

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
November 17 and 18, 2015  
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 17<sup>th</sup> day of November, 2015.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Lee Chotas, Darla Furst, Poul Hornsleth and Thomas Luzier. Commissioner Enzor had an excused absence. 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; Jennie Schwartz, Assistant General Counsel; Appearing via teleconference: Al Cheneler; Daniel David, Brande Miller, Crystal Stephens, William Vogel, James Whealdon and Maureen White, Assistant General Counsels; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Chair Fryer welcomed the Realtor members from the Flagler County Association of Realtors and thanked them for attending.

**Approval of the Minutes**

Vice-Chair Boring moved to approve the Minutes of the October 20 and 21, 2015, General Meeting, as written. Commissioner Luzier seconded the motion. The motion passed without dissent.

**Reports**

**Enforcement Trends and Escrow Audits Reports**

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

**Unlicensed Activity Report**

Director Watkins presented the Unlicensed Activity Report and addressed questions from the Commission.

**Monthly Exam Performance Summary Report**

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

## **Financial Reports**

Director Watkins presented the Financial Reports ending March 31, 2015, and addressed questions and comments from the Commission.

## **Quarterly Education and Foundation Scholarship Report**

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

## **Application and License Count Reports**

Licensing Supervisor Warren Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

## **Legal Agenda Schedule**

### **Legal Case Activity Report**

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

### **Escrow Disbursement Orders**

Assistant General Counsel Cheneler presented 10 Escrow Disbursement Orders and 8 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept 10 Escrow Disbursement Orders, amending Tab A and 8 Orders. Vice-Chair Boring seconded the motion; the motion passed without dissent.

### **Recovery Fund Cases**

#### **Tab A – Pamela Darling v. Daniel Sack, DBPR Case No. 2015-031188**

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

### **Legal Appearance Docket**

#### **Tab N – Mohamed Shamshudeen Donald, SL 3245461; Case No. 2014047049 – Settlement Stipulation**

Respondent was present; Respondent was represented by Jeffrey S. Howell, Esquire, present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not in attendance.

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$792.00; complete a 3-hour core law course; attend 2 complete FREC meetings; probation for 12 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely remit the Escrow Deposit to the owner or the owner's property manager at the time the lease was executed and/or by failing to timely remit the deposit owed to Alsenan upon demand.

**Tab R – Wazir Mohammed, SL 3032812; Case No. 2014038239 – Settlement Stipulation**

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not in attendance.

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

**Penalty:** Administrative fine of \$1,000.00; investigative costs of \$429.00; complete a 3-hour ethics course; attend 2 complete FREC meetings. **Violation(s):** Section 475.25 (1)(d)1, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, or deposit; Section 475.25(1)(b), Florida Statutes, by renting Subject Property without authority from Owner; Section 475.42(1)(b), Florida Statutes, by brokering the rental of Subject Property without his employer's permission.

**Tab A – Diana Lee Gerardi, BK 706009; Case No. 2015005038 – Respondent's Request for Informal Hearing**

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Mr. Vogel represented the department and presented the case to the Commission. Vice-Chair Boring moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Boring moved; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** Section 475.25 (1)(f), when Respondent pled no contest to one count of engaging in a scheme to defraud and obtaining property with an aggregate value of \$400,000 or more, but less than \$50,000.

**Tab C – John Lai Ellis, SL 3139997; Case No. 2014042775 – Respondent's Request for Informal Hearing**

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Ms. White represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Vice-Chair Boring; motion passed without dissent to impose the following sanctions:

**Penalty:** Suspension for 1 year; investigative costs of \$775.50; complete a 28-hour reactivation course. **Violation(s):** Sections 475.42(1)(b) and 475.25(1)(a), Florida Statutes when Respondent operated as a broker or a sales associate for any person not registered as his employer; Sections 475.42(1)(d) and 475.25(1)(a), Florida Statutes, when Respondent collected any money in connection with any real estate brokerage transaction; Section 475.25(1)(b), Florida Statutes, by being 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; Section 475.25(1)(r), Florida Statutes, when Respondent failed in any written listing agreement to include a definite expiration date.

