

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
October 18 and 19, 2016  
General Meeting**

Chair Dick Fryer, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 18th day of October, 2016.

The following Commission members were in attendance: Chair Dick Fryer, Patricia Fitzgerald, Darla Furst, Poul Hornsleth and Thomas Luzier. Vice-Chair Boring was excused and not present. 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: Deputy Secretary Tim Vaccaro, via teleconference; Juana Watkins, Director; Denise Johnson, Deputy Director; Sara Kimmig, Bureau Chief of Enforcement; Josh Kendrick, Chief Attorney; Alicia Bhambhani and Jennie Schwartz, Assistant General Counsels; Appearing via teleconference: Brande Miller, Megan Silver, Crystal Stephens, William Vogel, James Whealdon, Assistant General Counsels; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Susan Bailey, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

**Approval of the Minutes**

The Minutes of the September 18 and 19, 2016, General Meeting, are deferred to November 2016.

**Reports**

**Enforcement Trends and Escrow Audits Reports**

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

**Unlicensed Activity Report**

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

**Financial Reports**

Director Watkins requested to defer the report until the afternoon.

**Scholarship Report**

Director Watkins requested to defer the report until the afternoon.

**Monthly Exam Performance Summary Report**

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

**Application and License Count Reports**

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

## **Legal Case Activity Report**

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

The Commission welcomed the licensees from the Realtor Association of Sarasota and Manatee and thanked them for attending the meeting.

## **Legal Agenda Schedule**

### **Escrow Disbursement Orders**

Assistant General Counsel Whealdon presented 8 Escrow Disbursement Orders and 2 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept 8 Escrow Disbursement Orders and 2 Orders. Commissioner Furst seconded the motion; the motion passed without dissent.

### **Recovery Fund Claims**

#### **Tab B – Gene Oliver Quirk, Jr. v. Steven Douglas Schwartz, DBPR Case No. 2016-040404**

Ms. Silver presented the above matter to the Commission. The Licensee was not present. Mr. Gregory Oropeza, Esquire, appeared on behalf of the Claimants. Ms. Silver advised that the Claimants qualify 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 Final Order Granting the Recovery Fund Claim in the amount of \$50,000.00. Commissioner Furst seconded the motion. The motion passed without dissent.

#### **Tab A – Jeffrey Baker v. Steven Douglas Schwartz, DBPR Case No. 2016-040396**

Ms. Silver presented the above matter to the Commission. The Licensee was not present. Mr. Gregory Oropeza, Esquire, appeared on behalf of the Claimant. Ms. Silver 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 Final Order Granting the Recovery Fund Claim in the amount of \$15,165.47. Commissioner Furst seconded the motion. The motion passed without dissent.

#### **Tab C – Kirsten L. Anderson and Jeffrey H. Harris v. Steven Douglas Schwartz, DBPR Case No. 2016-040393**

Ms. Silver presented the above matter to the Commission. The Licensee was not present. Mr. Gregory Oropeza, Esquire, appeared on behalf of the Claimants. Ms. Silver advised that the Claimants qualify 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 Final Order Granting the Recovery Fund Claim in the amount of \$30,330.94. Commissioner Furst seconded the motion. The motion passed without dissent.

#### **Tab D – MKHB Investment Group Corp. v. Steven Douglas Schwartz, DBPR Case No. 2016-040386**

Ms. Silver presented the above matter to the Commission. The Licensee was not present. Mr. Gregory Oropeza, Esquire, appeared on behalf of the Claimant. Ms. Silver 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 Final Order Granting the Recovery Fund Claim in the amount of \$6,066.19. Commissioner Furst seconded the motion. The motion passed without dissent.

#### **Tab F – Steven Rohrscheib v. Steven Douglas Schwartz, DBPR Case No. 2016-038829**

Ms. Silver presented the above matter to the Commission. The Licensee was not present. Mr. Gregory Oropeza, Esquire, appeared on behalf of the Claimant. Ms. Silver 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 Final Order Granting the Recovery Fund Claim in the amount of \$30,330.94. Commissioner Furst seconded the motion. The motion passed without dissent.

