – *Reverse Sales Training-HECM for Purchase* – New Course (3 hours - Other; CE – Specialty) – Application No. 21584 – Michael J. Weltman, UFA-Teach Reverse Florida

Mr. Weltman was present. The Commission entered into discussion. Applicant waived the 90-day requirement and requested a continuance. Commissioner Fryer moved to continue the matter to a future meeting; Vice-Chair Hornsleth seconded the motion. The motion passed without dissent.

**Tab C** – *The Title Claim Process/Realtor Liability Issues* – New Course (3 hours – classroom; CE – Specialty) – Application No. 21092 – Richard P. Reina, Jon I. McGraw Law Firm, Equitable National Title

Mr. Reina was present. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab D** – *Title 101* – New Course (3 hours – classroom; CE – Combination Law and Specialty; Sales Associate Post-Licensure) – Application No. 21093 – Richard P. Reina, Jon I. McGraw Law Firm, Equitable National Title

Mr. Reina was present. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours of continuing education; Commissioner Boring seconded the motion. The motion passed without dissent.

## **Legal Appearance Docket continued**

**Tab B** – *Isis V. Canales, SL 3048107; Case No. 2014016625* – **Petitioner’s Motion for Informal Hearing**

Case withdrawn.

**Tab D** – *Paul E. Toppino, BK 3007351, Case No. 2013011880* – **Petitioner’s Motion for Informal Hearing**

Case withdrawn.

Vice-Chair Hornsleth rejoined the meeting.

**Tab G** – *Joann Terranova, SL 3045834, Case No. 2010063121* – **Respondent’s Request for an Extension of Time to Comply with a Final Order**

Respondent was not present and was not represented by counsel. Chair Enzor 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 Fryer moved; seconded by Commissioner Boring to deny the request for an extension; the motion passed without dissent.

**Action Taken:** Extension request denied.

**Tab I – Deborah M. Farquharson, SL 588674; Case No. 2013034305 – Settlement Stipulation**

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

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

**Penalty:** \$500.00 fine; investigative costs; attend one complete FREC general meeting. **Violation(s):** Respondent neither admits nor denies that she allegedly violated the following: Section 475.25(1)(f), Florida Statutes (2010), when Respondent pled nolo contendere to and was adjudicated guilty of one count of Making a False Statement to Obtain Property.

**Action taken:** Settlement Stipulation accepted.

**Tab J – Clarisa Ferro, SL 3252398; Case No. 2014014065 – Settlement Stipulation**

Case withdrawn.

**Tab K – Flocar Investment Group Corp., CQ 1033806; Case No. 2013009010 – Settlement Stipulation**

Respondent was not present; Respondent was represented by Paul McKenna, Esquire, not present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

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

**Penalty:** \$1,500.00 fine; investigative costs; \$3,000.00 restitution. **Violation(s):** Respondent neither admits nor denies allegedly violating the following: Section 475.25 (1)(d)1, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft; Section 475.25(1)(b) by charging Complainants for consulting and translation services which were never agreed to, nor ever provided

**Action taken:** Settlement Stipulation accepted.

**Tab N – Delma Feliz Koessler, BK 3154579; Case No. 2013002215 – Settlement Stipulation**

Respondent was not present; Respondent was represented by Paul McKenna, Esquire, not present. Commissioner Boring was recused due to participation on the probable cause panel.

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

**Penalty:** \$1,500.00 fine; investigative costs; \$3,000.00 restitution. **Violation(s):** Respondent neither admits nor denies that she allegedly violated the following: Section 475.25 (1)(d)1, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft; Section 475.25(1)(b) by charging Complainants for consulting and translation services which were never agreed to, nor ever provided.

**Action taken:** Settlement Stipulation accepted.

**Tab M – Maria C. Hernandez, BK 3228612 and 501114; ZH 1002689; Case No. 2012036406 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Respondent was represented by Ricardo Gonzales, Esquire, not present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

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

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

**Tab L – Tracy L. Henry, BK 3248338; Case No. 2014003320 – Settlement Stipulation**

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

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Boring to accept the Stipulated Settlement. The motion passed 3 to 1.

