

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
November 13 and 14, 2012
General Meeting**

Chair Chip Boring called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 13th day of November, 2012.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Darla Furst, Poul Hornsleth and Josh Podolsky. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Christina Arzillo, Megan Demartini, Leigh Matchett, Lauren Roderick and Jaime Royal, Assistant General Counsels (Ms. Arzillo, Ms. Demartini, Ms. Matchett and Ms. Royal, appeared via video conference); Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the Minutes of the October 16 and 17, 2012, General Meeting, as written. The motion passed without dissent.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and addressed questions and comments from the Commission. Ms. Sarah Kimmig, Interim Bureau Chief, provided a summary report of the referral process to the Assistant State Attorney's Office. Ms. Watkins and Ms. Kimmig addressed questions and comments from the Commission.

Report Regarding Enforcement Trends and Escrow Audits

Ms. Sarah Kimmig, Interim Bureau Chief presented the report regarding Complaint Trends and Escrow Audit Summary. Ms. Kimmig addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 22 Escrow Disbursement Orders and 7 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 22 Escrow Disbursement Orders and 7 Orders. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Recovery Fund Claim

Tab A – Charzell Harmon and Norma Harmon v. Gracie Marla Buchwald, DBPR Case No. 2012042892

Ms. Buchwald was not present. Mr. Harmon was present and represented by Ms. Sherrie Dewitt, Esquire, also present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant failed to satisfy the statutory requirements to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Vice-Chair Enzor moved to approve the order denying the claim. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Tab C – Vinay N. Patel and Nimisha Patel v. Arif Zaheer, DBPR Case No. 2009062729

Mr. Zaheer was not present. Mr. Hans Kennon, Esquire, appeared on behalf of the Claimant. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$50,000.00. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Tab B – Carlos Eduardo Memoria v. Noelvis Gamez, DBPR Case No. 2012041348

There were no appearances on behalf of either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Vice-Chair Enzor moved to approve the order granting the claim in the amount of \$19,500.00. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Report Regarding Legal Case Activity

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

Legal Final Order Docket

Tab A – Luis Manuel Aparicio, SL 691271, Case No. 2010059974 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and represented by John Sutton, Esquire, also present. Chair Boring was recused due to participation on the probable cause panel.

Ms. Royal represented the department and presented the case to the Commission. Mr. Sutton requested a formal hearing. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Furst; motion passed 4 to 1 to refer the matter to the Division of Administrative Hearings (DOAH) for a formal hearing.

Action Taken: Case referred to DOAH.

Tabs F, G, H – Luis A. Monsalve, SL 3135090, Case Nos. 2011003027; 2011015101; 2011017733 – Voluntary Relinquishment of License

Respondent was not present and in Case Nos. 2011003027 and 2011015101 was represented by Daniel Villazon, Esquire, present. Commissioner Furst and Commissioner Hornsleth were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab R – Domingo Montes De Oca, BK 316027 and 3216622, Case No. 2010035676 – Settlement Stipulation

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

Ms. Demartini represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Furst to accept the Stipulated Settlement. The motion passed 4 to 1.

Penalty imposed: Suspension for 6 months; \$1,000.00 fine; investigative costs, shall complete an escrow management course and ethics course; shall attend one 2-day FREC General meeting. **Violation:** Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account and deliver, upon demand, funds that were required to be held in escrow by Respondent; Rule 61J2-14.012(2), Florida Administrative Code, by failing to prepare monthly reconciliation statements for Palm Properties' escrow account; Section 475.25(1)(k), Florida Statutes, by failing to place a deposit into Palm Properties' escrow account by the end of the third business day following receipt of the funds; Rule 61J2-14.012(3), Florida Administrative Code, when Respondent failed to describe or explain shortages reflected on the reconstructed reconciliation statements, and explain what, if any corrective actions were taken to remedy the shortages.

Action taken: Settlement Stipulation accepted.

Tab S – Dmitriy Vernitskiy, SL 666974, Case No. 2010061801 – Settlement Stipulation

Respondent was not present and represented by Daniel Villazon, Esquire, present. Chair Boring was recused due to participation on the probable cause panel.

