

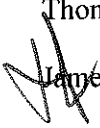
Charlie Liem, Interim Secretary

Charlie Crist, Governor

MEMORANDUM

TO: Florida Real Estate Commission
Tom Barnhart, FREC Counsel

VIA: Thomas O'Bryant, Jr., Director

FROM:  James Harwood, Chief Attorney

SUBJECT: Minutes of December 15 and 16, 2009

The Minutes of the December 15 and 16, 2009, Florida Real Estate Commission meeting state in part as follows:

Tab O – David Nicholas Grego, BK 310774, Case No. 2007062431 – Stipulated Settlement

Mr. Grego was present and represented by Robert Thielhelm, Esquire, and James Mitchell, Esquire. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Commissioner Ruffier to accept the Settlement Agreement. Motion passed 4 to 1.

Penalty imposed: \$2000.00 fine, \$363.00 costs, 24 months probation, attend 3 FREC general meetings. Violation: 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 violation of Section 475.25 (1)(b), Florida Statutes, guilty of having operated as a broker while licensed as a sales associate in violation of Section 475.42 (1)(b), Florida Statutes and, therefore, in violation of Section 475.25 (1)(e), Florida Statutes, guilty of failure to account and deliver funds in violation of Section 475.25 (1)(d) 1., Florida Statutes, guilty of sharing a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesperson, or salesperson under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in Section 475.01 (1)(a), Florida Statutes and, therefore, in violation of Section 475.25 (1)(h), Florida Statutes, guilty of having collected any money in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer and is guilty of commencing or maintaining any action for a commission or compensation against any person except his registered employer in violation of Section 475.42 (1)(d), Florida Statutes and, therefore, in violation of Section 475.25 (1)(e), Florida Statutes, guilty of aiding, assisting, procuring employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 455, 475 or the rules of the Petitioner in violation of Section 455.227 (1)(j), Florida Statutes. Penalty: fined \$2,000, costs, 24 months probation, attend 3 FREC general meetings.

Action taken: Settlement Agreement accepted

The minutes should reflect the following:

Tab O – David Nicholas Grego, BK 3107004, Case No. 2007062431 – Stipulated Settlement

Mr. Grego was present and represented by Robert Thielhelm, Esquire, and James Mitchell, Esquire. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Commissioner Ruffier to accept the Settlement Agreement. Motion passed 4 to 1.

Penalty imposed: \$2000.00 fine, \$363.00 costs, 24 months probation, attend 3 FREC general meetings.
Violation: Charged with 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 violation of Section 475.25 (1)(b), F.S., charged with having operated as a broker while licensed as a sales associate in violation of Section 475.42 (1)(b), F.S. and, therefore, in violation of Section 475.25 (1)(e), F.S., charged with failure to account and deliver funds in violation of Section 475.25 (1)(d) 1., F.S., charged with sharing a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesperson, or salesperson under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in Section 475.01 (1)(a), F.S. and, therefore, in violation of Section 475.25 (1)(h), F.S., charged with having collected any money in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer and is guilty of commencing or maintaining any action for a commission or compensation against any person except his registered employer in violation of Section 475.42 (1)(d), F.S. and, therefore, in violation of Section 475.25 (1)(e), F.S., charged with aiding, assisting, procuring employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 455, 475 or the rules of the Petitioner in violation of Section 455.227 (1)(j), F.S. Respondent neither admits nor denies the aforementioned violations.

Action taken: Settlement Agreement accepted

Charlie Liem, Interim Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 15 and 16, 2009
General Meeting
(*as corrected)**

Chair Roger Enzor called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, Florida, on this 15th day of December, 2009.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli, Poul Hornsleth, Ralph McCoig, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Director and Executive Director; Juana Watkins, Deputy Director; James P. Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Enforcement; Patrick Cunningham, Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Denise Johnson, OMC II; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner Hornsleth moved; Commissioner McCoig seconded to approve the Minutes of the November 17 and 18, 2009, General Meeting, as amended. Motion carried unanimously.

Unlicensed Activity Report

Director O'Bryant presented the Unlicensed Activity Report and made an oral amendment to the report. Director O'Bryant addressed questions from the Commissioners.

