

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 13 and 14, 2011
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 13th day of December, 2011.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Claude "Chip" Boring, Richard DeNapoli, Roger Enzor, Michael Guju and Poul Hornsleth. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Christina Arzillo, Jacqueline Davison, Megan Demartini, Andrew Fier, Leigh Matchett and Joseph Solla, Assistant General Counsel; JoEllen Peacock, Education Coordinator; Jocelyn Pomales, Operations Management Consultant II; Johanne Knudson, Regulatory Specialist III; Janice Taylor, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Director Watkins requested that the approval of the Minutes be tabled until tomorrow.

Unlicensed Activity Report

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

Report Regarding Recovery Fund Trust Account

Director Watkins reported that the Recovery Fund Claim operating account reflects the new balance upon it being replenished. The Director addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

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

Report Regarding Legal Case Activity

Chief Attorney Cunningham presented the Legal Case Activity Report to the Commission. Chief Attorney Cunningham addressed questions and comments from the Commission.

Chair Furst requested a report reflecting statistics regarding Final Orders not satisfied, wherein the licensee still holds a current, active license and continues to practice. Chair Furst requested to put this topic on an agenda in the near future. Director Watkins stated that the department has had several meetings regarding outstanding financial obligations relating to licensees for any profession and the inability to renew any professional license the licensee may hold in accordance with Section 455.227(3)(c), Florida Statutes. Director Watkins reported that the department plans to set this in place by the September 2012 renewal cycle.

Report Regarding FREC Investigations Trends

Director Watkins stated that the division is down to 18 aged cases over 365 days under investigations. Director Watkins stated that in order to keep this trend moving forward the division is pushing the date back to 270 days under investigations and reported that the division has 54 cases which fall into this category.

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 7 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Mr. Solla stated that Tab E has been withdrawn. Commissioner Hornsleth moved to accept the 6 Escrow Disbursement Orders and 3 Orders, as presented. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Recovery Fund Claim Final Orders and Order

Tab A – Greg Buckingham v. Charity Giordano, DBPR Case No. 201100160

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner DeNapoli moved to approve the order granting the claim in the amount of \$4,500.00. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab B – Greg Buckingham v. Charity Giordano, DBPR Case No. 2011055285

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner DeNapoli moved to approve the order granting the claim in the amount of \$4,999.00. Commissioner Guju seconded the motion. The motion passed without dissent.

Tab C – Alan and Marie Katz v. Robin M. Speronis, DBPR Case No. 2011039465

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the

facts and circumstances. Commissioner DeNapoli moved to approve the order granting the claim in the amount of \$3,500.00. Vice-Chair Boring seconded the motion. The motion passed without dissent.

Tab D – Nowell Fiene v. Anne Woodward, DBPR Case No. 2011010164

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner DeNapoli moved to approve the order granting the claim in the amount of \$13,799.49. Commissioner Enzor seconded the motion. The motion passed without dissent.

Tab E – Farrukh and Mohammed Alvi v. Anne Woodward, DBPR Case No. 2011024339

Neither Claimant nor Licensee was present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner DeNapoli moved to approve the order granting the claim in the amount of \$10,496.78. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

DOAH Recommended Order - Applicant

Jihad Akbar v. DBPR, Florida Real Estate Commission – DOAH Case No. 11-2213

FREC Counsel Tom Barnhart presented the Recommended Order of the Administrative Law Judge. Petitioner was not present. The Commission considered the Recommended Order of the Division of Administrative Hearings recommending the Petitioner's application for licensure as a real estate sales associate be denied. Commissioner Guju moved to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order and issue an Order denying the applicant. Commissioner DeNapoli seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab A – Jose Santos Barra, SL 604838, Case No. 2008055200 – Petitioner's Request to Set Aside Final Order, and if Granted, Conduct an Informal Hearing

Respondent was present and represented by Daniel Villazon, Esquire. 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. Commissioner DeNapoli moved, seconded by Vice-Chair Boring motion carried unanimously to grant the request and set aside the previous Final Order. Chair Furst directed Mr. Villazon to proceed with the informal hearing. Commissioner Guju moved, seconded by Commissioner Hornsleth to impose the following sanctions:

Action Taken: Previous Final Order set aside and imposed a \$1,000.00 fine, \$1,000.60 investigative costs, 9 months probation, attend two 2-day FREC general meetings. **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, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of being licensed as a sales associate and collecting any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, 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 in connection with a real estate brokerage transaction against any person except a person registered as 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, therefore, in violation of Section 475.24(1)(e), Florida Statutes.

