

Charlie Liem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 14 and 15, 2010
General Meeting**

Chair Richard DeNapoli called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 14th day of December, 2010.

The following Commission members were in attendance: Chair Richard DeNapoli, Vice-Chair Michael Guju, Claude "Chip" Boring, Darla Furst, Roger Enzor, Ralph McCoig 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; James P. Harwood, Chief Attorney; Patrick Cunningham, Robert Minarcin, Jennifer Blakeman, Senior Attorneys; Warren Sanger, Investigation Specialist II; JoEllen Peacock, Education Coordinator; Janice Taylor, Government Analyst I; Denise Johnson, Operation Management Consultant 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 Enzor moved; Vice-Chair Guju seconded to approve the Minutes of the November 16 and 17, 2010, General Meeting, as written. Motion carried unanimously.

Unlicensed Activity Report

Director O'Bryant presented the Unlicensed Activity Report and addressed questions from the Commission. Commissioner Enzor reported that the Standing Committee on Unlicensed Practice of Law will have a public hearing regarding unlicensed practice of law on February 11, 2011, at the Sheraton Orlando Downtown, at 10:30 a.m. to take testimony on whether a non-lawyer who assists a property owner in a short sale transaction is engaged in the unlicensed practice of law and whether the answer would be different if the non-lawyer was a real estate licensee regulated under Chapter 475, Florida Statutes, a title insurance agency/agent regulated under Chapter 626, Florida Statutes, or a mortgage broker or other individual regulated under Chapter 494, Florida Statutes. Commissioner Furst stated that her concern, as a managing broker, is that licensed sales associates handling short-sales are advising the client, upon receipt of bank's approval from the lender, to accept the terms and conditions of the lender's approval, and that there may be terms and conditions written in the approval that may not be appropriately explained to the client. Commissioner Furst added that she believes it will be interesting to see what comes out of the hearing. Commissioner Furst further stated that several brokerages have either adopted an alliance with a law firm or set up

an in house short sale division so that any advisement comes from the directive of an attorney in those alliances. Director O'Bryant stated that the division has been working with the Florida Bar on several issues and short sales are one of those issues and that there is a very fine line between the unlicensed practice of law and accounting and we hear quite often that real estate licensees offering advise may be viewed as practicing outside the expertise their profession as a real estate licensee which is a violation of Chapter 455, Florida Statutes. Commissioner Enzor suggested it might be a good idea to have someone from the Commission to attend the hearing and he would pass that along to Florida Realtor. Vice-Chair Guju suggested that someone from the division attend as well.

Financial Reports

Director O'Bryant presented the Financial Reports for the Quarter ending September 30, 2010, and addressed questions from the Commission and members of the audience.

Monthly Exam Performance Summary Report

Director O'Bryant presented the Monthly Exam Performance Summary Report. Director O'Bryant addressed questions and comments from the Commission.

Escrow Disbursement Orders

Chief Attorney Harwood presented 24 Escrow Disbursement Orders and 3 Orders to interplead from Agenda A and 1 Escrow Disbursement Order from Agenda B for the Commission's consideration. Commissioner Ruffier moved to accept Agenda A, Tab A – AB. Vice-Chair Guju seconded the motion. The motion carried unanimously. Commissioner Ruffier moved to accept Agenda B, Tab A. Vice-Chair Guju seconded the motion. The motion carried unanimously. Upon recommendation of the Legal Section, the Commission issued 25 Escrow Disbursement Orders and 3 Orders.

Legal Final Order Docket

Tab U – Martin W. Burnstein, BK 3054831, Case No. 2008065719 – Stipulated Settlement

Respondent was not present and represented by Kelvin Soto, Esquire. Chair DeNapoli was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved; seconded by Commissioner Enzor to accept the Stipulated Settlement. Motion carried unanimously.

Penalty imposed: \$1,750.00 fine, \$330.00 costs, attend two 2-day FREC general meetings within 12 months from the effective date of the Final Order. **Violation:** Guilty of failure to direct, control or manage a broker associate employed by him in violation of Section 475.25(1)(u), Florida Statutes.

Action taken: Stipulated Settlement accepted.