**Tab G – Edward Paul Richard, SL 3132162; Case No. 2013004063 – Respondent's Request for Informal Hearing**

Case withdrawn.

**Tab H – Patricia Magarette Robinson, SL 3302779; Case No. 2015004413 – Petitioner’s Motion for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

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

**Action taken:** Revocation. **Violation(s):** Section 475.25 (1)(d)1, Florida Statutes, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, or deposit; Section 475.25(1)(k), Florida Statutes, by failing to properly remit funds related to Subject Property; Section 475.25(1)(b), Florida Statutes, by failing to properly remit Purchase Funds and Rental Funds and by receiving checks made out to her personally; Section 475.42(1)(d), Florida Statutes, by receiving two checks totaling \$3,000.00 and failing to deliver those checks to her employer and by collecting money made out to herself personally.

**Tab Q – Robert James Ligotti, SL 3277314; Case No. 2014035386 – Settlement Stipulation**

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present.

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

**Action taken:** Settlement Stipulation rejected.

**Tab U – Eagle Eye Real Estate Services & Brokerage, Inc., CQ 1038407; Case No. 2015004948 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

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

**Action taken:** Revocation, administrative fine of \$1,000.00; investigative costs of \$170.25. **Violation(s):** Section 475.25(1)(e), Florida Statutes, and Rule 61J2-10.034, Florida Administrative Code, by failing to register the trade name Eagle Eye Group Services Inc. with the Department.

**Tab W – Top Notch Realty, Inc., CQ 1038407; Case No. 2015001395 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Mr. Whealdon 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 Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

**Action taken:** Revocation. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by failing to remit the full amount of rent and a security deposit for multiple properties to the owners of those properties; Section 475.25 (1)(d)1, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, or deposit.

**Tab J – Brenda W. Smith, BK 534400; Case No. 2014008506 – Petitioner’s Motion for Informal Hearing**

Respondent appeared telephonically; Respondent was not represented by counsel. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not in attendance.

Ms. Miller represented the department and presented the case to the Commission. The Respondent requested a formal hearing. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Chotas to refer the matter to the Division of Administrative Hearings (DOAH) for a formal hearing.

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

**General Session continued**

Petition for Declaratory Statement received from Paul Arrington – DS 2015-122

Director Watkins presented the petition received from Paul Arrington. Mr. Arrington was present in support of the petition. FREC Counsel Barnhart recommended that the Commission issue a Final Order Denying Petition for Declaratory Statement. The Commission entered into discussion. Commissioner Chotas moved; Commissioner Luzier seconded the motion to deny issuing a Declaratory Statement. The motion passed without dissent.

**Special Agenda**

Communication received from Nima Ajabshir, Esquire Requesting Reinstatement of his Null & Void license

Director Watkins presented Mr. Ajabshir’s communication requesting the Commission reinstate his null & void real estate license. Mr. Ajabshir was present in support of his request. The Commission entered into discussion. Commissioner Chotas moved; seconded by Commissioner Hornsleth to deny the request; the motion passed without dissent.

Communication received from Gholamhassan Najafi regarding experience requirement

Director Watkins presented Mr. Najafi’s communication requesting the Commission accept his broker experience in Iran to qualify for a broker license. Mr. Najafi was present in support of his request. The Commission entered into discussion. Commissioner Chotas moved that the experience and records provided meet the statutory requirements to apply for a broker license; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

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

**Tab B – Florida Real Estate Sales Associate Pre-License – New Course (63 hours Pre-Licensure; Distance) – Application No. 23881 – Warren F. Todd, National Education Seminars of Florida**

Mr. Todd was not present. The Commission entered into discussion. Commissioner Hornsleth moved to approve the course with conditions; Commissioner Luzier seconded the motion. The motion passed without dissent.