**Tab E – Hoah Quach v. Gregory Don Christner, DBPR Case No. 2016-007607**

Ms. Silver presented the above matters by consent. There were no appearances on behalf of the Claimants or Respondents. Ms. Silver 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 above-referenced Final Orders Granting the Recover Fund Claims each in the amount of \$50,000.00, as presented. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

**Tab G – Thomas R. and Tereasa Shepherd v. Keith Bennett, DBPR Case No. 2010-001219**

Ms. Bhambhani presented the above matters by consent. There were no appearances on behalf of the Claimants or Respondents. Ms. David advised that the Claimants do not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the Final Order Denying the Recovery Fund Claim. Commissioner Furst seconded the motion. The motion passed without dissent.

**Legal Appearance Docket**

**Tab N – Sylvette Santos, SL 3176077; Case No. 2015036394 – Settlement Stipulation**

Respondent was present; Respondent was represented by Nancy P. Campiglia, Esquire. Commissioner Fitzgerald was recused due to participation on the probable cause panel. Vice-Chair Boring served on the probable cause panel. Vice-Chair Boring was excused and not present.

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$547.80; complete a 3-hour core law course.

**Violation(s):** Section 475.42 (1)(b), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by being licensed as a sales associate and operating as a broker, by advertising real estate for rent through her company, SVHRM, on the internet through Facebook; Section 475.25(1)(e), Florida Statutes, by aiding, assisting, employing, and advising SVHRM in the performance of brokerage activities, as defined in Section 475.01 (a), Florida Statutes, to include renting and/or advertising for rent real estate property.

**Action taken:** Settlement Stipulation accepted.

**Tab C – Oscar Chapa, BK 3233246; Case No. 2015014212 – Petitioner’s Motion for Informal Hearing**

Respondent was not present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

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

**Penalty:** Administrative fine of \$1,000.00; investigative costs in the amount of \$825.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with a Final Order (D.B.P.R. file number 2013-07249) issued by the Petitioner in regards to D.B.P.R. case number 2012039883.

**Tab F – Jason J. Levy, BK 3014043; Case No. 2015043770 – Petitioner’s Motion for Informal Hearing**

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Miller represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald; motion

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

**Penalty:** Revocation; investigative costs in the amount of \$1,237.50. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report his criminal convictions within 30 days after being convicted as required; Section 475.25(1)(f), Florida Statutes, by being convicted of one count of Grand Theft, two counts of Money Laundering Greater than \$100,000.00 and one count of Money Laundering Greater than \$300.00 but less than \$20,000.00 which involve moral turpitude or fraudulent or dishonest dealing.

**Tab L – Dana Smith-Young, SL 3019955; Case No. 2016022615 – Settlement Stipulation**

Respondent was not present; Respondent was represented by Steven W. Johnson, Esquire, present. Commissioner Luzier was recused due to participation on the probable cause panel.

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$79.20; attend 1 complete FREC general meeting. **Violation(s):** Section 475.227(1)(t), Florida Statutes, by failing to timely inform the Commission in writing after being found guilty of Driving under the Influence Causing Injury and Refusal to Submit to Chemical or Physical Test.

**Action taken:** Settlement Stipulation accepted.

**Tab D – Joseph Gabriel, SL 3226657; Case No. 2015052821– Respondent’s Request for Informal Hearing**

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Fitzgerald was recused due to participation on the probable cause panel. Vice-Chair Boring served on the probable cause panel. Vice-Chair Boring was excused and not present.

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

**Penalty:** Administrative fine of \$1,500.00; investigative costs of \$866.25; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2015), by preparing a falsified WDO Report and receipt and submitting them to a financial institution.

**Tab G – Mario L. Sanchez, SL 3226657; Case No. 2015040413 – Respondent’s Request for Re-Hearing**

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Vice-Chair Boring served on the probable cause panel. Vice-Chair Boring was excused and not present.

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Fitzgerald; motion passed without dissent to set aside the Final Order. Mr. Villazon requested a continuance until November 2016 to hold the informal hearing.