Tab A – Janet Hurst, BK 708495; Case No. 2008023780 – Recommended Order

Respondent was not present and represented by Lyndia Padgett Spears, Esquire. Vice-Chair 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. The Commission considered the Recommended Order and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Ruffier; motion carried unanimously to adopt the Findings of Fact and Conclusions of Law, accept the Recommended Order of the Administrative Law Judge.

Action Taken: Case dismissed.

Agenda B – Tab B – Damien Herman Gilliams, BK 3010688, Case No. 2009054070 – Respondent’s Request for an Informal Hearing

Respondent was present and represented by Daniel Villazon, Esquire, present. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. Mr. Villazon presented a Motion to Allow Witness to Appear Telephonically. The Commission entered into discussion. Vice-Chair Guju moved, seconded by Commissioner Furst; motion carried unanimously to deny the request. The Commission granted the informal hearing and entered into discussion. Vice-Chair Guju moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Guju moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$1,000 fine, \$458.00 costs, 12 months probation, attend two 2-day FREC meetings. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes.

Agenda B – Tab A – Edward E. Cambas, BK 454126, Case No. 2004025163 – Respondent’s Motion to Appear Telephonically and Motion for Reconsideration

Respondent was not present and not represented by counsel. No current members were 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 regarding Respondent’s Motion to Appear Telephonically. Commissioner Furst moved, seconded by Commissioner Enzor. The Commission entered into discussion regarding the Respondent’s Motion for Reconsideration. Vice-Chair Guju moved, seconded by Commissioner Furst to deny Respondent’s request for reconsideration and not allow the docketing of any further appeals. The motion carried unanimously.

Action taken: Reconsideration request denied.

Tab B – Terri Johnson, SL 706026, Case No. 2007040969 – Recommended Order

Respondent was not present nor represented by counsel. Vice-Chair Guju was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to adopt the Findings of Fact and Conclusions of Law, accept the Recommended Order and imposes the following sanctions:

Penalty imposed: Revoke. **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, Florida Administrative Code and Section 475.25(1)(k), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), the Florida Statutes; guilty of 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 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 in violation of Section 475.42(1)(d), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab C – Letriona Shuanta Carter, SL 3130318, Case Nos. 2009019739 and 2009032866; Petitioner's Request for an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair 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 granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig to find the Respondent guilty as charged; motion carried unanimously. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$587.40 costs. **Violation:** Guilty of having operated as a broker while licensed as a sales associate in violation of Section 475.42(1)(b), Florida Statutes and Section 475.25(1)(e), 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 her registered employer in violation of Section 475.42(1)(d), Florida Statutes and Section 475.24(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.

Tab E – Jason John Favier, SL 3030955, Case No. 2010007072; Petitioner’s Request for an Informal Hearing

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

Mr. Minarcin 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 Commissioner Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner McCoig moved, seconded by Commissioner Furst; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$1,000.00 fine, \$118.80 costs. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes; guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days after pleading guilty or nolo contendere to, or being convicted or found guilty of any felony in violation of Section 475.25(1)(p), Florida Statutes.

Tab F – Terence J. Lacey Freeman, BK 696478, Case No. 2008069254 and World Property Centre, Inc., CQ 1017174, Case No. 2008069255 – Petitioner’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair Guju 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. Vice-Chair Guju moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Enzor moved, seconded by Vice-Chair Guju; motion carried 5 to 1 to impose the following sanctions:

Penalty imposed: Respondents revoked and each pay \$99.00 costs. **Violation:** Guilty of 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 obstructed or hindered in any manner the enforcement of Chapter 475, Florida Statutes or the performance of any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes in violation of Section 475.42(1)(i), Florida Statutes and, therefore, is in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to maintain the required office in violation of Rule 61J2-10.022, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab G – David William Fry, BK 3220451, Case No. 2009051077 – Petitioner’s Request for an Informal Hearing

Respondent 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 granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Enzor; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$693.00 costs. **Violation:** Guilty failure to account and deliver to Buyer, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check or draft in violation of Section 475.25(1)(d)1, Florida Statutes.