Tab D – Anthony M. Fahy, SL 3070197, Case No. 2009004035 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: \$250.00 fine, \$412.50 investigative costs, 6 months probation. **Violation:** Respondent violated Section 475.42(1)(b), Florida Statutes, and therefore, Section 475.42(1)(a), Florida Statutes, when Respondent acted as a property manager and entered into rental agreements on behalf of the owner of the Subject Property without holding a current and valid broker’s license.

Tab B – Rolando Angel Bolanos, SL 3150888, Case No. 2009021076 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Matchett 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 Hornsleth; motion passed without dissent to find the Respondent guilty of Count I as charged in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$321.75 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, by breaching a duty to Respondent’s employer by failing to disclose Respondent’s past disciplinary history and engaging in a felony; Respondent violated Section 475.25(1)(f), Florida Statutes, when he entered a guilty plea to robbery.

Tab C – Leonor Chandia, SL 695261, Case No. 2009033194 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Fier 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 Vice-Chair Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative

Complaint. Commissioner Guju moved, seconded by Vice-Chair Boring; motion passed without dissent to impose the following sanctions:

Action Taken: Suspended 90-days, \$500.00 fine, \$420.75 investigative costs, 12 months probation, attend two 2-day FREC meetings. **Violation:** Guilty of operating as a broker without being the holder of a valid and current active license as a broker in violation of Section 475.42(1)(a), Florida Statutes and, therefore, in violation of 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 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 475.24(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 – Klara Horvath, SL 618013, Case No. 2010006220 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$3,000.00 fine, \$198.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when she was convicted of Conspiracy to Commit Mail Fraud or Wire Fraud; violated Section 475.25(1)(f), Florida Statutes, when Respondent failed to inform the Commission in writing, within 30 days of being convicted of Conspiracy to Commit Mail Fraud or Wire Fraud entered a plea being adjudicated guilty of a crime in any jurisdiction; violated Section 475.25(1)(n), Florida Statutes, for currently being confined at the Federal Prison in West Virginia.

Tab F – John Mangual, BK 518639, Case No. 2009027679 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$3,000.00 fine, \$338.25 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent collected rent but did not properly deposit or account for rent monies received, paid the Subject Property owner with a worthless check, failed to pay the Subject Property owner upon demand, and when Respondent failed without legal justification to return the tenant’s security deposit; employer by failing to disclose Respondent’s past disciplinary history and

engaging a felony; violated Section 475.25(1)(d)1, Florida Statutes, when he paid the Subject Property owner an insufficient funds check, failed to correct the deficient check and when he failed to pay the Subject Property owner rent monies owed to the owner; violated Section 475.42(1)(i), Florida Statutes (2008), when Respondent failed or refused to provide documentation requested by Petitioner's investigator pursuant to an investigation of an alleged real estate license law violation.

Tab H – Oceanview International Realty, Inc., CQ 1010939, Case No. 2010047737 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Fier represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Guju moved, seconded by Vice-Chair Boring; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$1,000.00 fine and \$181.50 costs. **Violation:** Respondent violated Section 475.25(1)(d)1, Florida Statutes, by failing to pay the civil judgment entered against it for non-payment of a real estate commission.

Tab I – Neybis Veronica Sanchez-Antoniazzi, BK 3021711, Case No. 2008023972 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$2,000.00 fine and \$528.00 costs. **Violation:** Respondent violated Section 475.5015, Florida Statutes, by failing to provide the requested documentation regarding the Subject Property; Respondent violated Section 475.42(1)(i), Florida Statutes, by failing to provide the requested records to the Department and failing to acknowledge and schedule an office inspection and escrow review.

Tab J – Maria Elena Silverio, SL 3120685, Case No. 2009056618 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. Arzillo 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 Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Guju moved, seconded by Commissioner Guju; motion passed without dissent to impose the following sanctions:

Action Taken: Suspension 30 days, \$800.00 fine, \$1,163.25 investigative costs, 6 months probation, attend two 2-day FREC meetings. **Violation:** Respondent violated Section 475.25(1)(t), Florida Statutes, by signing a report that repeatedly referred to itself as an “appraisal”.

Tab K – Patricia Suarez, BK 576486, Case No. 2010010856 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$231.00 investigative costs. **Violation:** Respondent violated 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, deposit, check, draft; Respondent violated Section 475.25(1)(b), Florida Statutes, by failing to return the escrow deposits of her clients; Respondent violated Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.012, Florida Administrative Code, when she failed to reconcile her escrow account monthly; Respondent violated Section 475.5015, Florida Statutes, by failing to keep and maintain brokerage records for the period ranging from July 2009 through December 2009; Respondent violated Rule 61J2-14.010(1), Florida Administrative Code, by placing the deposits into a checking account that did not hold trust powers.