**Tab C** – *So, I have a license, but 'HOW DO I SUCCEED?'* – New Course (3 hours Specialty; Classroom) – Application No. 24480 – Melvin Lynn King, Royal Institute of Real Estate, LLC

Mr. King was not present. The Commission entered into discussion. Vice-Chair Boring moved to deny the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Legal Appearance Docket continued**

**Tab L – Thomas Calvert Carlon Canfield, SL 3171050; Case No. 2015026316 – Respondent's Request for Informal Hearing**

Respondent was present; Respondent was represented by D. Gray Thomas, Esquire, present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Ms. Lloyd represented the department and presented the case to the Commission. 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 Vice-Chair Boring; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes when he was adjudicated guilty of Unlawful Sexual Activity with Certain Minors, a crime of moral turpitude; Section 455.277(1)(t), Florida Statutes, and thereby Section 475.25(1)(a), Florida Statutes, by failing to timely self-report his felony conviction.

**Tab K – 360Training.com INC, ZH 1002174; Case No. 2014052135 – Respondent's Request for Entry of a Final Order**

Respondent was not present; Respondent was represented by John Allen Parvin, Esquire, present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

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

**Penalty:** Suspension to run concurrent with the suspension imposed in Case No. 2014034589; administrative fine of \$1,000.00; investigative costs of \$726.00. **Violation(s):** Section 475.25(e), Florida Statutes, through a violation of Rule 61J2-3.008(4)(b)1.j., Florida Administrative Code, by not keeping its course materials current and accurate as required.

**Tab O – Zana Holley Dupee, SL 695511; Case No. 2015016416 – Settlement Stipulation**

Respondent was present; Respondent was represented by David R. Ristoff, Esquire, present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Vice-Chair Boring was recused due to serving on the probable cause panel.

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

**Penalty:** Administrative fine of \$250.00; investigative costs of \$1,353.00; complete a 3-hour core law course; attend 1 complete FREC meeting. **Violation(s):** Section 475.25(1)(s), Florida Statutes, by having her ability to practice law suspended by the Florida Supreme Court.

**Action taken:** Settlement Stipulation accepted.

### **Tab T – Waltride Percinthe, SL 3247228; Case No. 2015010524 – Settlement Stipulation**

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

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 Stipulated Settlement. The motion passed without dissent.

**Penalty:** Administrative fine of \$750.00; investigative costs of \$16.50; complete a 3-hour ethics course; attend 1 complete FREC meeting. **Violation(s):** Section 475.25(1)(p), Florida Statutes (2013), by failing to inform the commission in writing within 30 days after being found guilty of one count Possession of a Controlled Substance, a felony of the third degree; Section 455.227(1)(t), Florida Statutes (2013), and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to report to the department within 30 days after being found guilty of one count of Possession of Cannabis, less than 20 Grams, a misdemeanor of the first degree.

**Action taken:** Settlement Stipulation accepted.

### **Tab B – John David Hughes, SL 3079177; Case No. 2015022098 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Commissioner Hornsleth was recused due to serving on the probable cause panel.

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

**Penalty:** Administrative fine of \$750.00; investigative costs of \$343.20; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, when Respondent failed to report his No Contest (*Nolo Contendere*) plea to DUI in writing and within 30 days to the Florida Real Estate Commission.

### **Tab F – Ryan James Miller, SL3107503; Case No. 2014045207 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Commissioner Hornsleth was recused due to serving on the probable cause panel.

Ms. Miller represented the department and presented the case to the Commission. Commissioner Furst moved; seconded by Vice-Chair Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Vice-Chair Boring; the motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of \$500.00; investigative costs of \$297.00; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 1 year. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report the following convictions: one count of Reckless Driving (First Degree Misdemeanor) on September 15, 2011; one count of Possession of Marijuana (less than 20 grams) (First Degree Misdemeanor) and one count of Possession of Drug Paraphernalia (First Degree Misdemeanor) on October 26, 2012; one count of Possession of Drug Paraphernalia (First Degree Misdemeanor) and one count of Resisting an Officer Without Violence (First Degree Misdemeanor) on November 7, 2012; one

count of Driving Under the Influence (First Degree Misdemeanor) on October 28, 2013; one count of Refusing to Submit to a Breath/Blood/Urine Test (First Degree Misdemeanor) on September 30, 2014.

**Tab D – Thomas A. Morgello, Jr., SL 3294161; Case No. 2015021671 – Petitioner’s Motion for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Commissioner Hornsleth was recused due to serving on the probable cause panel.