Tabs I, J, K – Louis Handler, SL 691841, Case Nos. 2010002320, 2010002764, 2010009933 – Voluntary Surrender of License for Permanent Revocation

Respondent 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. Commissioner Enzor moved, seconded by Vice-Chair Guju to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab L – Anthony F. Lee, SL 3179698, Case No. 2008033180 – Petitioner’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner McCoig 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 Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$250.00, \$742.50 costs, must complete the 28-hour reactivation course, 1 year probation, attend one 2-day FREC meeting. **Violation:** Guilty of having collected a commission in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer; and no real estate sales associate, whether the holder of a valid and current license or not, shall commence or maintain any action for a commission or compensation against any person except a person registered as her or his employer at the time the sales associate performed the act or rendered the service for which the commission or compensation is due in violation of Section 475.42(1)(d), Florida Statutes and Section 475.24(1)(e), Florida Statutes (2007).

**Tab M, N, Q, R – Andrew B. Melville, BK 3035355 and 3137693, Case Nos. 2009023809 and 2009042504; and Realty Spread, Inc., CQ 1022981, Case Nos. 2009042510 and 2009023817–
Petitioner’s Request for an Informal Hearing**

Respondents were not present and not represented by counsel. Chair DeNapoli 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 Furst moved, seconded by Commissioner Ruffier; motion carried unanimously to find the Respondent guilty of all allegations contained in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Boring to impose the following sanctions:

Penalty imposed: Revoke Respondents Melville and Realty Spread, Inc., Respondent Melville – \$1666.50 costs, Respondent Realty Spread, Inc. - \$132.00 costs. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1, Florida Statutes; guilty of failure to maintain trust funds in the real estate brokerage escrow bank account or some other proper depository until disbursement thereof was properly authorized in violation of Section 475.25(1)(k), Florida Statutes; guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, Florida Statutes or the performance of any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes in violation of Section 475.42(1)(i), Florida Statutes and, therefore, is in violation of Section 475.25(1)(e), Florida Statutes; guilty of 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 failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to properly prepare the required written monthly escrow statement-reconciliations in violation of Rule 61J2-14.012(2) and (3), Florida Administrative Code; guilty of depositing or intermingling personal funds with funds being held in escrow or trust or on condition in violation of Rule 61J2-14.008(2), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab P – Marcelo Psomas, BK 685142, Case No. 2006038449 – Respondent’s Request for an Extension of Time to Comply with Final Order

Respondent 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 entered into discussion. Vice-Chair Guju moved, seconded by Commissioner Ruffier; motion carried 4 to 3 to grant an extension until January 20, 2012, to complete the Final Order requirements.

Action Taken: Extension granted until January 20, 2012.

Tab S – Gabriel Souza, BK 3104515, Case No. 2008053953; Petitioner’s Request for an Informal Hearing

Respondent 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 granted the informal hearing and entered into discussion. Commissioner Enzor moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty of Count II of the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$702.90 costs. **Violation:** Guilty of having failed to include a definite expiration date; failed to include proper signature of Figueroa; failed to give the principal a legible, signed, true and correct copy of a listing agreement within 24 hours of obtaining the written listing agreement in violation of Section 475.25(1)(r), Florida Statutes.

Tab V – Douglas R. Hernberg, SL 3099617, Case No. 2008046583 – Waiver

Respondent was not present and not represented by counsel. Commissioner 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 entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair Guju; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Ruffier moved, seconded by Vice-Chair Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$231.00 costs. **Violation:** Guilty having had his mortgage broker license revoked by the Office of Financial Regulation for committing license law violations to Chapter 494, Florida Statutes, in violation of Section 475.25(1)(s), Florida Statutes.

Tab W – Brian Wade Longstreth, BK 592725, Case No. 2008008062 – Waiver

Respondent was not present and not represented by counsel. Commissioner Ruffier and Commissioner Furst 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 McCoig moved, seconded by Vice-Chair Guju; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner McCoig moved, seconded by Commissioner Enzor; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$200 fine, \$386.10 costs within 90 days, 90 days probation, must attend one 2-day FREC meeting. **Violation:** Guilty having had his mortgage broker license revoked by the Office of Financial Regulation for committing license law violations to Chapter 494, Florida Statutes, in violation of Section 475.25(1)(s), Florida Statutes.