Tab M – Marika Tolz, BK 208211, Case No. 2011011571– Voluntary Relinquishment of License

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

Ms. Arzillo represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Commissioner Enzor to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

The following cases were continued or withdrawn

- Tab G – Bridget Massey
- Tab L – Henrietta Marie Suskevich
- Tab N – M. Consuelo Vilar

Review and Consideration of the Real Estate Continuing Education Courses

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

1. Executive Leadership: Develop & Train to Create High performance Teams – New Course – Application No. 15342 – Tiffany Hughes, University of Central Florida Development Center

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

2. Florida Real Estate Law – New Course – Application No. 15537 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes and Rule 61J2-3.009(4)(c), Florida Administrative Code providing guidance for possible approval; Commissioner Enzor seconded the motion. The motion passed without dissent.

3. Fractional Ownership of Vacation Home Real Estate – New Course – Application No. 15538 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes and Rule 61J2-3.009(4)(c), Florida Administrative Code; Commissioner Guju seconded the motion. The motion passed without dissent.

4. Liens, Taxes and Foreclosures – New Course – Application No. 15539 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes and Rule 61J2-3.009(4)(c), Florida Administrative Code; Commissioner Enzor seconded the motion. The motion passed without dissent.

5. Marketing and Selling Vacation Home Fractional Interests – New Course – Application No. 15540 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above for lack of relevancy to Section 475.182(1), Florida Statutes; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

6. Code of Ethics – New Course – Application No. 15541 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet

the requirements set forth in Section 475.182(1), Florida Statutes and Rule 61J2-3.009(4)(c), Florida Administrative Code; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

7. Short Sales – New Course – Application No. 15542 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above for lack of relevancy to Section 475.182(1), Florida Statutes; Vice-Chair Boring seconded the motion. The motion passed without dissent.

8. What Real Estate Professionals Need to Know About FHA – New Course – Application No. 15543 – Jennifer Schutt, McKissock, LP

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes and Rule 61J2-3.009(4)(c), Florida Administrative Code; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

9. Critical Thinking For Real Estate Agents – New Course – Application No. 15748 – Charles Bonamer, Trans-Equity, Inc.

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above for lack of relevancy to Section 475.182(1), Florida Statutes; Commissioner Guju seconded the motion. The motion passed without dissent.

10. Leadership Training – New Course – Application No. 15750 – Charles Bonamer, Trans-Equity, Inc.

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner DeNapoli moved to deny the continuing education course listed above for lack of relevancy to Section 475.182(1), Florida Statutes; Commissioner Guju seconded the motion. The motion passed without dissent.

11. Diversity – New Course – Application No. 15786 – Carlos ThurdeKoos, MTC Real Estate School, LLC – Applicant withdrew the application.

Special Agenda

Correspondence received from R. Jean Alicea

Director Watkins presented a letter received from R. Jean Alicea requesting the real estate licensing law be changed to require all Florida real estate licensed brokers and corporations doing business in Florida have a physical Florida office. Director Watkins requested the Commissioners' guidance in responding to Ms. Alicea. The Commission entered into discussion and provided guidance to Director Watkins.

Consent Agenda A

The Commission considered 127 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commissioner Guju to approve 93 applicants and require 34 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Ackerman, James A.	Harlem, John D.	Richards, Robert L.
Aminov, Iosif	Helgemo, Cory R.	Robbins, John W.
Aponte, Jose	Higbee, Jay	Robinson, Charles
Armstrong, James L.	Hnyla, Eric M.	Rodriguez, Joel
Baiao, Bruno B.	Inglee, Elizabeth M.	Russell, Gregory S.
Bavetta, Peter	Jackson, John C. Jr.	Salazar, Hector J.
Beadle, Darryl L.	Jones, James W. Jr.	Sanders, Cornthey K.
Bey, Yasmin	Kupersmith, Jacob T.	Santisteban, Andrew
Boyle, Dan C.	Latorre, Maria	Sarajian, Steven M.
Bradshaw, Jesse A.	Lynn, Kandi A.	Saxton, Damon V.
Bryon, Paul A. G.	Maschmeyer, William M.	Scott, Christine
Carrubba, Ettore	Mason, Melkoy A.	Senica, Carl
Clayton, Windi D.	Matthews, Lisa A.	Sheil, Daniel J.
Corchado, Deborah E.	Mehan, Christine M.	Shepherd, Janeth E.
Constanz, Mario A.	Miller, Charles W.	Simon, Adrian C.
Cruz, Silvio A.	Moore, John D.	Smith, Katie E.
D Avella, Tracy L.	Murphy, Janet	Snow, Evan
Damelio, William T.	Muse, Todd A.	Spencer, Farrell H.
Davila, Daniel E.	Nahai, Farhad	Spina, Corrado
Diaz, Carlos A.	Nguyen, Tony T.D.	Tighe, Betty L.
Digiolia, Nicholas J.	Ojeda, Guillermina	Tutwiler, Karen
Dinnen, Elizabeth	Oleary, Kevin J.	Vanderwerff, Edgar II
Duarte, Celia M.	Oliver, Marcelus	Wadsworth, Harvey L.
Elkins, Jeffrey L.	Olivier, Brittany R.	Wallace, Eve
Evora, Armando B.	Otero, Masielle L.	White, Mitchell
Faulkner, John	Papadopoulous, Peter B.	Williams, Oluremilakur
Ferreira, Ercilio A.	Pena, Vivian K.	Willis, Anne B.
Frudakis, George	Phillips, Wendell Council III	Young, Allison R.
Gordon, Deborah	Quiroa, Rosa M.	Zacheretti, Carmen A.
Greene, Jesse M.	Reed, Nicole L.	Zamora, Elexander
Grimmelt, George M.	Rice, Eric R.	Zarawani, Lindsay R.