**Action taken:** Final Order set aside and informal hearing continued until November 2016.

**Tabs O and P – Custom Property Management of NWFL LLC, CQ 1039520; Case Nos. 2016025371 and 2016025382– Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Respondent was represented by Gene E. Mitchell, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Ms. Silver represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair 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.

**Tabs T and U – William Roy Gainey, BK 30217; Case Nos. 2016021959 and 2016025384– Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Respondent was represented by Gene E. Mitchell, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Ms. Silver represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair 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.

**Tabs X and Y – Homes Gate Properties Referral Group LLC, CQ 1050642; Case Nos. 2016013305 and 2016031433 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Mr. Villazon withdrew as counsel for Respondent. No current members were recused due to participation on the probable cause panel.

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald 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 Z – Laliq Realty Corp., CQ 1050642; Case No. 2016024959 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. White represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald 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.

**Tabs AA, AB and AC – Leaza Lopez, BK 3017424 and BK 3349628; Case Nos. 2016031852, 2016011619 and 2016013094 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Mr. Villazon withdrew as counsel for Respondent. No current members were recused due to participation on the probable cause panel.

Ms. Miller represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald 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 AE – James U. Rose, BK 3251159 and BK 3098960; Case No. 2016021126 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. White represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald 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 AF – Bonnie Lyn McKinnon, SL 3042855; Case No. 2015003671 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Schwartz represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fitzgerald 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.

**General Session continued**

**Financial Reports**

Director Watkins presented the Financial Reports ending June 30, 2016. Director Watkins reported that for the first time the Education Foundation Account reflected a negative balance. Director Watkins reported that the department transferred \$2,516.00 from the Operating Account to bring the account to a zero balance. Director Watkins requested the Commission approve transferring addition funds to the Education Foundation Account to cover the scholarship program. Commissioner Hornsleth moved to transfer \$150,000.00 from the Operating Account to the Education Foundation Account; Commissioner Furst seconded the motion; the motion passed without dissent. Director Watkins addressed questions and comments from the Commission.

Deputy Secretary Vaccaro appeared and thanked the Commission for its continued support of the Florida Real Estate Appraisal Board.

**Quarterly Education and Foundation Scholarship Report**

Deputy Director Johnson presented the first quarter Education Foundation Scholarship report and provided a brief summary of the progress during this quarter.

**Legal Appearance Docket continued**

**Tab I – Alisha McKai Stover, SL 3147593; Case No. 2015041989 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$181.50; probation for 3 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to report her plea of nolo contendere to “DUI” to the Department within 30 days.

**Tab M – Robert Barton Spencer, SL 3071330; Case No. 2015029516 – Settlement Stipulation**

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

Ms. Silver represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Fitzgerald to deny the Settlement Stipulation. The motion passed without dissent.

**Action taken:** Settlement Stipulation denied.

**Tab AH – Carol Ann Kemp, ZH 1002708; Case No. 2015048866 – Petitioner’s Motion for Entry of Final Order of Waiver**

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

Ms. Bhambhani represented the department and presented the case to the Commission. The Respondent requested a continuance until November. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion passed without dissent to continue the matter until November 2016.

**Action taken:** Case continued until November 2016.

**Tab B – Central Florida Real Estate Schools, Inc., ZH 705779; Case No. 2015046645 – Petitioner’s Motion for Informal Hearing**

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

Ms. Bhambhani represented the department and presented the case to the Commission. The Respondent requested a continuance. Commissioner Hornsleth moved, seconded by Commissioner Luzier; motion passed without dissent to continue the matter until November 2016.

**Action taken:** Case continued until November 2016.

**Tab E – Gerardo Andres Gonzalez Palma, SL 3337841; Case No. 2015044884 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$1,000.00; investigative costs of \$437.25; attend 1 complete FREC meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(c), Florida Statutes, by advertising property in a fraudulent, false, deceptive, or misleading manner.

**Tab A – Roger Behrmann, Jr., SL 520432; Case No. 2015035455 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$600.00; investigative costs of \$165.00; complete a 3-hour core law course, attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** violated Section 475.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading nolo contendere to and being adjudicated guilty of Simple Battery.