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

Penalty imposed: \$250.00 fine; investigative costs. **Violation:** Respondent violated Section 475.42(1)(a), Florida Statutes, by operating as a sales associate without being the holder of a current, active license.

Action taken: Settlement Stipulation accepted.

Tab T – Mary D’Nette Allen, BK 427330, Case No. 2010015024 – Respondent’s Petition to Set Aside Final Order

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

Ms. Matchett represented the department and presented the case to the Commission. Mr. Villazon requested a continuance until January 2013. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Vice-Chair Enzor; motion passed without dissent to continue the matter until January 2013.

Action Taken: Case continued until January 2013.

Tab P – Jose P. Cazas, SL 651092, Case No. 2011016863 – Settlement Stipulation

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

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

Action taken: Settlement Stipulation denied.

Tab O – James Warmington, Jr., BK 3007345, Case No. 2008016560 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and represented by Nancy Campiglia, Esquire, present. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Ms. Roderick represented the department and presented the case to the Commission. Ms. Campiglia requested a continuance. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Hornsleth; motion passed without dissent to deny the informal hearing request and continue the matter until the January 13, 2013, FREC meeting.

Action Taken: Case continued until the January 15, 2013, FREC meeting.

Tab B – Bentley Realty of South Florida, Inc., CQ 1022958, Case No. 2011027579 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Ms. Martorano, broker for the Respondent, was present and was not represented by counsel. Chair Boring was recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the

Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account and deliver a real estate commission in which a civil judgment relating to the practice of the licensee's profession has been obtained against the licensee and said judgment has not been satisfied in accordance with the terms of the judgment within a reasonable time.

Tab Y – Elizabeth Stout, SL 3057786, Case No. 2010012038 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: \$500.00; investigative costs; 6 months probation, must attend two 2-day FREC general meetings. **Violation:** Respondent violated Section 475.42(1)(d), Florida Statutes; Rule 61J2-14.009, Florida Administrative Code and 475.25(1)(e), Florida Statutes, when she failed to immediately forward both rent and the deposit for the Subject Property to her broker; Section 455.227(1)(j), Florida Statutes, and thereby Section 475.25(1)(e), Florida Statutes, by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or board.

Tab C – Dawn Mazoch Funari, SL 704077, Case No. 2012027035 – Voluntary Relinquishment of License

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

Ms. Royal represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab D – Marcus Alexander Funari, SL 3029879, Case No. 2012027036 – Voluntary Relinquishment of License

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

Ms. Royal represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Podolsky to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab E – Leslie Henry Gugel, SL 3095359, Case No. 2011053957 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Roderick 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 Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Penalty imposed: \$250 fine, investigative costs, 6 months probation, must attend 1 two-day FREC general meeting. **Violation:** Respondent violated Section 475.25(1)(e), Florida Statutes, and thereby Section 475.42(1)(a), Florida Statutes, when Respondent contracted to assist a person in searching for a home to purchase and received compensation for his real estate services while his license was in an inactive status.

Tabs I and J – William Philip Neri, SL 3122038, Case Nos. 2010057028; 2011000054 – Voluntary Relinquishment of License

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

Ms. Machett represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Enzor moved, seconded by Commissioner Podolsky to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab K – Myava Rodriguez, BK 674853, Case No. 2011000371 – Respondent’s Request for Reconsideration

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

Ms. Royal represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor; motion passed without dissent to deny the Respondent’s Request for Reconsideration.

Action Taken: Reconsideration denied.

Tab N – Alton Seyfer, SL 3110293, Case No. 2010023571 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revocation; \$500.00 fine; investigative costs. **Violation:** Respondent violated a lawful order issued under the provisions of Chapter 455 or 475 Florida Statutes.

Tab U – Jason Robert Boehm, SL 3063059, Case No. 2011049897 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Suspension 60 days; \$1,000.00 fine; investigative costs; 6 months probation; 2 two-day FREC general meetings. **Violation:** Respondent violated Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after being adjudged guilty of a crime and/or having adjudication withheld regarding a crime, thereby violating Section 475.25(1)(e), Florida Statutes.