Proposed Rule Development

Director O'Bryant reported that he agreed to table rule discussion relating to rules affected by the Department Forms Rules until January to allow the Joint Administrative Procedure Committee (JAPC) to complete its review of the Department Forms Rules which affect Division rules referencing forms. JAPC assured that their review will be complete no later than Christmas.

Biennial Rule Review – 61J2 Florida Real Estate Commission

The purpose of this workshop is to review the F.A.C., Chapter 61J2, for possible changes to ensure compliance with the newly adopted statutory changes. The Commission addressed the following rules:

Chapter 1

1.011 – 1.015 – No changes recommended.

Commissioner McCoig inquired about recognizing the service men and women and their spouses residing outside the State of Florida by allowing them to obtain a license through a streamlined process. The Commission inquired whether this would require a legislative change and whether the Florida Association of Realtors (FAR) would be able to include this proposal in their legislative package. Commissioner McCoig moved to propose a legislative change to adopt language that would allow members of the Armed Forces of the United States, now or hereafter on active duty, or their spouses, currently licensed in another state, to be exempted from pre-license education requirements of Florida with the exception of the Florida laws and rules giving and will have to sit for the Florida laws and rules section of the examination. Commissioner Hornsleth seconded the motion. The motion carried unanimously. Director O'Bryant stated the Division will work with FAR on the proposed language.

1.016 – Review of Fees – No change recommended.

Chapter 2

2.0261 – No change recommended

2.027 – Applications by Individuals – Recommended changing 12 months to 24 months relating to sections (1)(b)1, (b)2 and (b)3.

2.029 – 2.032 – No changes recommended.

Chapter 3

3.008 – 3.011 - No changes recommended.

3.012 – Recommended change to include reference to Section 475.17(6), F.S. relating to obtaining a 4-year degree.

3.013 – Recommended workshop for February FREC meeting to make substantive changes.

3.015 – Ms. Lori Rodgers from Bert Rodgers Schools requested the Commission consider deleting the requirement for social security numbers from grade reports. Director O'Bryant stated that the Division will discuss this with the other stake holders to see if there is any need for the social security number. Additionally Ms. Rodgers requested to place "quotes" around "The original course completion report is to be given to the student and a copy retained by the school." in (6)(f).

Ms. Rogers also inquired about the reference to "broker sales associate" on RE10 form, whether the broker associate license is now called a broker sales associate. Director O'Bryant stated he would look into it.

3.020 – No change recommended.

Chapter 4:

4.007 through 4.010 – No changes recommended.

Chapter 5

5.012 through 5.020 – No changes recommended.

Chapter 6

6.006 – No change recommended.

Chapter 9

9.007 – No change recommended.

Chapter 10

10.022 through 10.038 – No changes recommended.

Chapter 14

14.008 – Mr. Ray Glynn requested the Commission schedule a proposed rule development workshop to discuss amending the notice requirements relating to deposits. Director O'Bryant stated that he worked very closely with FAR and the Commission and this was put in place as a consumer safety issue. The Commission entered into discussion. The Commission approved proceeding with a rule development workshop.

14.009 through 14.014 – No changes recommended.

Chapter 17

17.009 through 17.013 – No changes recommended.

17.014 – Director O'Bryant requested to strike (2) in its entirety. The Commission approved scheduling a rule development workshop.

Chapter 20

20.009 through 20.052 – No changes recommended.

Chapter 23

23.001 through 23.002 – No changes recommended.

Chapter 24

24.001 – Currently under rule development.

24.002 through 24.006 – No changes recommended.

Chapter 26

26.001 through 26.003 – No changes recommended.

Commissioner Hornsleth moved to proceed with the recommendations for publication of a rule development workshop where noted above. Commissioner DeNapoli seconded the motion. The motion carried unanimously.

Rule Workshop Regarding Rule 61J2-24.001

FREC Counsel Tom Barnhart presented a revised draft of Rule 61J2-24.001, F.A.C. for the Commission's review. The Commission entered into discussion and received comments from the audience. Commissioner Hornsleth moved to accept the modifications as presented by its counsel with one correction to subsection (pp). Seconded by Commissioner Ruffier; the motion carried unanimously.

Review and Consideration of the Real Estate Continuing Education Courses

Director O'Bryant presented the following continuing education courses for the Commission's consideration:

1. Cost Segregation– New Course – Application No. 11823

Commissioner Ruffier moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner McCoig seconded the motion. The motion carried unanimously.