**Tab K – Nancy Jackson Shafer, BL 3017904; Case No. 2016012423 – Settlement Stipulation**

Respondent was present; Respondent was not represented by counsel. Vice-Chair Boring served on the probable cause panel. Vice-Chair Boring was excused and not present.

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$346.50; attend 1 complete FREC general meeting. **Violation(s):** Section 475.25(1)(a), Florida Statutes, by failing to submit a written report to the department within 30 days of pleading no contest to 1 count of Reckless Driving (Reduced from a DUI); Section 455.275(1), Florida Statutes, by failing to provide the department of a current mailing address, defined as a residential address in Rule 61J2-10.038(1) Florida Administrative Code.

**Action taken:** Settlement Stipulation accepted.

**Tab H – McLean Global Real Estate Services, Inc., previously known as Smart Choice Realtors, Inc., CQ 1047296; Case No. 2015022539 – Petitioner’s Motion for Informal Hearing**

Respondent was not present; Respondent was represented by Richard L. Skeen, Esquire, not present. Vice-Chair Boring served on the probable cause panel. Vice-Chair Boring was excused and not present.

Ms. Stephens represented the department and presented the case to the Commission. The Respondent requested a continuance. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Hornsleth; motion passed without dissent to continue the matter until November 2016.

**Action taken:** Continued until November 2016.

**Tab AF – John Henry Copeland, BK 3070014; Case No. 2015034338 – Petitioner’s Motion for Entry of a Final Order on Waiver**

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

Ms. Bhambhani 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 Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; administrative fine of \$1,000.00; investigative costs of \$767.00. **Violation(s):** Section 475.22(1), Florida Statutes, by failing to maintain an office of at least one enclosed room and failing to maintain a sign on or about the entrance of the licensee’s principal office location that is easily observable; Sections 475.25(1)(e) and 475.5015, Florida Statutes, by failing to make books, accounts, and records available to the Petitioner upon request.

**Tab AG – Hector J. Hernandez, BK 203660; Case No. 2015042000 – Petitioner’s Motion for Entry of a Final Order on Waiver**

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

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

**Penalty:** Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of Conspiracy to Commit Wire Fraud Affecting a Financial Institution, a crime involving fraudulent or dishonest dealing.



**Tab AI – Howard G. Levy, P.A., SL 3271599; Case No. 2015037377 – Petitioner’s Motion for Entry of a Final Order on Waiver**

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

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

**Penalty:** Revocation; investigative costs of \$325.05. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2014), by failing to account for or deliver the rental payments to Owner upon demand; Section 475.42(1)(b), Florida Statutes (2014), when he operated as a broker; Section 475.42(1)(d), Florida Statutes (2014), when he collected rental payments in his own name and not in the name of his employer.

**Tab AJ – Albert David Nae, BK 583950; Case No. 2015040367 – Petitioner’s Motion for Entry of Final Order of Waiver**

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

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

**Penalty:** Revocation, investigative costs in the amount of \$237.60. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when he was convicted of trafficking amphetamine and possession of a controlled substance for the purpose of trafficking, crimes involving moral turpitude; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission of his felony convictions of trafficking amphetamine and possession of a controlled substance for the purpose of trafficking within 30 days of the conviction.

**Tab J – Reynaldo Valls, SL 3191195; Case No. 2015028696– Respondent’s Motion for Reconsideration**

Case withdrawn.

**Tab Q and R – Custom Property Management of NWFL LLC, CQ 1039520; Case Nos. 2016030877 and 2016031705– Voluntary Relinquishment of License for Permanent Revocation**

Cases withdrawn.

**Tabs S, V and W – William Roy Gainey, BK 30217; Case Nos. 2016028662, 2016026982 and 2016028876– Voluntary Relinquishment of License for Permanent Revocation**

Cases withdrawn.