**Penalty:** \$500.00 fine; investigative costs; probation for 18 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to timely notify DBPR that Respondent was adjudicated guilty of DUI.

**Action taken:** Settlement Stipulation accepted.

**Tab O – Jerry Ernesto Morter, SL 3171134; Case No. 2014007121 – Settlement Stipulation**

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

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

**Penalty:** \$500.00 fine; investigative costs; probation for 12 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to timely notify DBPR that Respondent was adjudicated guilty of DUI with a blood alcohol level over .15.



**Action taken:** Settlement Stipulation accepted.

**Tab Q – Mary P. Leverette, BK 390820; Case No. 2014031253 – Voluntary Relinquishment of License for Permanent Revocation**

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

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

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

**Tab R – Denise A. Bryant, BK 3054877; Case No. 2013049213 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order**

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

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

**Action taken:** Revocation; investigative costs. **Violation(s):** Section 475.25 (1)(d)1, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft; Section 475.25(1)(b) by not disbursing any of Grant’s \$1800 to landlord Malik, not disbursing any of Grant’s \$1800 to landlord’s agent Damson, nor returning Grant’s \$1800 to Grant.

**Tab S – Wayne Michael Ellis, SL 3127416; Case No. 2014005608 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order**

Respondent was not present and was not represented by counsel. Vice-Chair Hornsleth was recused due to participation on the probable cause panel. Commissioner Chotas served on the probable cause panel. Commissioner Chotas was excused and not present.

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

**Action taken:** Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating a lawful order issued under the provisions of Chapter 475, Florida Statutes, or Chapter 455, Florida Statutes.

**Tab T – Robert M. Hittner, BK 696641; Case No. 2014003336 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order**

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

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

**Action taken:** Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted or found guilty of Communications Fraud.

**Tab U – Richard C. Koskey, SL 3154794; Case No. 2014012476 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order**

Respondent was not present and was not represented by counsel. Vice-Chair Hornsleth was recused due to participation on the probable cause panel. Commissioner Chotas served on the probable cause panel. Commissioner Chotas was excused and not present.

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

**Action taken:** Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2012), by violating a lawful order issued under the provisions of Chapter 475, Florida Statutes, or Chapter 455, Florida Statutes.

**Tab C – Veronica Riofrio, SL 3143218, Case No. 2013048096 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was represented by Daniel Rose, Esquire, not present. Commissioner Podolsky served on the probable cause panel. Commissioner Podolsky was excused and not present.

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

**Penalty:** Suspension for 3 years; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled guilty to one count of conspiracy to commit mail fraud, a crime which directly relates to the activities of a licensed sales associate, or involves moral turpitude or fraudulent or dishonest dealings.

## **Tab F – Christopher Mark Kenmay, SL 3230715, Case No. 2013004991 – Respondent’s Request for an Extension of Time to Comply with Final Order**

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved; seconded by Commissioner Furst to approve a 6-month extension; the motion passed without dissent.

**Action Taken:** Extension granted for a period of 6 months.

### **General Business continued**

#### **Rule Discussion**

##### 61J2-24.005 – Revocation (SERC)

FREC Counsel Barnhart presented Rule 61J2- 24.005 for consideration of the Statement of Estimated Regulatory Costs(SERC). Mr. Barnhart reported that the Commission repealed this rule last month. Mr. Barnhart stated that the Joint Administrative Procedures Committee requires a SERC checklist and requested the Commission review the SERC checklist provided by the Department. Mr. Barnhart addressed questions from the Commissioners. Commissioner Fryer moved; seconded by Vice-Chair Hornsleth; motion carried unanimously to adopt the Department’s proposed determination that there is no impact on small businesses.

#### Rules Report

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

### **Special Agenda**

#### 2015 FREC Calendar

Deputy Director Johnson presented the 2015 FREC calendar for the Commission’s consideration and approval. Vice-Chair Hornsleth moved to approve the 2015 Meeting Calendar as presented. Commissioner Fryer seconded the motion. The motion carried unanimously without dissent.

#### Resolution for Commissioner Josh Podolsky

This matter is continued until November 2014.

### **Nominations for Chair and Vice-Chair**

Chair Enzor opened the floor for nominations.