Ms. Stephens 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 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:

**Action taken:** Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to larceny over \$250 by single scheme, a crime involving fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission of his plea of guilty to larceny over \$250 by single scheme within 30 days of the plea; Section 475.25(1)(m), Florida Statutes, by failing to disclose, on his sales associate application, that he was under criminal investigation for larceny.

**Tab E – Micasa Realty, LLC, ZH 1042634; Case No. 2015009946 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Commissioner Hornsleth was recused due to serving on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. Commissioner Luzier moved; seconded by Vice-Chair Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Luzier moved; seconded by Commissioner Furst; motion passed 4 to 1 to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$478.50. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver the September rental proceeds to the Owner; Section 475.25(1)(b), Florida Statutes, by breaching the trust of the Owner by attempting to remit the September rental proceeds to the Owner by a check that was returned for having insufficient funds, and/or breaching the trust of the Owner by not fully accounting and delivering the entirety of the September rental proceeds to the Owner.

**Tab M – Thomas J. Assad, BK 3251391; Case No. 2015012239 – Settlement Stipulation**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present. Commissioner Hornsleth was recused due to serving on the probable cause panel.

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

**Action taken:** Settlement Stipulation rejected.



**Tab I – Anyyi Santana, PA, SL 3037618; Case No. 2015008794 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was represented by William K. Tunkey, Esquire, not present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Commissioner Hornsleth was recused due to serving on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. 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. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of Conspiracy to Commit Bank and Wire Fraud, a crime of moral turpitude.

**Tab P – Peter Anthony Foster, Jr., SL 3241040; Case No. 2015015924 – Settlement Stipulation**

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present. Vice-Chair Boring was recused due to serving 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 Luzier to reject the Stipulated Settlement. The motion passed without dissent.

**Action taken:** Settlement Stipulation rejected.

**Tab S – Andrew Stephan Ponticos, PA, SL 3018102; Case No. 2015017374 – Settlement Stipulation**

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

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

**Action taken:** Settlement Stipulation rejected.

**Tab V – Richard M. Sanchez, BK 485252; Case No. 2015020588 – Respondent’s Request for Entry of Final Order**

Case withdrawn.

**General Business continued**

**Recovery Fund Account**

Director Watkins reported that the Recovery fund account balance is nearing the low balance threshold and if the account falls below the \$500,000.00 the licensees will automatically have to pay an additional fee. Director Watkins asked the Commission to approve transferring monies from the operating account to the recovery fund account so that the licensees will not be charged the additional fee. Commissioner Chotas moved to transfer \$465,000.00 from the operating account to the recovery fund account; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

## **Rules Discussion**

### **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.

Chair Fryer requested to open Rule 61J2-3.008, Florida Administrative Code, for development in January to address course renewals. Mr. Barnhart responded affirmatively and requested the department to survey any economic impact.

### **Special Agenda**

#### **Communication Received from Jack Lazinsk Regarding Experience Requirement**

Director Watkins stated that Mr. Lazinsk requested the Commission's permission to delay the discussion until tomorrow.

#### **Federal Trade Commission (FTC) Staff Guidance: Active Supervision**

FREC Counsel Barnhart presented the new FTC staff guidance for discussion and provided a summary of some of the factors which may have lead the FTC to develop the Staff guidance. Mr. Barnhart and Director Watkins addressed questions and comments from the Commission.

### **Consent Agenda A**

The Commission considered 109 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Furst to approve 70 applicants and require 39 applicants to be placed on the Summary of Applicant Agenda; the motion passed 5 to 1.