**Special Agenda**

Chair Fryer presented a resolution to Commissioner Darla Furst for her services to the Florida Real Estate Commission from March 29, 2010 through October 31, 2016. The Commission expressed their appreciation and wished her well in her future endeavors and that she will certainly be missed. Commissioner Furst also received comments from Linda Formella, President of Realtor Association of Sarasota and Manatee. Director Watkins also expressed her sincere appreciation and expressed appreciation on behalf of Division staff. Commissioner Furst thanked everyone for welcoming her into the family stating that it has been pleasure and a very gratifying experience.

**General Session continued**

**Petition for Declaratory Statement received from Gary Prado – DS 2016-069**

FREC Counsel Barnhart presented a Petition for Declaratory Statement for the Commission’s review and consideration. The Commission entered into discussion. Commissioner Hornsleth moved; Commissioner Fitzgerald seconded the motion to approve the Declaratory Statement. The motion passed without dissent.

**Summary of Applicants – Agenda B**

Tab A – Kevin Angelo Vaughan, Jr., present – informal – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to vacate the previous denial and approve the application for sales associate; the motion passed without dissent.

**Summary of Applicants – Agenda A**

Tab BV – Thomas Senatore, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

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

**Tab A – Business Ethics** – New Course (3 hours specialty, classroom) – Application No. 27802 – Gold Coast School of Real Estate

The applicant was present in support of the application. The Commission entered into discussion. Chair Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab B – Florida Real estate Sales Associate Prelicensing Course** – New Course (63 hours, classroom) – Application No. 27696 – Hondros College, Inc., dba Hondros College of Business

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Hornsleth moved to deny the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

**General Session continued**

**Rules Report**

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

**Consent Agenda A**

The Commission considered 20 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 14 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

- |                          |                              |                        |
|--------------------------|------------------------------|------------------------|
| Alfonso, Ernesto         | Falco, Crystal Jo            | Solano, Julio Enrique  |
| Barran, Laurence         | Giddens, Thomas Lee Jr.      | Valerio Mauro          |
| Bird, Dominique          | Jean Jacques, Eddy Moise Jr. | Valure, Daniel James   |
| Chambers, Christopher A. | Roberts, Gregory             | Welfare, Derrick Jason |
| Chapman, Colter          | Rodriguez Visek, Carmen Ines |                        |

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

- |                 |                   |                       |
|-----------------|-------------------|-----------------------|
| Back, Joseph D. | Moore, Lakendra   | Regueira, Bryan       |
| Minor, Joseph   | Perryman, Michael | Van Der Dijs, Richard |

## **Consent Agenda B**

The Commission considered 17 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 11 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Contreras, Paula	McGrath, John	Rodriguez, Enyt Yandi
Jones, Richard Nicholas	Palisoc, Robin Wendy	Weidler, Gordon William
Levasseur, Lee Ann Marie	Pou, Andrew Anthony	Williams, Alexander Paul
Marmol, Humberto	Rivera, Alena N.	

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

Bazo, Robert	Morales, Miriam	Sartori, Daniel Wayne
MacKay, Patrick Stephen	Rocabado, Mauricio	Wallace, David Anthony

## **General Session continued**

### **Public Comments**

The Commissioners offered but did not receive any comments from the audience.

### **Recess**

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

## **October 19, 2016**

Chair Fryer reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 19th day of October, 2016.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Boring, Patricia Fitzgerald, Darla Furst, Poul Hornsleth and Thomas Luzier. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Josh Kendrick, Chief Attorney; Susan Bailey and Mike Davis, Regulatory Specialist III; Janice Lugo, Regulatory Supervisor; Jeannie Adkinson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

### **Summary of Applicants**

Deputy Director Johnson presented 91 Summary of Applicants requesting to sit for the real estate examination.

Tab BO – Gavindra Kumar Rewah, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab CJ – Joseph White, present; was represented by Steven W. Johnson, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AX – Mitchell Markay, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Luzier moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BD – Renee Montefusco Pirollo, present; was represented by Nancy P. Campiglia, Esquire, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab BE – Luis Manuel Morales, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab K – William S. Birmingham, III, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

7Tab B – Eric Donnell Davis, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab H – Bradley Ball, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab O – Anthony S. Caserta, not present; was represented by Daniel Villazon, Esquire, present – Applicant withdrew the application.