The following cases were continued or withdrawn

Tab D – Charles Thomas Connery

Tab O – Sherry A. Mora

Petition for Declaratory Statement

Petition for Declaratory Statement of Sections 475.01, 120.545 and 120.74, Florida Statutes and Rule 61J2-10.030, Florida Administrative Code received from Roslyn Chancey. Mr. Barnhart presented the matter to the Commission and provided a brief history of the issues. Ms. Chancey appeared in support of her amended petition and presented mitigation. The Commission entered into discussion. Vice-Chair Guju moved that the Florida Real Estate Commission finds that the facts as presented in the Petitioner's request for declaration clearly fall within Chapter 475, Florida Statutes, and all the paragraphs and subparagraphs under it including all the implementing regulations and denies the Petition for Declaratory Statement. Commissioner McCoig seconded the motion. The motion carried unanimously.

Rules Discussion

Director O'Bryant reported that the Legislature during its special session on November 16, 2010, voted to override the Governor Crist's veto of House Bill 1565 effective November 17, 2010, which substantially affects the rulemaking procedures that are outlined in Chapter 120, Florida Statutes, with respect to agency preparation of a statement of estimated regulatory costs and legislative ratification of certain rules. Director O'Bryant provided a summary of the analysis of this bill and explained that since the division has such a large licensee base any change to real estate rules that may have the smallest economic impact would most likely meet the monetary lower limits outlined in the statute and that particular rule would not take effect until the Legislature has taken action on it during its regular session.

61J2-2.027 – Applications by Individuals

FREC Counsel Tom Barnhart presented two letters he received from the Joint Administrative Procedures (JAPC) dated November 12 and 24, 2010. Director O'Bryant stated that in response to the comments addressed in the letter dated November 12, 2010, relating to whether the Commission has the statutory authority to incorporate by reference the department rules or prescribed application forms, the division will table this rule and request guidance from the Office of General Counsel before moving forward.

61J2-24.004 – Mediation

FREC Counsel Tom Barnhart presented the letter he received from the Joint Administrative Procedures Committee dated November 24, 2010, and requested the Commission determine whether this rule would require a Statement of Estimated Regulatory Costs. Commissioner McCoig moved that Rule 61J2-24.004 as amended does not have any adverse impact on small business. Commissioner Furst seconded the motion. The motion carried unanimously.

Commissioner McCoig moved that the proposed amendment is not likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the

aggregate in Florida within 1 year after implementation of the rule. Commissioner Furst seconded the motion. The motion carried unanimously.

61J2-24.006 – Probation

FREC Counsel Tom Barnhart presented the letter he received from the Joint Administrative Procedures Committee dated November 24, 2010, and requested the Commission determine whether this rule would require a Statement of Estimated Regulatory Costs. Commissioner Furst moved that Rule 61J2-24.006 as amended does not have any adverse impact on small business. Commissioner Boring seconded the motion. The motion carried unanimously.

Commissioner Furst moved that the proposed amendment is not likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within 1 year after implementation of the rule. Commissioner Boring seconded the motion. The motion carried unanimously.

61J2-3.020 – Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

FREC Counsel Tom Barnhart presented the letter from the Joint Administrative Procedures Committee dated November 22, 2010, and requested the Commission determine whether this rule would require a Statement of Estimated Regulatory Costs. Commissioner Furst moved that Rule 61J2-3.020 as amended does not have any adverse impact on small business. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Commissioner Furst moved that the proposed amendment is not likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000 in the aggregate in Florida within 1 year after implementation of the rule. Commissioner McCoig seconded the motion. The motion carried unanimously.

Review and Consideration of the Real Estate Continuing Education Course

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

1. Leadership Excitement!!! – New Course – Application No. 13098

Mr. Bieber appeared in support of the new course. Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Vice-Chair Guju seconded the motion. The motion carried 6 to 1.