The following applicants were approved:

Abouo, Anne Sandrine Odjo	Gourley, Richard Shey	Ramirez, Guillermo Oscar Jr.
Acelor, Rodolphe	Guinn, Anthony	Ransome, Dawson Allen
Akers, Naomi Lee	Haggins, Kinzy	Rataj, Ronald
Allen, Jasmine Dejean	Herby, Kerri	Ratliff, Shane
Alvarez, Natalie Giselle	Hilliard, Meghan	Restrepo, Andrew
Arone, Richard Anthony	Hiott, Thomas Jonathan	Rivera, Eric
Barta, Brandon Andrew	Hunton, Leroy	Robertson, William
Bejarano, Daniel	Irizarry, Jordan	Rodriguez, Steven
Bible, Kirby	Jackson, Cynthia L.	Romero, Mauricio
Browne, David T.	Justiniano, Mario	Sanchez, Christine
Candia, Richard Frank	Kimble, Ronald T.	Schoenfeldt, Katrina
Caro, Luis Gabriel	Kirton, Kenneth Roy III	Serrano McDermott, Cristina P.
Casto, Richard	Marks, Craig Alan II	Stamper, Brian Paul
Chandler, Tammy	McGowen, Zachary Ryan	Thompson, Travis
Christopher, Barry Louis Jr.	Mendez, Jancer	Trojanowski, Tiffany
Cockrell, Adam	Miscione, Paul	Tucker, James
Correale, Scott Vincent	Moodley, Peter	Valle, Alvaro
Cuny, Robert Brett	Morris, Godiess Gregory	Wagstaff, Michael M Jr.
Darby, Harold Dean II	Murphy, Jennell	Wallace, Thomas Peter Jr.
Deida, Joseph	Nazzal, Manawel George	White, Ratonda
Ellis, Dianna	Ortiz, Daniel	Williamson, Kyle A.

Epps, Dedrick  
Evans, Michael  
Gent, Wardy David

Palmer, Mario  
Ramirez, Daniel

Woodcock, Christopher  
Zukowsky, Matthew Howard

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

Aponte, Franklin  
Blankenship, Iolani Marie  
Burge, Lance Addison  
Chevres, Brenda  
Coarse, Kimberly Marie  
Correia, Scott Anthony  
Court, Richard  
Davis, Ray Wayne  
Delgado, Jovany  
Dowding, Terry  
Fernandez, Arianna  
Hess, Jesse  
Hogg, Iron

Johnson, Shannon  
Keller, Justin Michael  
King, Steven  
Lasseter, Jonathon Maxwell  
Lehouara, Naoufal  
Lewis, Thomas  
Lozano, Yenimay  
McCants, Rosilyn  
McGraw, Justin  
Mitchell, Robin  
Mottola, Joseph  
Oshunleti, Olufunsho  
O'Sullivan, John Patrick

Pettibone, Richard  
Price, Rebecca Suzanne  
Reyes, Joris C.  
Rice, Brittney  
Shimkanin, Bradley  
Someillan, Christian  
Sotomayor, Laura N.  
Spalding, Keith Alan  
Stover, Alisha McKai  
Taher, Michael  
Theisen, Lucas William  
Vaz, Izabella  
Wiggins, Derrick

### **Consent Agenda B**

The Commission considered 50 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Furst to approve 38 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed 5 to 1.

The following applicants were approved:

Basulto, Sandy  
Blanchard, Jimmy Dean  
Boshart, Gretchyn Kay  
Brangan, Timothy Brangan  
Cartagena, Giovanni  
Charles, Julien  
Colina, Jesus Enrique  
Coney Davis, Chalette Latrece  
Cuero, Patricia Geiselle  
El Schwarby, Ronald  
Elliott, David Richard  
Entler, Mark Christopher  
Harris, Robert Gordon

Hibbs, Dave  
Holloway, Mark Edwin  
Hooks, Kevin  
Jacon, Marcia  
Jorgenson, Casey William  
Krasnow, Mitchell  
Lanier, James  
Lazzaro, Thomas  
Leffler, Deana  
Louis, Marie N.  
McCoy, Roland  
Merizalde Serrado, Maria E.  
Perez, Karla M.