Vice-Chair Hornsleth nominated Commissioner Fryer for Chair. Commissioner Boring nominated Commissioner Furst for Chair. Hearing no objections, Chair Enzor closed nominations. Upon majority vote Commissioner Furst was elected for Chair.

Commissioner Boring nominated Commissioner Fryer for Vice-Chair. Hearing no objections, Chair Enzor closed nominations. Upon unanimous vote Commissioner Fryer was elected for Vice-Chair.

## Consent Agendas

### Agenda A

The Commission considered 106 applicants from the Consent Agenda A; Vice-Chair Hornsleth moved; seconded by Commission Fryer to approve 74 applicants and require 32 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alvarado, Mitchell	Gildersleeve, Thomas	Nayda, Alexander
Aris, Marco Luz	Gillespie, Regis Harvey	Nazir, Mohamed Ali
Bayllis, Matthew	Glocker, Samuel Ross	Nikolova, Kremena
Bedar, Dana	Greene, Trenton Alexander	Norwood, Todd Lawrence
Bello, Charles	Grippe, Peggy Lynn	Palaceo, Steven
Bernal, Angeline	Guillen, Jose	Placencia, Denny
Bilyk, Christopher	Harvey, Richard	Rico, Jesse Miguel Sr.
Calvert, Ashley	Hayes, Centuras Amondo	Roberts, Latasha Denise
Cardenas, George	Hernandez, Jazmin	Robinson, Corey Sr.
Cardoso, Daniel	Houseman, Randall	Rouse, Turner Arthur
Carvalho, Cesar	Johnson, Jeffery Earl	Scepka, Lubos
Castellanos, Maria Luisa	Keck, Scott Louis	Schaeffer, Christina Ann
Castillero, Roberto	Kiblinger, Don Alan	Shanaphy, Kate Colleen
Correa, Lissette	Kurtz, Susan	Strazza, Kenneth Frank Jr.
Cure, Melissa	Laidler, Bertrand Jr.	Svendsen, Erik John
Dixon, Amy	Lavin, Jennifer Lynn	Trask, Brittney
Dodard, Monique	Lederer, Keylee S.	Trillo, Manuel
Dunn, Shawn	Lee, Henry Monroe	Turpin, Jonetta Racquel
Elie, Justin Oliver	Lester, Carole	Vargas, Linda
England, Yemisey	Lopez, Reginald Anthony	Washington, Tenisha
Esperant, Daniel Fequiere	Luthy, Ashley	White, Brian Darrel
Fletcher, Catina Rochelle	Martin, John Trevor	White, Stephanie
Flores, Jorge F.	McMillon, Richard David	Young, Theresa Marie
Folmar, Elizabeth	Meri, David	Zackschewski, Christopher
George, Jessica	Morris, Omar	

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

Atanasio, Alyssa	Hernandez, Arlene M.	Quiroz, Tatiana
Ayers, Charles	Kassimis, Jimmy	Reich, Scott
Baker, Dane	Kolb, Daniel	Rodriguez, Jose

Blitch, Norma  
Coriou, Philippe  
Dorman, Richard Miles (See SOAs)  
Dunnigan, Dennis Jr.  
Dzulynsky, Mark  
Egger, Robert  
Green, Shirley A.  
Hammond, Cleveland Noel

Lemire, Ciera Nicole  
Leon, Alan Ernesto  
Long, Jason Daniel  
Lopera, Sandra  
McClymont, Ricardo Jr.  
Munoz, Luis Francisco  
Osorio, Andres  
Perez, Julio Alexander

Romero Perez, Ismael  
Sykes, Russell E. Jr.  
Timlin, Emily  
Tomatti, Gustavo  
Tsoupeis, Konstantinos  
Vogt, Julian Jay  
Young, Thomas Lee

### **Agenda B**

The Commission considered 31 applicants from the Consent Agenda B; Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve 20 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Albarran, Victor M.  
Artamonov, Oleksandr  
Bailey, James Lee Jr.  
Bosch, Aseret  
Carpenter, Weston  
Cavalier, Kimberly Irene  
Charcas, Cindy