Request Commission Withdraw Ratification of Reinstatement of Suspended License of Edward E. Cambas – Thomas O'Bryant, Executive Director

Director O'Bryant requested the Commission withdraw the ratification of reinstatement of the suspended real estate license of Edward E. Cambas which was placed before the Commission inadvertently and who had not met all requirements for reinstatement. Commissioner Ruffier moved to vacate the reinstatement of Mr. Cambas' real estate license, seconded by Commission Guju. The motion carried unanimously.

Consent Agenda A

The Commission considered 112 applicants from the Consent Agenda A; Commissioner McCoig moved; seconded by Commissioner Boring to approve 89 applicants and require 23 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Baez, John O	Gristwood, Louis	Nooney, Timothy Eyare Sr.
Bahamonde, Steven C.	Gross, Michael Stanley	Nova, Denise
Baird, Daniel Thomas	Gulley, Benjamin Michael	Ortiz, Mark Daniel
Bao, Thanh	Hagerman, Jeffrey J	Oss, Joel Arden
Barry, Greg Michael	Hananian, Regina Diana	Oxendine, Brenda Sue
Baumgartel, Robert D.	Hansen, Parker J	Peters, Denis
Baxter Matthew L.	Harrelson, Kenneth S	Rahming, Gary Alcott
Baxter, Shawn Robert	Hearns, Steffen, Darnell	Raulerson, Gerald Roger
Bell, Walter K.	Henin, Elizabeth G.	Reed, Troy Vincent
Bingham, William Strickland	Hernandez, Christopher	Rivera, Jose Gerardo
Blake, Othniel E.	Hernandez, Rufino Arturo	Robinson, Mose
Bradbery, Owayne Anthony	Hessing, Paul	Rucker, James Perez
Brinks, Chad	Hill, Lucas	Ruja, Camelia Cristina
Buchanan, Jackie Lynn	Hinson, Carrie	Santana, Jasmany Antonio
Capote, Carlos M.	Horne, Jennifer Ann	Santiago, Joshua A.
Carcache, Eduardo	Hunter, Robert Smith	Savage, Larry
Carney, Timothy J.	Iglesias, Andrie Alfredo	Saxman, Paul
Cedeno, Andres Aponte	Jean, Colsonn	Seeley, Scott, William
Chamberlain, Daniel	Jerabek, Paul R Jr.	Stinson, Juanita Ann
Clayton, Todd	Jinadu, Adeshola M.	Suarez, Christian Lloyd
Collins, Gregory Reid	Kemp, Clinton Christopher	Taylor Webb, Stella Marie
Diez, Viviana Patricia	Lapointe, Ginette Florence	Tillman, Alexandar
Fernandez, Yvonne Lima	Lewis, Darby Victoria	Vale, William J.
Fleming, Neil Anthony	Locke, Retley G.	Van, Cam
Folkes, Roger	Lozada, Mary	Washington, Roger
Font, Eresto Javier	Luczaj, Joseph Steven	Wightman, Charles
Galavis, Andrew B.	Marshall, Lorraine	Williams, Reynaldo Jr.
Gomez, Jorge I.	Meloni, Erin C.	Willis, Robert Clinton
Gonzalez, Vicente	Mirise, Shane	Young, Bryan Todd
Griffis, Paul Stephanie	Nagel, Thomas	

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

Albano, Ray William	Lytle, Ralph M. III	Roldan, Oscar Dionicio
Corace, Dustyn Reed	McGuinness, Kathleen	Schaffer, Steven Michael
Dunn, Tara Chere	Morales, Elliott Carl	Torres, Ceasar
Dykes, Eugene Thompson Jr.	Ninalowo, Vickers	Tripichio, Romina
Edlund, Lillian	Paddock, Devin	Urbina, Juana Manuel
Esquivel, Anthony	Paliath, Jamie	Williams, Leon L.
Hayes, Case	Popeck, Dolores	Williams, Rolinda A.

Kroll, Anthony

Porter, Anthony Enrico

Consent Agenda B

The Commission considered 3 applicants from the Consent Agenda B; Commissioner McCoig moved; seconded by Commissioner Boring to approve 2 applicants and require 1 applicant to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Garza, Lisa Patricia
Youngman, Gary

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

Boucher, Nicole M.

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:30 p.m.

December 15, 2010

Chair Richard DeNapoli reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 15th day of December, 2010.