Pilling, Kayla  
Pitram, Sunil Chad  
Pitts, Armani Demetre  
Ramirez Saldana, Roberto R.  
Robertson, Robin  
Rolfe, Sheri  
Silverstein, Elizabeth Issabella  
Stelmak, Shawn R.  
Stotts, Heather Dawn  
Szabo, Torie A.  
Wagner, Joshua Kyle  
Williams, Jacqueline

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

Adams, Kimberly  
Davis, Martin  
Gartner, Denise Ann  
Harris, Pamela

Johnson, Sharmela  
Joseph, Lucmon  
King, Sylvester Jr  
Powers, Ashley

Quick, Mark Patrick  
Ressler, Marc  
Roberts, Stephen  
Shelton, Jacob Aaron

### **Public Comments**

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

## Recess

There being no objection, the Chair recessed the meeting at approximately 4:40 p.m. until 8:30 a.m. tomorrow.

## November 18, 2015

Chair Fryer reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of November, 2015.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Lee Chotas, Darla Furst, Poul Hornsleth and Thomas Luzier. Commissioner Enzor appeared briefly via teleconference. 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; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Warren Sanger, Licensing Supervisor; Mike Davis, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

## Summary of Applicants

Licensing Supervisor Warren Sanger presented 37 Summary of Applicants requesting to sit for the real estate examination.

Tab B – Scott Thomas, present; was represented by Steven W. Johnson, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab T – Vincent Joseph Fusco, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AP – Jose Ant Peralta Yapor, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab U – Tonya Denise Hall, present ; was represented by Elizabeth Anderson, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AK – Rachel Muse, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab C – Michael Ray Alfred, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 2.

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

Tab G – Damion Wesley Barrett, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

Tab E – Jacqueline Aquino, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

Tab H – Marcus Barrington, present – Commissioner Chotas moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

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

Tab L – Robert Craig Cain, present – Commissioner Furst moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab N – Chris Cosma, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab P – Christopher Henriques Da Rosa, present – Vice-Chair Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Q – Mike Diaz, present – Applicant withdrew the application.

Tab R – Angela Dolce, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab S – Gable Chastain Eaves, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AZ – Tara L. Snyder, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

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

Tab X – Regine Kercheval, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 5 to 1.

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

Tab AA – Robert M. Lantrip, present – Commissioner Furst moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed 5 to 1.

Tab AB – Jessica Ann Leithauser, present – Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application for sales associate with conditions; the motion passed 5 to 1.

Tab AC – Chalmers Adaryll Lembricks, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 2. Vice-Chair Boring momentarily stepped out of the meeting and was not present for the vote.

Tab AD – Stephanie Dimitry Losauro, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AE – Sheriff Lowe, present – Commissioner Chotas moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AF – Ryan Madden, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AG – Benjamin Mann, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

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

Tab AI – David A. Meyers, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to deny the application for sales associate with conditions; the motion passed without dissent.

Tab AS – Jasmine Price, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

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

Tab AM– Osvaldo Ortega, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

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

Tab AQ – Brian Carl Peterson, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 2.

Tab AT – Robert Aaron Rojas, present – Applicant withdrew the application.

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

Tab AY – Stephanie A. Smith, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 5 to 1.

Tab BA – Philip Wayne Turner, III, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BB – Sidney Van Antwerp, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab BD – Kimberly Elizabeth Young, present – Vice-Chair Boring moved; seconded by Chair Fryer to approve the application for sales associate; tie vote 3 to 3. No action taken.

#### Agenda B

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

#### Agenda A

Tab A – Maria Gomez, present – informal – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to vacate the Notice of Intent to Deny and approve the application for sales associate; the motion passed without dissent.

Tab AR – Louis Ponce, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BC – Daniel Joseph Williams, Jr., present – Commissioner Luzier moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AV – Katharine Elaine Schaeffer, present – Applicant withdrew the application.

## **Special Agenda**

### **Request to Apply for Broker License Received from Jack Lazinsk Using Experience Gained Under Employment of an Owner/Developer**

Mr. Lazinsk was present in support of his request. The Commission entered into discussion. Chair Fryer stated that Chapter 475, Florida Statutes does not allow for licensees to qualify for a broker license using experience gained under the employment of an owner/developer. Chair Fryer provided guidance to Mr. Lazinsk in how to possibly obtain experience with his current employer in order to qualify for a broker license.