2. Helping Customers Create Sustainable Income – New Course – Application No. 11806

Commissioner Ruffier moved to deny the continuing education course listed above based on lack of substantive information and therefore it may not comply with Section 475.182, *F.S.* Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Escrow Disbursement Orders

Attorney Joseph Solla presented 17 Escrow Disbursement Orders and 1 Order for the Commission's consideration. Mr. Solla stated that "A" was settled. Upon recommendation of the Legal Section, the Commission issued 16 Escrow Disbursement Orders and 1 Order. Commissioner Hornsleth moved to approve the Legal Section recommendation. Commissioner McCoig seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab M – Manny A. Varas, SL 701092, Case No. 2004009801 – Respondent's Request for Reconsideration

Mr. Varas was present and represented by Kristina G. Maranges, Esquire. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to grant the Respondent's request. The Commission entered into discussion. Commissioner McCoig moved, seconded by Commissioner Ruffier; motion passed 4 to 1 to vacate the previous Final Order. Commissioner McCoig moved, seconded by Commissioner Ruffier; motion carried unanimously to find the Respondent guilty as charged. Commissioner McCoig moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

Penalty Imposed: 1 year suspension, \$1,000.00 fine, \$313.50 costs, one year probation, complete the initial broker's course. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), F.S.; guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days of having pled guilty or having been convicted of a felony in violation of Section 475.25(1)(p), F.S.

***Tab O – David Nicholas Grego, BK 3107004, Case No. 2007062431 – Stipulated Settlement**

Mr. Grego was present and represented by Robert Thielhelm, Esquire, and James Mitchell, Esquire. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Commissioner Ruffier to accept the Settlement Agreement. Motion passed 4 to 1.

Penalty imposed: \$2000.00 fine, \$363.00 costs, 24 months probation, attend 3 FREC general meetings. **Violation:** Charged with 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 violation of Section 475.25 (1)(b), F.S., charged with having operated as a broker while licensed as a sales associate in violation of Section 475.42 (1)(b), F.S. and, therefore, in violation of Section 475.25 (1)(e), F.S., charged with failure to account and deliver funds in violation of Section 475.25 (1)(d) 1., F.S., charged with sharing a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesperson, or salesperson under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in Section 475.01 (1)(a), F.S. and, therefore, in violation of Section 475.25 (1)(h), F.S., charged with having collected any money in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer and is guilty of commencing or maintaining any action for a commission or compensation against any person except his registered employer in violation of Section 475.42 (1)(d), F.S. and, therefore, in violation of Section 475.25 (1)(e), F.S., charged with aiding, assisting, procuring employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 455, 475 or the rules of the Petitioner in violation of Section 455.227 (1)(j), F.S. Respondent neither admits nor denies the aforementioned violations.

Action taken: Settlement Agreement accepted

Tab Q – John McMenemy, BK 3052589, Case No. 2008009638, 2008009622, 2008009667, 2008009651; H G Properties Tampa, Inc., CQ 1024324, Case No. 2008009656; H G Properties of Jacksonville, Inc., CQ 1015042, Case No. 2008009265; H G Properties of Amelia, Inc., CQ 1018631, Case No. 2008009640; McMenemy Realty, Inc., CQ 1012185, Case No. 2008009671 – Settlement Agreement

Mr. McMenemy was present and represented by N. Mark New, II, Esquire. Commissioner Guju and Chair Enzor were recused due to participation on the probable cause panel.

Mr. Cunningham represented the Department and presented the case to the Commission. Commissioner DeNapoli moved to accept the Settlement Agreement. Commissioner Ruffier seconded the motion. Motion passed 4 to 1.

Penalty imposed: Respondent McMenemy – \$500.00 fine, \$1,894.90 costs, six months probation, must attend two 2-day FREC general meetings; Respondent H G Properties Tampa, Inc. – \$359.70 costs; Respondent H G Properties of Jacksonville, Inc. - \$356.40 costs; H G Properties of Amelia, Inc. - \$356.50 costs; Respondent McMenemy Realty, Inc. - \$346.50 costs. **Violation:** All Respondents guilty of failing to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), F.A.C. and, therefore, in violation of Section 475.25(1)(e), F.S., guilty of failing to properly prepare the required written monthly escrow statement-reconciliations in violation of Rule 61J2-14.012(2) and (3), F.A.C. and is, therefore, in violation of Section 475.25(1)(e), F.S.