Tab V – Hannan Global, LLC, CQ 1035927, Case No. 2012000444 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation; \$3,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.25 (1)(b), Florida Statutes(2011), when Respondent, through the actions of Respondent’s broker, misappropriated clients’ funds, which were required to be held in escrow; violated Section 475.25(1)(d)1, Florida Statutes (2011), when Respondent’s broker failed to account and deliver, upon demand, funds that were required to be held in escrow by Respondent; violated Section 475.25(1)(k), Florida Statutes (2011), by failing to immediately place into escrow, funds entrusted to Respondent’s broker.

Tab W – Richard Jason Hannan, BK 3088243, Case No. 2012000443 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation; \$3,000.00; investigative costs. **Violation:** Respondent violated Section 475.25 (1)(b), Florida Statutes(2011), when Respondent, through the actions of Respondent's broker, misappropriated clients' funds, which were required to be held in escrow; violated Section 475.25(1)(d)1, Florida Statutes (2011), when Respondent's broker failed to account and deliver, upon demand, funds that were required to be held in escrow by Respondent; violated Section 475.25(1)(k), Florida Statutes (2011), by failing to immediately place into escrow, funds entrusted to him as a broker.

Tab X – David Lam, BK 3208006, Case No. 2011020115 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation; \$1,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when Respondent entered seven guilty pleas to crimes of moral turpitude or fraudulent or dishonest dealing.

Tab Z – John Michael Villante, SL 618098, Case No. 2010025014 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

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

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

Penalty imposed: Revocation; \$1,000.00 fine; investigative costs. **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, when Respondent acted in the capacity of a Real Estate Broker for US Holidays Management Group, LLC, while being licensed by the Petitioner as a Real Estate Sales Associate, and registered with the Petitioner as a Real Estate Sales Associate for US Holidays Group Realty, LLC; Section 475.25(1)(b), Florida Statutes, having been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; Section 475.25(1)(e), Florida Statutes, by violating Section 455.227(1)(j), Florida Statutes, by aiding an entity in the unlicensed practice of real estate.

Cases Continued or Withdrawn

Tab Q – Judy Limekiller, Case No. 2012018222

Tab L and Tab M – John D. Schmidt, Case Nos. 2010051179 and 2011047985

General Session

Consent Agenda, Agenda A

The Commission considered 145 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 117 applicants and require 28 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abreu, Anthony	Guerrier, Samuel	Panek, Ryan
Ahmed, Shahzad	Guttridge, Daryl	Parker, Howard
Alfonse, Juan	Henderson, Joseph	Paulo, Daniel
Alvarez, Carmen	Hicks, Susan	Peterson, Elaine
Andres Pelegrino, Rolando	Hillard, Trent	Pickett, Kevin
Arduz, Vigny	Hintze, Andrei	Pierre, Ralph
Asrula, Kevin	Holan, Harry	Planzo, Michael
Atkinson, George	Hopper, Stuart	Ramos, Arius
Banks, Stuart	Johnson, Claus	Raymond, Gary
Bennett, Michael	Kadous, Ramiz	Richardson, Lorraine
Berg, Edward	Keshi, Joseph	Rodriguez Horner, Jennifer
Bevis, Dina	Kirkland, Ronnie Sr.	Roman, Joel
Binner, Shaun	Koehler, Kenneth	Romero, Xavier
Bourgeois, Lucas	Koprowski, Rachele	Rosa, Richard
Cancino, America	Korecki, Daniel	Rozental, Ignacio
Christiansen, Gerald	Lamarche, Roda	Russell, Charisse
Clough, Karen	Lawrence, Michael	Salas, Carlos Jr.
Coleman, Teri	Leach, Robert	Schobert, Bryan
Corradi, Michael	Lohrig, Mary	Shea, Kris
Cortes, Juan	Lone, Vivian	Silva, Fatima
Costa, Thiago	Lopez, Joseph	Silva, Ozzie
Coy, Larry	Lorfiles, Reynold	Silver, Larry
Crayton, Andrae	Lozano, Andres	Simplice, Francine
Cruz, Alexandra	Lunsford, James	Smith, Brian
Cushman, Scott	Lyn, Damion	Smith, Justin
Daleo, Svetlana	Maloof, Marcee	Strickland, Henry
Dawe, Theophilus	Marra, Judith	Stuart, Stefan
DeJesus, Maximo	Mason, David	Sullivan, Michael
Delaney Quillen, Mary	Matas, Kristina	Taylor, Charlotta
Dix, Niya	McConnell, Kennedy	Thomas, Jodie
Estalella, Daniel	McDonald, Joan	Thomas, Nicole
Ettlinger, Carl	Melendez, Edward	Todd, Austin
Farber, Dmitriy	Millettics, Timothy	Uhl, Gerald
Fertig, Derek	Moline, Ashley	Walsh, Robert
Fickey, Christine	Motuz, Gabor Jr.	Weaver, Nina
Garcia, Anita	Nichols, Carlton Jr.	Whitmire, Tara
Givens, Adam	Noel, Edwidge	Williamson, Ashley
Gonzalez, Diosa	Oropesa, Alexa	Young, Brittany
Grace, Princeton Jr.	Palmer, Steven	Young, Leala