### **Presentation of Resolution and Plaque to Commissioner Roger Enzor**

The Commissioners expressed their sentiments and appreciation to Commissioner Enzor for his values and leadership in the real estate industry and in friendship. The Commission wished Commissioner Enzor and Mrs. Enzor good health and all the best for their future endeavors.

On behalf of the Secretary Lawson, the Department and Division, Director Watkins thanked Commissioner Enzor for his many years of service on the Commission and his selfless way he has served this industry for many decades. Ms. Watkins also wanted to thank Commissioner Enzor for his leadership and most importantly his friendship. Ms. Watkins further thanked Commissioner Enzor and Mrs. Enzor for how they have touched the lives of so many at the Division in such a positive way.

Chair Fryer read the Resolution and Plaque into the record. Commissioner Enzor stated it has been a privilege and extraordinary honor serving with all the Commissioners and working with Division staff. Commissioner Enzor further stated that he appreciates the opportunity to have served on the Commission and thanked everyone for the recognition. Commissioner Enzor added that he and Mrs. Enzor miss everyone so much.

### **Summary of Applicants continued**

Tab D – Phaedra Almstead, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab J – Robert L. Bolton, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab K – James David Brown, not present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to deny the application for broker; the motion passed without dissent.

Tab M – Stephen Anthony Carrico, not present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab O – Shayne Craig, not present – Commissioner Luzier moved; seconded by Vice-Chair Boring to deny the application for sales associate with conditions; the motion passed without dissent.

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

Tab W – Joshua Ryan Hayes, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab Y – Lawrence Yale Krakow, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AL– Alexander Nunez, not present – Commissioner Furst moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AN – John Pannenbacker, not present – Commissioner Furst moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AX – Susana Skott, not present – Applicant requested a continuance and waived the 90-day requirement.

**Director's Comments**

Director Watkins reminded the Commission the Legislative Session begins early in 2016 and provided an oral report of some of the proposed changes.

**Chair's Remarks**

The Commission wished everyone a happy Thanksgiving Holiday.

**Public Comments**

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

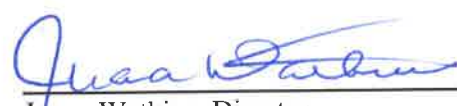
**Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 15 and 16, 2015, in Orlando, Florida.



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Dick Fryer, Chair  
Florida Real Estate Commission



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Juana Watkins, Director  
Florida Real Estate Commission



**RESOLUTION**  
*OF THE*  
**FLORIDA REAL ESTATE COMMISSION**  
*IN RECOGNITION OF*  
**ROGER P. ENZOR**

**WHEREAS**, Roger Enzor served from January 18, 2008 thru October 31, 2015, as a member of the Florida Real Estate Commission, and served as Chairperson in 2010 and 2014, and

**WHEREAS**, He diligently discharged his responsibilities as a member and has worked to ensure a smooth transition of real estate regulation in the state so as to meet those requirements imposed under Chapter 475, Florida Statutes and Florida Administrative Code 61J2, and

**WHEREAS**, He has faithfully contributed as a member of the Commission since January 18, 2008 to develop fundamental philosophy of real estate regulation and has selflessly given of his time and knowledge, which has enabled Florida to be a leader at the national level, and

**Whereas**, The members of the Florida Real Estate Commission, mindful of his extraordinary contributions to the State of Florida and the real estate industry, desire to recognize his hard work,

**BE IT THEREFORE RESOLVED, THAT THE MEMBERS OF THE FLORIDA REAL ESTATE COMMISSION** attest to the exemplary standards of leadership and service which Roger Enzor brought to the real estate profession and the people of this State; and

**BE IT FURTHER RESOLVED**, That a copy of this Resolution be made a part of the minutes and permanent records of the Florida Real Estate Commission.

Adopted this 18<sup>th</sup> day of November, 2015 at Orlando, Orange County, Florida.

**FLORIDA REAL ESTATE COMMISSION**


  
\_\_\_\_\_  
Dick Fryer, Chair

  
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Claude "Chip" Boring III, Vice-Chair

  
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Lee Chotas, Commissioner

  
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Darla Furst, Commissioner

  
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Poul Hornsleth, Commissioner

  
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Thomas Luzier, Commissioner