Action taken: Settlement Agreement accepted

Tab F – William Russell Pierce, SL 646618, Case No. 2008031359 – Petitioner’s Request for an Informal Hearing

Mr. Pierce was present and represented by Steven W. Johnson, Esquire. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty of Count I and III. Commissioner Guju moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

Penalty imposed: 60-day suspension, \$1,000.00 fine, \$178.20 costs, 12 months probation, must attend four 2-day FREC general meetings. **Violation:** Guilty of not having informed the FREC in writing within thirty (30) days of having pled guilty or having been convicted of a felony in violation of Section 475.25(1)(p), F.S., guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), F.S.

Tab G – Shana Denell Thomas, SL 3082683, Case No. 2008049362 – Petitioner’s Motion for an Informal Hearing

Ms. Thomas was present and not represented by counsel. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the Informal Hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner Ruffier; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$280.50 costs, extension until June 30, 2010 to complete sanctions imposed in Final Order No. BPR-2007-06392. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), *F.S.* and, therefore, in violation of Section 475.25(1)(e), *F.S.*

Tab A – Susan W. Barin, SL 633520, Case Nos. 2007038557 and 2007038536 – Petitioner’s Motion for an Informal Hearing

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

Mr. Cunningham 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 Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revocation, \$2,092.50 costs. **Violation:** guilty of failure to immediately place with the registered employer any money, fund, deposit, check or draft entrusted to her as agent of the registered employer in violation of Rule 61J2-14.009 of the F.A.C. and Section 475.25(1)(k), *F.S.* and, therefore, in violation of Section 475.25(1)(e), *F.S.*; 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 violation of Section 475.25(1)(b), *F.S.*

Tab B – Rene Elizabeth Foster, BK 564668, Case No. 2009041943 – Voluntary Surrender of Licensure for Permanent Revocation

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

Mr. Harwood represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Ruffier to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoked.

Tab C – David Marin, SL 3201974, Case No. 2009017467 – Petitioner’s Motion for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the Informal Hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revocation, \$735.90 costs. **Violation:** Guilty of having operated as a broker without being the holder of a valid and current license as a broker in violation of Section 475.42(1)(a), F.S. and, therefore, in violation of Section 475.25(1)(e), F.S.; guilty of having operated as a broker while licensed as a sales associate in violation of Section 475.42(1)(b), F.S. and, therefore, in violation of Section 475.25(1)(e), F.S.; 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 violation of Section 475.25(1)(b), F.S.; guilty of sharing a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesperson, or salesperson under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in Section 475.01(1)(a), F.S. and, therefore, in violation of Section 475.25(1)(h), F.S.

Tab D – Clifford S. Mees, SL 625626, Case No. 2008040142 – Respondent’s Informal

Mr. Mees was not present and not represented by counsel. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the Informal Hearing and entered into discussion. Commissioner Guju moved seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Hornsleth; motion carried unanimously to impose the following sanctions:

Penalty imposed: Reprimand. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), F.S. and, therefore, in violation of Section 475.25(1)(e), F.S.

Tab E – Derrick Orosa, SL 3088374, Case No. 2008015196 – Voluntary Surrender of Licensure for Permanent Revocation

Mr. Orosa was not present nor presented by counsel. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner Hornsleth to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoked.

Tab H – Wolfgang Tweraser, SL 3029708, Case No. 2006059474 – Respondent’s Request for an Extension of Time to Comply with Final Order

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner McCoig moved, seconded by Commissioner Ruffier; motion carried unanimously to grant a 6-month extension from the filing date of the Order to complete FREC meeting attendance.

Action Taken: Extension granted.

Tab I – Nerida Camacho, ZH 1002296, Case No. 2008039113 – Respondent’s Request for an Extension of Time to Comply with Final Order

Ms. Camacho was not present and not represented by counsel. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion carried unanimously to grant a 6-month extension from the filing date of the Order to pay fines and costs.

Action Taken: Extension granted.