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

Allen, Aaron L.	Douglas, Jimmy Jr.	Marin, Guillermo
Anvari, Gholamreza	Faustin, David Y.	Meyer, James G.
Barnett, Bret Autin	Forcey, Peter C.	Perez, Tyrone
Berger, Jeff A.	Giarratana, Claudia M.	Perryman Cannizzaro, Kimberlee
Bieber, Barbara E.	Giraldi, Joe	Renaas, Sheila M.
Brown, Jeffrey	Gonzalez, Gisenia	Rodriguez, Uberto
Cefali, Michael	Griffith, Gregory J.	Shields, Marcia E.
Cleveland, Mary	Jenkins, Joseph A.	Smith, Joshua
Connors, Katherine E.	Kersaint, Denis	Suereth, Timothy J.

Damiano, Paul A.
De Paul, Annette
Debartolo, Joann

Lin, Peter S.
MacDougall, Christopher

Waller, Andrew P.
Wellborn, Jack J. Jr.

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:45 p.m.

December 14, 2011

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 14th day of December, 2011.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Claude "Chip" Boring, Richard DeNapoli, Roger Enzor, Michael Guju and Poul Hornsleth. 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 C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Christina Arzillo, Jacqueline Davison, Megan Demartini, Andrew Fier and Leigh Matchett, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; Johanne Knudson, 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; seconded by Vice-Chair Boring to approve the Minutes of the November 15 and 16, 2011, General Meeting, as written. Motion passed without dissent.

Summary of Applicants

OMC II Jocelyn Pomales presented 36 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Perrine, Brent, present; represented by Daniel Villazon, Esquire, present – informal hearing – informal hearing continued.

Tab B – Smyth, Richard M., present; represented by Nancy Campiglia Esquire, present – informal hearing – Commissioner Guju moved; seconded by Commissioner Boring to continue the informal hearing until February 22, 2012; the motion passed without dissent.

Tab T – Hagopian, Nancy, not present; represented by Nancy Campiglia Esquire, present – informal hearing – Ms. Campiglia presented an Amended Petition for Evidentiary Hearing Asserting Disputed Issues of Material Facts and Memorandum of Law and offered mitigation in support. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner DeNapoli to deny the Amended Petition for Evidentiary Hearing Asserting Disputed Issues of Material Facts and Memorandum of Law; motion passed without dissent. Commissioner Guju moved; seconded by Commissioner Enzor to conduct an informal hearing; motion passed without dissent. The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Guju deny the application for sales associate; motion passed without dissent.

Tab AH – Rotondo, Steven J., present; represented by Daniel Villazon, Esquire, present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab C – Barnett, Brian A., present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab D – Bradfield, Carson, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab E – Brittain, Drew, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab F – Campana, Carlos, present – Vice-Chair Boring moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab G – Choroco, Carlos, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab H – Christie, Steven I., not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

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

Tab J – Consoli, Louis A. IV, not present – Commissioner Guju moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion without dissent.

Tab K – Cunniff, Elizabeth C., not present – Commissioner Enzor moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab L – Dalouche, Orlando Jr., present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the vote was 3 to 3, therefore no final decision was rendered.

Tab M – Elbaz, Justin A., present – Commissioner DeNapoli moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab N – Fis, Rafael R., not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Vice-Chair Boring to grant a continuance; the motion passed without dissent.