Chair Richard DeNapoli, Vice-Chair Michael Guju; Claude "Chip" Boring, Darla Furst, Roger Enzor, Ralph McCoig 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; James Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Investigation; Patrick Cunningham, Senior Attorney; Denise Johnson, Operation Management Consultant II; Peter Patterson, Government Analyst I; Janice Taylor, Government Analyst I; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Ms. Denise Johnson, OMC II, presented 35 Summary of Applicants requesting to sit for the real estate examination.

Tab N – Gomez, Angelo L. Jr., present – represented by Attorney Daniel Villazon, present Commissioner McCoig moved; seconded by to Vice-Chair Guju approve the application for broker; motion carried unanimously.

Tab R – Ledet, Brady Russell, present – represented by Attorney Nancy Campiglia, present – Commissioner Enzor moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab AG – Spiers, Michael E., present – represented by Attorney Nancy Campiglia, present – Applicant withdrew the application and waived the 90-day requirement.

Tab A – Andreasen, Omar Sahid, not present – Vice-Chair Guju moved; seconded by Commissioner Enzor to deny the application for broker; motion carried unanimously.

Tab B – Aubut, Michael Philip., present – Vice-Chair Guju moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab C – Baker, Pamela Denise, present – Commissioner Ruffier moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried 5 to 2.

Tab D – Cairns, Michelle J., not present – Applicant requested a continuance to March and waived the 90-day requirement.

Tab E – Carrozzella, John Christy II, present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab F – Carter, Daphne, present – Vice-Chair Guju moved; seconded by Commissioner Enzor to adopt the findings of fact and conclusions of law of the prior Intent to Deny and uphold the denial of application for sales associate; motion carried unanimously.

Tab G – Castanos, Carl James Jr., present – Commissioner Ruffier moved; seconded by Commissioner Enzor to approve the application for sales associate; motion carried unanimously.

Tab H – Duran, Aglahed Lisandra; present – Vice-Chair Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; motion carried 6 to 1.

Tab J – Fahnestock, James Matthew, present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab K – Fedi Blomquist, Valerie Kim; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab L – Gabris, Joseph Anthony, not present – Commissioner Furst moved; seconded by Commissioner to deny the application for sales associate; motion carried unanimously.

Tab I – Escobar, Guillermo, present – Application withdrawn and waived 90-day requirement.

Tab M – Giovanelli, Luca, not present – Ms. Johnson stated that this application was handled previously and required no action.

Tab O – Jones, Tina Marie, not present – Commissioner Furst moved; seconded by to Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab P – Kolar, Thomas Michael, not present – Commissioner Enzor moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried 5 to 2.

Tab Q – Law, William Ford Jr., present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for broker; motion carried unanimously.

Tab S – Lowy, Stephan Philip – Application withdrawn.

Tab T – Maschuck, Dennis; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab U – McCammon, Stanley Paul; present – Vice-Chair Guju moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried 6 to 1.

Tab V – McNally, Patrick Joseph; present – Commissioner Enzor moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab W – Mokropoulo, Edouard; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab X – Moore, Stephanie; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab Y – Moss, Avis Lashaun; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab Z – Palmer, Grant Willis; present – Application withdrawn and waived 90-day requirement.

Tab AA – Pardi, Erick; present – Application withdrawn and waived 90-day requirement.

Tab AB – Pazzaglia, Matthew David; not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AC – Rebollo, Sergio Jr.; present – Application withdrawn and waived 90-day requirement.

Tab AD – Richardson, Gary Okara; present – Vice-Chair Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 5 to 2.

Tab AE – Saenz, Amanda Memory; present – Commissioner Furst moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab AG – Taplin, Jason R., not present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab AH – Tumminia, Anthony R., present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AI – Williams, Sandra Lee, present – Commissioner Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Commission's Comments

The Commissioners wished everyone a Merry Christmas and Happy Holidays.


Vice-Chair Guju announced that Chair DeNapoli was just elected Chairman of his political party in Broward County and offered his congratulations.

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 25 and 26, 2011, in Orlando, Florida.



Richard DeNapoli, Chair
Florida Real Estate Commission



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