Tab J – James P. Christie, ZH 1001367, Case No. 2008038597 – Respondent’s Request for an Extension of Time to Comply with Final Order

Mr. Christie was not present and not represented by counsel. Commissioner Ruffier was 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 Guju, seconded by Commissioner Hornsleth; motion carried unanimously to grant an extension until July 31, 2010, to attend the first day of two FREC general meetings and to pay fines and costs.

Action Taken: Extension granted.

Tab K – Gustavo Christlieb, SL 633054, Case No. 2008015931 – Respondent’s Request for an Extension of Time to Comply with Final Order

Mr. Christlieb was not present and not represented by counsel. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner McCoig; motion carried unanimously to grant a 6-month extension from the filing date of the Order to complete sanctions imposed in Final Order No. BPR-2008-11003.

Action Taken: Extension granted.

Tab L – Yamila Kessel, SL 3132210, Case No. 2008010708 – Respondent’s Request for an Extension of Time to Comply with Final Order

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

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Ruffier, motion carried unanimously to grant an extension until April 30, 2010 to pay costs.

Action Taken: Extension granted.

Tab N – Andrew Verdi, SL 572569, Case Nos. 2006048346 and 2008006810– Respondent’s Request for Reconsideration

Mr. Verdi was not present and was not represented by counsel. No current members were recused from participating.

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Ruffier; motion carried unanimously to modify the Final Order and impose the following sanctions:

Penalty Imposed: \$750.00 fine, one 2-day FREC meeting, probation until April 30, 2010 to complete. **Violation:** Guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days of having pled guilty of having been convicted of a felony in violation of Section 475.25(1)(p), F.S. Guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), F.S.

Action taken: Reconsideration request granted.

Tab P – Frank W. Helmerich, II, BK 130691 and 3227807, Case No. 2008031995; Town & Country Realty of SW FL, CQ 1035499, Case No. 2008036067 – Settlement Agreement

Neither Mr. Helmerich nor his counsel Mrs. Costello was present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cunningham represented the Department and presented the case to the Commission. Commissioner DeNapoli moved to accept the Settlement Agreement. Commissioner Ruffier seconded the motion. Motion carried unanimously.

Penalty imposed: Respondent Helmerich – \$1,000 fine, \$107.25 costs, attend one 2-day FREC meeting; Respondent Town & Country Realty of SW FL – reprimand, \$359.70 costs. **Violation:** Respondent Helmerich: Guilty of failure to ensure a corporation was properly registered with the

Petitioner in violation of Rule 61J2-5.019, F.A.C. and, therefore, in violation of Section 475.25 (1)(e), F.S. Respondent Town & Country Realty of SW FL: Guilty of having operated as a broker without being the holder of a valid and current license as a broker in violation of Section 475.42 (1)(a), F.S. and, therefore, in violation of Section 475.42 (1)(e), F.S.

Action taken: Settlement Agreement accepted.

Consent Agenda

The Commission considered 56 applicants from the Consent Agenda; Commissioner DeNapoli moved; seconded by Commissioner Guju to approve 29 applicants and require 16 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Abbott, John Scott	Abrams, Troy J.	Annese, Thomas E.
Arraes, Wictor F.	Armstrong, Kimberly A.	Bennett, John D.
Billings, Michael M.	Bonds, Burt G.	Champion, Kelton W.
Cruz, Elizabeth C.	De La Cruz Munoz, Federico	Erickson, Troy D.
Frederick, Forrest T.	Gonzalez, Orlando	Harman, Amanda K.
Hersom, Victoria L.	Holmes, Scott	Igyarto, James D.
Jackard, Jeffery R.	Jakubiuk, Stan	Johnson, Delbon A.
Lehmann, Adam A.	Lewis, Jay C. II	Mass, Asheley
Michailidis, John	Minogue, William F.	Molina, Sal R.
Radebaugh, Marnie L.	Ranney, Andrew J.	Rosenow, Meredith
Seifert, Michelle R.	Smith, Marshall J.	Stevenson, Kendrick A.
Velazquez, Kevin	Wetherington, John	

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

Bello, Elton E.	Brown, Donald Jr.	Carswell, Derek
Dixon, Mark A.	Emanoil, Guy V.	Galavis, Andrew B.
Mattesi, Michale	McCammon, Stanley	McAliley, Wade F. Sr.
Mittler, William G.	Orloski, Todd A.	Patel, Rajnikant R.
Puzacke, Jason L.	Sierra, Glevy D.	Silva, Paul
Stacy, Brian M.	Stratton, Debra	Vivencio, Melissa L.
Webster, Eric T.		