Tab O – Garces, Luis H., present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab P – Garcia, Antonio I., present – Commissioner DeNapoli moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab Q – Gordon, Blair S., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab R – Graf, Michael W., present – Applicant withdrew application and waived the 90-day requirement.

Tab S – Green, Ronnise M., not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

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

Tab V – Jazayri, Melissa, not present – Commissioner Guju moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab W – Jones, Rudibo G., not present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab X – Koulias, John S., not present – Commissioner Enzor moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed five to one.

Tab Y – Lack, Jonathan, present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Z – Littke, Robert L., present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for broker; the motion passed 5 to 1.

Tab AA – Lopez, Angelica, not present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab AB – Lorenzo, Orlando J., not present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab AC – Mejias, Fernando Jr., present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AD – Morris, Wayne P., present – Commissioner Boring moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed 5 to 1.

Tab AE – Murdick, Thomas E., present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AF – Paine, Glen G., present – Applicant withdrew application and waived the 90-day requirement.

Tab AG – Richburg, Kelton L., not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab AI – Rottier, Jennifer L., not present – Vice-Chair Boring moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

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

Special Agenda

Director Watkins reported that the department met with the key team members of the Florida Realtors. Director Watkins provided a summary of their meeting. Chair Furst reported that she has had a conversation with key team members of Florida Realtors and stated that if the division felt it needed strong support regarding this issue that Florida Realtors would get involved and provide assistance. Director Watkins reported that the division will have representation at the Florida Realtors Mid-Winter meetings in case members of the association have questions. Chair Furst asked FREC Counsel Barnhart whether it will be an issue that four members of the Commission will be in attendance. Mr. Barnhart replied that they would be able to address questions provided that specific information relating to cases is not discussed.

Commissioner Enzor stated that he would like to see the division get more investigators in the field in order to conduct random audits routinely so to be more proactive instead of reactive. Several Commissioners weighed in on this issue. Director Watkins stated that the division will have to look at a variety of issues and further stated that the numbers are going down but that the division will continue monitoring the progress by keeping track of the complaints coming in. Director Watkins added that she will ask Mr. LeTarte to explain in more detail where the division is relating to proactively conducting more investigations.

Chair Furst reported that she also had a conversation with former Commissioner Matey Veissi, who is going to be serving on the Florida Realtors Leadership Team and that Ms. Veissi stated she said would keep abreast of the Legislative issues relating to sweeps. Chair Furst provided an overview of the outcome of the recent meeting between the department and the Florida Realtors leadership team. Chair Furst further reported that as a point of information the National Rifle Association has always been immune from having funds swept from the agency by the Legislature.

Chair Furst reported that an article came out last week regarding the Commission's lack of scrutiny relating to real estate applicants, which she and others found very disturbing. Chair Furst stated that the article could not have been farther from the truth and provided a letter to the Commissioners, for their input and suggestions, which she will send to the newspaper in response.

Director's Remarks

Director Watkins reported that the department will be filing the Real Estate Education and Research Foundation Annual Report to the Legislature January 1, 2012, as required and that she would provide a copy of the report for the Commission's review at the next meeting. Director Watkins addressed questions and comments from the Commission.

Director Watkins stated that she would like to get some feedback from the Commission regarding license renewals hardship requests reporting that the department receives hundreds of hardship requests each year. Director Watkins further stated the requests fall into three categories; people who did nothing, people who paid money but did not do the education, and people who did education but did not pay money. Director Watkins asked the Commissioners how they would like to proceed and whether they wanted to begin entertaining these types of requests at the general meetings. Director Watkins provided numbers of requests the department received each year for the last 3 years including the September 2011 renewal to give the Commission an idea of the number of people they would be dealing with. The general consensus of the Commission was to proceed with the business process currently in place.

Director Watkins reported that the first internet live-stream meeting will be in January.

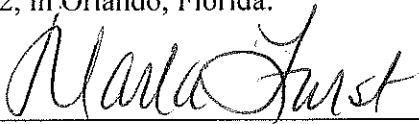
Director Watkins requested the Commissioners' guidance relating to their request for an inventory broker approach for vacancy of office. Director Watkins report that she has done some research and has found rules relating to vacancy of office, however, nothing so far relating to an inventory broker in any of the states she has researched. Director Watkins requested whether the Commission's concern is filling the vacancy of office or specifying something in statute or rule regarding the broker's record inventory. The Commission responded that the concern is more relating to the pending closings and contracts and property management. Director Watkins thanked the Commission for their input and stated she would provide a report next month.

Commission's Comments

The Commission wished everyone Happy Holidays.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 24 and 25, 2012, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana C. Watkins, Director
Florida Real Estate Commission