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

Barrios, Marcus
Brooks, Margaret
Bumgarner, Eric
Castro, Theodore
Curtin, Scott
Dana, Grace
DeJesus Ocasio, Joel
Echevarria, Jennifer
Edwards, Tiffany
Fernandez, Roberto

Gavagni, Joseph
Hogarth, John
Lanzarotto, Dezera
Leon, Alan
Lewis, Olive
Manning, Autumn
McCann, Sean
Mees, Clifford
Parker, Michael

Patterson, Chase
Perez, Edda
Persaud, Vishal
Roderick, Thomas
Shoeibi, Mohammad
Sosa Diaz, Iris
Vaidya, Ravi
Waite, Christopher
Watkins, Brian

Rules Discussion

Rules Report

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

Rule 61J2-14.008 – Definitions

Director Watkins presented this rule to address Mr. David Collins' request to clarify the current language to address deposits placed with a title company or attorney. The Commission entered into discussion and provided comments. The Commission received comments from Ms. Campiglia, Esquire. Upon conclusion of the discussion, the Commission did not advocate changing the rule.

Special Agenda

Correspondence from Eve M. Maxwell, Executive Director, Tennessee Real Estate Commission

Director Watkins presented a letter received from Executive Director Eve M. Maxwell, Tennessee Real Estate Commission, notifying the FREC that all mutual recognition agreements between the Tennessee Real Estate Commission and any other state will be terminated effective September 30, 2012, and any person who does not maintain the license they received through mutual recognition and the license is no longer valid they must apply for a new real estate license in Tennessee satisfying the new requirements and therefore, will also apply to Tennessee licensees applying in Florida. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to rescind the Mutual Recognition Agreement between Florida and Tennessee and ratify the actions taken by the department thus far; the motion passed without dissent.

There being no further business and no objection, the Chair recessed the meeting at approximately 3:50 p.m. until 8:30 a.m. tomorrow.

November 14, 2012

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 14th day of November, 2012.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Darla Furst, Poul Hornsleth and Josh Podolsky. Commissioner Richard DeNapoli was not present and was

excused. 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; Patrick Cunningham, Chief Attorney; Lauren Roderick, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Rules Discussion

61J2-5.018 – Vacancies of Office

Director Watkins requested the discussion of this rule be postponed to the December 11, 2012 FREC meeting.

Special Agenda

Correspondence from H. Bruce McIver

Director Watkins presented a letter received from H. Bruce McIver requesting that the Commission grant him a hardship extension and allow him complete the necessary requirements and renew his real estate license. Mr. McIver appeared in support of his request. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve Mr. McIver's request; the motion failed 2 to 3 due to lack of statutory authority. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to continue this matter until the January 2013, FREC meeting. The motion passed without dissent.

Summary of Applicants

OMC II Jocelyn Pomales presented 46 Summary of Applicants requesting to sit for the real estate examination.

Tab AK – Marie G. Rodriguez, present with interpreter – Applicant withdrew the application and waived the 90-day requirement.