Tab Y – William B. Foresman, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed 5 to 1.

Tab BA – Theresa A. McLaughlin, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab BX – Kathryn Simpson, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4 to 2.

Tab BZ – Justin Spector, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AN – Dionissios Kapsimalopoulos, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab L – Angelita Butler, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5 to 1.

Tab A – Justin M. Cloonen, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab C – Janet Medrano, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab D – Komal M. Acharya, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab E – Madelyn A. Andrade, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab I – Alexander J. Barreiro, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab J – Barrett M. Bean, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab M – Sonja Caraballo, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab P – Jana C. Chappie, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab Q – Evins Cher Fils, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab X – Jorge F. Figueroa, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab Z – Marilyn Fuentes, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AA– Daniel Gelibert, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application with conditions for sales associate; the motion passed without dissent.

Tab AB – Catalina Geremia, present – Applicant withdrew the application.

Tab AC– Elliott Glassman, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application with conditions for sales associate; the motion passed without dissent.

Tab AD – Domingo Gonzalez, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AF – Benito Guerra, present – Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AG – Phillip Guerrero, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

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

Tab AI – Philip Harris, present – Commissioner Furst moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Dorian Hayes, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AK – Jennifer Hillock, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AL – John Hoss, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AM – Kathleen Hughes, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab AO – Jessica Kobosko, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AP – Nathan Lapointe, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AS – Donald Lewis, present – Commissioner Fitzgerald moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AZ – Onil Martinez, present – Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BF – Tanika Moseley, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab BH – Tiffany M. Nash, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BI – Cassandra Naylor, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BJ – Gary T. Nolan, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BK – Ashley E. Nottingham, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BL – Dwight Powell, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BM – John C. Price, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BN – Richard Quesada, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab BQ – Kevin Roberts, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BS – Raubert J. Rojas, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BU – Priestly Senat, present – Vice-Chair Boring moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab CA – Glenn T. Staub, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab CB – Charles Craig Stella, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab CC – Lorenzo Stiff, present – Commissioner Furst moved; seconded by Commissioner Fitzgeralds to approve the application for sales associate; the motion passed without dissent.

Tab CD – Normandie Stroter, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

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

Tab CH – Eduardo Velez, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab CI – Rasheeda Webley, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab CK – Iman Wynn-Thompson, present – Vice-Chair Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab F – Danilo Aquino, present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab G – Luis E. Armijos, not present – Commissioner Furst moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab N – Wesley Carter, not present – Commissioner Furst moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

Tab V – Shannon Dooley, not present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application with conditions for sales associate; the motion passed without dissent.

Tab AE – Guadairis R. Greene, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab AQ – Maximilliano Ledesma, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; tie vote 3 to 3. No action taken.

Tab AR – Hakeem Lettley, not present – Commissioner Furst moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab AU – Omar Lopez, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AT – Carolina Lipman, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab BP – Samuel Reyes, not present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BR – Boyd Allen Robinson, not present – Commissioner Furst moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab BT – Victor Rothaar, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab BW – Andrea M. Sias, not present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BY – Noel Roy Sinclair, Jr., not present – Applicant requested a continuance and waived the 90-day requirement.

Tab CF – Pedro Valencia, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab CG – Andrew F. Vargas, not present – Applicant requested a continuance and waived the 90-day requirement.

### **Chair Remarks**

Vice-Chair Boring and Commissioner Fitzgerald provided a brief report regarding their attendance at the ARELLO Convention held this month.

Chair Fryer stated that his term as Chair ends at the end of this month and expressed his gratitude for having the privilege of serving and that it has been a fulfilling year. The Commission thanked Commissioner Fryer for his service as Chair this past year. Deputy Director Johnson also commented that the staff has enjoyed working with Chair Fryer and truly thanked him for his services.

### **Public Comments**

The Commission offered but received no comments from the audience.

### **Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 15 and 16, 2016, in Orlando, Florida.

  
Dick Fryer, Chair  
Florida Real Estate Commission

  
Juana Watkins, Director  
Florida Real Estate Commission