The Commission received comments from the audience.

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m.

December 16, 2009

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of December, 2009.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli, Poul Hornsleth, Ralph McCoig, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O'Bryant Jr., Director; Juana Watkins, Deputy Director, James P. Harwood, Chief Attorney, Bradford Koshland, Bureau Chief of Enforcement, Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Denise Johnson, OMC II, presented 41 Summary of Applicants requesting to sit for the real estate examination.

Tab AA – Pelfrey, Brian K.; present – Application withdrawn and waived 90-day requirement.

Tab AD – Roussos, Demetrius J.; present – Represented by Attorney Daniel Villazon; Commissioner McCoig moved to approve, seconded by Commissioner Guju; motion carried unanimously.

Tab A – Arjona, Jose R.; present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to deny; motion carried unanimously.

Tab B – Bachus, Leigh A.; present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to deny; motion carried unanimously.

Tab C – Baxley, Wendle; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab D – Blaha, Jana; present; Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab E – Brookins, Denetrya; present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab F – Burdett, Todd C.; not present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to approve; motion carried unanimously.

Tab G – Butler, Michelle R.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to continue to January 2010; Applicant waived 90-day requirement.

Tab H – Comparetta, Raymond A.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab I – Daniels, Sean P.; present – Application withdrawn and waived 90-day requirement.

Tab J – Davis, Brian P.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab K – Eidelkind, Joyce E.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab L – Ferron, Michael C.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab M – Friedel, Carrie L.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab N – Funes, Juan C.; present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab O – Gardo, Richard B.; present – Commissioner Hornsleth moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab P – Giese, Jason; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve; motion passed 4 to 2.

Tab Q – Gonzalez, Robert; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab R – Good, Daniel E.; present – Commissioner Ruffier moved; seconded by Commissioner Hornsleth to approve; vote 3 to 3; no action taken.

Tab S – Grolenmund, Erick; present – Application withdrawn and waived 90-day requirement.

Tab T – Harris, Keswick J.; present – Application withdrawn and waived 90-day requirement.

Tab U – Kennedy, Melanie; present – Commissioner McCoig moved; seconded by Commissioner Hornsleth to approve; motion passed 4 to 2.

Tab V – Massaro, Anthony; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab W – Mathisen, Dawn M.; not present – Commissioner Ruffier moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab X – McCain, Robyn; present – Commissioner Guju moved; seconded by Commissioner Hornsleth to deny; motion carried unanimously.

Tab Y – Meachum, Samantha; not present – Commissioner Ruffier moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab Z – Monroe, Grant D.; not present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to deny; motion carried unanimously.

Tab AB – Rogers, Gregory A.; present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to approve; motion carried unanimously.

Tab AC – Roseman, Lucas D.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; motion passed 5 to 1.

Tab AE – Sabine, Stephen R.; not present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AF – Shirley, Jesse D.; present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab AG – Silva, Sandra O.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab AH – Starling, J. Wesley; not present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to deny; motion carried unanimously.

Tab AI – Taylor, Ralph E.; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AJ – Tinnin, Sharon E.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AK – Van Engelen, John F.; present – Application withdrawn and waived 90-day requirement.

Tab AL – Ware, Raymond; not present – Commissioner McCoig moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab AM – Weingartner, Raymond F.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Hornsleth to continue to February 2010; Applicant waived 90-day requirement.

Tab AN – Wellon-Damas, Oletha G.; present – Commissioner Hornsleth moved; seconded by Commissioner Ruffier to approve; motion passed 5 to 1.

Tab AO – Wilson, Keith; present – Commissioner Ruffier moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Director

Director O'Bryant reported the department announced Charlie Liem as the new Interim Secretary.

Director O'Bryant reported that he and Secretary Liem will be attending the FAR Legislative & Regulatory Business Issues Subcommittee meeting on January 22, 2010, in Orlando.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 19 and 20, 2009, in Orlando, Florida.

Roger Enzor, Chair
Florida Real Estate Commission

Thomas W. O'Bryant, Jr.,
Executive Director
Florida Real Estate Commission