Cleveland, Charles F. II  
Coletti, Enrique Gustavo  
Duggar, Barbara Joan  
Elpers, Will  
Gallo, Christopher  
Lee, Damon  
Lopez, Carrie Michele

Martinez, Gonzalo  
McCargo, Avrea Ingram  
Pallister, Jean Marie  
Parra, Madelyn  
Rayburn, David Lamar  
Ryan, Noel

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

Arcacha, Lazaro Mario  
Bourne, Marcus J.  
Desai, Trilok  
Guzman, Ludwig Ernesto

Johnson, Ryan William  
Latimer, Andrew Michael  
Rivas, Gustavo Alberto  
Stokes, Zachary Douglas

Susnjer, Dan Michael  
Toscano, Melissa Rose  
Valentino, Nico

### **Public Comments**

The Commission received a comment from a member of the audience.

### **Recess**

There being no objection, the Chair recessed the meeting at approximately 3:35 p.m. until 8:30 a.m. tomorrow.

### **October 15, 2014**

Chair Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 15<sup>th</sup> day of October, 2014.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Poul Hornsleth, Chip Boring, Dick Fryer and Darla Furst. Commissioner Podolsky and Commissioner Chotas were excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Denise Johnson, Deputy Director; Andrew Fier, Chief Attorney; Jennie Schwartz, Assistant General Counsel; Jocelyn Pomales, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Government Analyst I; Nyasha Riley, Government Analyst I; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

### **Summary of Applicants**

Education Coordinator Jocelyn Pomales and Government Analyst I Nyasha Riley presented 60 Summary of Applicants requesting to sit for the real estate examination.

Consent Agenda A, Tab W – Richard Miles Dorman, present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AB – William Heiderick, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab A – Ansen L. Brown, present – informal hearing – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to vacate the previous denial and approve the application for sales associate; the motion passed 4 to 1.

Tab D – Charles S. Lucroy, present – informal hearing – Commissioner Furst moved; seconded by Commissioner Fryer to vacate the previous denial and approve the application for broker; the motion passed 4 to 1.

Tab G – Rafael Arias, present – The applicant withdrew the application.

Tab I – Brian J. Batterson, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab K – Nicholas S. Camp, present – Applicant withdrew the application.

Tab M – Michael A. Cerra, present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab N – Manuel Chavous, present – Applicant withdrew the application.

Tab O – Mauricio Corredor, present – Applicant withdrew the application.

Tab BG – Dustin Wombold, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab R – Gary Figueroa, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for broker; the motion passed without dissent.

Tab S – Danny Franklin, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab T – Richard L. Glaspy, present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab U – Pedro B. Gonzalez, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 3 to 2.

Tab X – Jarret S. Halker, present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab Z – Darren Harney, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AA – Kevin Harrigan, present – Applicant withdrew the application.

Tab AC – Paul K. Iwakawa, present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AD – Kyle A. Jones, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AE – Jessica Langeloh, present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab AF – Paula Larocca, present – Applicant withdrew the application.

Tab AG – David Levy, present – Commissioner Furst moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AI – Ickebor L. Martinez, present – Applicant withdrew the application.

Tab AK – William D. McDow, present – Commissioner Boring moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab AL – Kenneth McEntyre, present – Applicant withdrew the application.

Tab AO – Douglas C. Miller, present – Applicant withdrew the application.

Tab AQ – Marilene M. Pereira, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AR – Rebeka Perera, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AS – Michael D. Petty, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AU – Juan P. Ramirez, present – Applicant withdrew the application.

Tab AW – Danny Rojas, present – Applicant withdrew the application.

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

Tab AY – Kenneth D. Shriberg, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AZ – Leabeth D. Solito, present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to approve the application for broker; the motion passed 3 to 2.

Tab BA – Jonathan D. Touchstone, present – Applicant withdrew the application.

Tab BB – Shane R. Turner, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BD – Charles David Watt, II, present – Applicant withdrew the application.

Tab BF – Chad S. Whitaker, present – Applicant withdrew the application.

Tab B – Bernard H. Butts, not present – Applicant requested to continue the application until December 2014 and waived the 90-day requirement.

Tab E – Dava Chanel Allen, not present – Applicant requested to continue the application until November 2014 and waived the 90-day requirement.

Tab C – Delilah Figueroa Soto, not present – Commissioner Fryer moved; seconded by Commissioner Furst to uphold the previous denial; the motion passed without dissent.

Tab W – Juan P. Guerra, present – Applicant withdrew the application.

Tab F – Michelle L. Allen, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab H – Phillip B. Baker, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab J – Stuart P. Birke, not present – Applicant withdrew the application.

Tab L – Richard F. Candia, not present – Applicant requested a continuance until April 2015 and waived the 90-day requirement.

Tab P – Devon Crumpacker, not present – Commissioner Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab Q – Lori C. Desnick, not present – Applicant withdrew the application.

Tab V – Antoinette Greene, not present – Commissioner Furst moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab Y – Fatimah F. Haq, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.



Tab AH – Douglas P. Martin, not present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AJ – John M. McCormack, not present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab AM – Nicholas W. McLeod, not present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AN – Kenneth V. Mejias, not present – Applicant requested a continuance until November 2014 and waived the 90-day requirement.

Tab AP – Nhung Pascual, not present – Commissioner Boring moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab AT – Schyler K. Pierce, not present – Applicant requested a continuance until November 2014 and waived the 90-day requirement.

Tab AV – Stephen M. Richardson, not present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab BC – Dwayne A. Walden, Jr., not present – Commissioner Fryer moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab BE – Melissa L. Weaver, not present – Applicant requested a continuance and waived the 90-day requirement.

### **Director's Comments**

Deputy Director Johnson reported that she had the exciting opportunity to attend the Fall ARELLO Conference held last month. Ms. Johnson provided a summary of the various topics addressed at the conference and stated that the conference was very informative. She also reported that many representatives from other states were happy to see Florida participating. Ms. Johnson addressed questions and comments from the Commission.

Commissioner Furst stated that she has sat in on a couple of ARELLO meetings at the NAR Convention and suggested that the Commission hold a workshop to discuss possibly addressing “teams” as she feels that the Commission may need to provide specific guidance in the future. The Commissioners provided additional comments. Chair Enzor stated that this should be a Business agenda item.

FREC Counsel Barnhart inquired if the Commission would like to open Rule 61J2-10.025 for rulemaking. Chair Enzor responded affirmatively. Commissioner Furst recommended that Florida Realtors be apprised of the rule discussion as well.

Ms. Johnson stated that the Division will be able to send one Commissioner to ARELLO to attend the Commissioner College in April, which is being held in Albuquerque, New Mexico.

Ms. Johnson reported that Deputy Secretary of Professional Regulation Tim Vaccaro and Director George Ayrish, Division of Service Operations, will be attending the FREC meeting in November to provide

information relating to electronic licensing and to address any concerns or question the Commission may have. Chair Enzor stated that Alabama has electronic licensing and it works great.

Last, Ms. Johnson reported that Indiana is interested in reestablishing a mutual recognition agreement with Florida and inquired if the Commission wished to move forward with a draft contract. The Commission responded affirmatively.

Chair Enzor was happy to see Florida participating in ARELLO again and hopes that the Commissioners will be able to attend and participate in various committees.

### Commission's Remarks

Chair Enzor thanked everyone for their hard work putting the meetings together and stated that this is his last meeting as Chairman and wanted to thank everyone for their cooperation. Chair Enzor also congratulated incoming Chair Furst and Vice-Chair Fryer for next year.

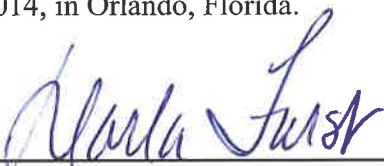
The Commission thanked Chair Enzor for his leadership this past year and expressed sentiments that he is greatly appreciated.

### Public Comments

The Commission received comments from the audience.

### Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 18 and 19, 2014, in Orlando, Florida.

*for*  
  
\_\_\_\_\_  
Chair Roger Enzor  
Florida Real Estate Commission

  
\_\_\_\_\_  
Juana Watkins, Director  
Florida Real Estate Commission