Tab B – Larry Dinnell, present, represented by Nancy Campiglia, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commission Enzor moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; the motion passed without dissent.

Tab C – Teisha N. Dyer, present, represented by Nancy Campiglia, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commission Podolsky moved; seconded by Vice-Chair Enzor to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; the motion passed without dissent.

Tab AR – James Trub, present, represented by Nancy Campiglia, Esquire, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab A – OJ Lawter Cardet, not present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commission Podolsky moved; seconded by Commissioner Furst to adopt the Finding of Fact and Conclusions of Law and uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab D – Donna Vacinek, present – informal hearing – The Commission granted the informal hearing and entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Furst to adopt the Finding of Fact and Conclusions of Law and uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab E – Nicholas C. Abate, not present – Applicant continued the application until December and waived the 90-day requirement.

Tab F – Anthony J. Adams, not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab G – Michael Allalemdjian, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab H – Bonnie J. Baker, present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed 4 to 1.

Tab I – Rafael A. Borge, not present – Applicant withdrew the application and waived the 90-day requirement.

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

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

Tab L – Andrea D. Brandt, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab R – Joseph A. Farley, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab V – Jason M. Fruen, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab W – Carlos Herrera, present – Applicant withdrew the application and waived the 90-day requirement.

Tab X – Yolanda D. Ivory, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 2.

Tab AA – Daniel Lombardi, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AE – Nathalie T. Merhy, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AF – Audrey Muller, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab AI – Margaret G. Ramsey, present – Applicant withdrew the application and waived the 90-day requirement.

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

Tab AO – Derrick D. Silvers, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AP – Joyce L. Sissum, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AT – Nicholas Valentin, present – Applicant withdrew the application and waived the 90-day requirement.

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

Tab Q – John J. Engler, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed 4 to 1.

Tab AL – Margaret P. Saavedra, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AQ – Kari Ann Spiller, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab AG – Rene M. Perez, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab M – Kyle M. Bridges, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab N – Vince Cloe, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab O – Stephen W. Degerdon, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab S – Mitchell Feinsod, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab T – Sean Fleming, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab U – Jarel N. Fontanez, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 1.

Tab Y – Faulton C. Kempf, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab Z – Lance M. Litman, not present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab AB – Marquis C. Mallary, not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent

Tab AC – Andres A. Matutes, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AD – Seneca M. McMillan, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AM – Susan V. Saunders, not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab AH – Chatram Persaud, not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab AN – Herbert L. Shaw, not present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to deny the application for broker; the motion passed without dissent.

Tab AS – Durant L. Valenti, not present – Applicant withdrew the application and waived the 90-day requirement.

General Business

Financial Reports Ending June 30, 2012 and September 30, 2012

Director Watkins presented the Financial Reports ending June 30, 2012. Commissioner Furst stated that she forwarded a written request to the department, via Director Watkins. Ms. Watkins stated that the request was delayed inadvertently; however the Commission's initial request was relayed to the department in August. Ms. Watkins reported that the department stated that they are working on addressing the Commission. Vice-Chair Enzor suggested continuing this matter until the December FREC meeting.

Director's Comments

Director Watkins provided a comparison report reflecting the number of examinations requested in October 2011 and 2012 and a post-renewal report reflecting the number real estate and appraiser licenses that have renewed to date and addressed questions and comments from the Commission.

Director Watkins reported that the Financial Crime Seminar the department hosted went very well. Ms. Watkins provided copies of the slides that were presented and stated that the seminar was very informative and was very well attended. Ms. Watkins further reported that a video will be available soon.

Commission Remarks

Commissioner Furst presented a newspaper clipping showing a news report relating to mortgage fraud which has been recorded as the largest mortgage fraud scheme in the State of Florida involving 5 real estate

licensees, 1 real estate appraiser and 1 mortgage broker. Commissioner Furst expressed concerns relating to the status of the real estate licenses reflecting active.

The Commissioner congratulated Chair Boring for a successful meeting and wished everyone a safe and Happy Thanksgiving holiday.

Public Comments

The Commission received comments from a member of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 11 and 12, 2012, in Orlando, Florida.



Chip Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission