

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 17 and 18, 2013
General Meeting**

Vice-Chair Poul Hornsleth, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 17th day of December, 2013.

The following Commission members were in attendance: Vice-Chair Poul Hornsleth, Claude “Chip” Boring, III, Elias Chotas, Dick Fryer, Darla Furst and Josh Podolsky. Chair Roger Enzor was excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Vice-Chair Hornsleth introduced newly appointed Commissioners Dick Fryer and Elias Chotas. Commissioners Fryer and Chotas provided a brief description of their qualifications.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Sean Anderson, Christine Arzillo, Jennifer Blakeman, Daniel Brackett, Al Cheneler, and Anne Prescott, Assistant General Counsels; Daniel David and Josh Kendrick Assistant General Counsels appeared via video conference; Sara Kimmig, Bureau Chief of Enforcement; Jenny Schwartz, ULA Supervisor; Jocelyn Pomales, Operation Management Consultant II; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Boring moved; seconded by Commissioner Furst to approve the Minutes of the November 19 and 20, 2013, General Meeting, as written. The motion passed without dissent.

Reports

Unlicensed Activity Report

Bureau Chief Kimmig presented the Unlicensed Activity Report and addressed questions from the Commission.

Report Regarding Enforcement Trends and Escrow Audits

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

Monthly Exam Performance Summary Report

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

Report Regarding Application and License Count Reports

Ms. Pomales presented the License Count Report and addressed questions and comments from the Commission. Ms. Pomales presented the Application Count Report and addressed questions and comments from the Commission. The Commission commented that the Application Count report was very informative and requested to receive it monthly.

Report Regarding Legal Case Activity

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Al Cheneler presented 14 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Vice-Chair Hornsleth moved to accept the 14 Escrow Disbursement Orders and 4 Orders. Commissioner Furst seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab B – Joyce Patrice Center, SL 429598, Case No. 2012035678 – Petitioner's Motion for Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Paul Eakin, Esquire, also present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

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

Action taken: \$500.00 fine; investigative costs; probation for 2 years with leave to terminate after 1 year upon completion of all sanctions; must complete a 3-hour ethics course; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by having her clients misdate an additional binder deposit check to make it appear the check fell within the time frame stated in a clause in the sales contract.

Tab G – Oscar Torres, BK 3207539, Case No. 2013021395 – Respondent’s Request for an Informal Hearing

Respondent was not present and was represented by Michael Gelety, Esquire, also present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

Mr. David 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 Fryer; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

Action taken: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent entered a plea agreement with a plea of guilty to 2 counts of Conspiracy to Commit Wire, Mail and Bank Fraud.

Tabs J, K, L, M, N, O, P, Q, R – Michael Hubschman, Multiple Broker: 3235027, 3239067, 3258868, 3239240, 3249868, 3042488, 3263629, 3042488, etc.; Case Nos. 2012022390, 2012036783, 2012036785, 2012036787, 2012041896, 2012041899, 2012042319, 2012044857, 2013000500 – Settlement Stipulation

Respondent was present and was represented by Daniel Villazon, Esquire, also present. No current members were recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Boring to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$6,750.00 fine; investigative costs; probation for 60 months; relinquish all licenses except that Respondent shall retain one license as a broker sales associate, license number 3042488; respondent shall not for a period of 60 consecutive months from the filing date of the Final Order; be a qualifying broker, apply to upgrade his license; supervise any sales associates; and shall not apply for any further brokerage licenses during the probationary period; shall attend 25 hours of FREC-approved continuing education courses; shall attend 12 complete FREC general meetings. **Violation(s): Case No. 2012022390 – Section 475.25(1)(u), Florida Statutes, by failing to direct, control, or manage a broker associate or sales associate; Section 475.25(1)(v), Florida Statutes, when Respondent failed to review the brokerage’s trust account procedures in order to ensure compliance with Chapter 475, Florida Statutes; Section 475.25(1)(d)1, Florida Statutes; Case No. 2012036783 – Section 475.25(1)(u), Florida Statutes, by failing to direct, control, or manage a broker associate or sales associate; Section 475.25(1)(v), Florida Statutes, when Respondent failed to review the brokerage’s trust account procedures in order to ensure compliance with Chapter 475, Florida Statutes; Rule 61J2-14.012, Florida Administrative Code, by failing to provide monthly reconciliations; Case No. 2012036785 – Section 475.25(1)(d)1, Florida Statutes, by commingling operating funds with the rental distribution account (escrow deposit) with the operating funds; Rule 61J2-14.010, Florida Administrative Code, by failing to maintain an escrow or trust account into which all deposits are to be immediately placed; Rule 61J2-14.011, Florida Administrative Code, when First Place Realty, for which Respondent is responsible, used rental deposits to pay vendor invoices; Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected rental escrows into Respondent’s operating account; Rule 61J2-14.012, Florida Administrative Code, by failing to provide monthly reconciliations; Section 475.25(1)(v), Florida Statutes, when Respondent failed to review the brokerage’s trust account procedures in order to ensure compliance with Chapter 475, Florida Statutes; Case No. 2012036787 – Section 475.25(1)(k), Florida Statutes, when Respondent, contrary to the contract terms, misdirected rental escrows into Respondent’s operating account; Section 475.25(1)(v), Florida Statutes, when Respondent failed to ensure**

GCB Properties' compliance with Section 475.25(1)(k), Florida Statutes, which requires all real estate brokers to maintain an escrow or trust account in which deposits can be held; Rule 61J2-14.012, Florida Administrative Code, and therefore, Section 475.25(1)(e), Florida Statutes, by failing to provide monthly reconciliation statements of rental deposit account; **Case No. 2012041896** – Section 475.25(1)(d), Florida Statutes; Section 475.25(1)(k), Florida Statutes, when Associate Hatfield failed to deliver Security and Rent to Respondent, for whom Respondent is responsible; Section 475.25(1)(u), Florida Statutes, when Respondent, failed to direct, control or manage a broker associate or sales associate under his employ; **Case No. 2012041899** – Section 475.25(1)(d), Florida Statutes, when Associate Hatfield failed to deliver Security and Rent to Respondent, for whom Respondent is responsible; Section 475.25(1)(k), Florida Statutes, when Associate Hatfield failed to deliver Security and Rent to Respondent, for whom Respondent is responsible; Section 475.25(1)(u), Florida Statutes, when Respondent, failed to direct, control or manage a broker associate or sales associate under his employ; **Case No. 2012042319** – Section 475.25(1)(b), Florida Statutes, by being guilty of misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence or breach; Section 475.25(1)(d)1, Florida Statutes, by failing to timely account for or deliver the escrow and by commingling the escrow deposit with the operating funds; Rule 61J2-14.011, Florida Administrative Code, when an employee of Respondent, for whom Respondent is responsible, unlawfully retained possession of money received as a deposit; Section 475.25(1)(u), Florida Statutes, by failing to direct, control, or manage a broker associate or sales associate; Section 475.25(1)(v), Florida Statutes, when Respondent failed to review the brokerage's trust account procedures in order to ensure compliance with Chapter 475, Florida Statutes; **Case No. 2012044857** – Rule 61J2-14.010, Florida Administrative Code, and therefore, Section 475.25(1)(e), Florida Statutes, when respondent failed to maintain an escrow or trust account into which all deposits are to be immediately placed; Rule 61J2-14.011, Florida Administrative Code, when an employee of Respondent, for whom Respondent is responsible, unduly retained possession of money received as a deposit; Section 475.25(1)(u), Florida Statutes, when Respondent, failed to direct, control or manage a broker associate or sales associate under his employ; Section 475.25(1)(d)1, Florida Statutes, by failing to account for or deliver an escrow deposit; **Case No. 2013000500** – Rule 61J2-14.010, Florida Administrative Code, and therefore, Section 475.25(1)(e), Florida Statutes, by failing to maintain an escrow or trust account into which all deposits are to be immediately placed; Rule 61J2-14.011, Florida Administrative Code, when an employee of Respondent, for whom Respondent is responsible, unduly retained possession of money received as a deposit; Section 475.25(1)(u), Florida Statutes, when Respondent, failed to direct, control or manage a broker associate or sales associate under his employ. Section 475.25(1)(d)1, Florida Statutes, by failing to account for or deliver an escrow deposit.

Action taken: Settlement Stipulation accepted.

Tab A – Dennis Mauricio Meraz, BK 694234, Case No. 2012001765 – Recommended Order with Respondent's Exceptions

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

Mr. Brackett represented the Department and presented the case to the Commission. Ms. Campiglia requested a continuance until January 14, 2014. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Podolsky to grant a continuance until January 14, 2014; the motion passed without dissent.

Action taken: Case continued until January 14, 2014.

Tab S and T – Simone Marie Baillergeon, BK 555014, Case Nos. 2012024229 and 2013005181 – Respondent’s Request for a Waiver Hearing

Respondent was not present; Respondent was represented by Nancy Campiglia, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Arzillo and Mr. Anderson represented the department, respectively, and presented the cases to the Commission. Ms. Campiglia requested a continuance until January 14, 2014, for both cases. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Fryer to grant a continuance for both cases until January 14, 2014; the motion passed without dissent.

Action taken: Cases continued until January 14, 2014.

Tab W – Denise Marie Goss, SL 3036900, Case No. 2012039530 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was present and was not represented by counsel. Chair Enzor participated on the probable cause panel. Chair Enzor was excused and not present.

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

Action Taken: \$750.00 fine, investigative costs; complete a 28-hour reactivation course; attend 1 complete FREC General meeting; probation for 6 months. **Violation(s):** Section 475.42(1)(b), Florida Statutes (2011), when Respondent operated as a broker and not under the direction, control or management of her broker; Section 475.42(1)(d), Florida Statutes (2011), when Respondent collected money in connection with a real estate brokerage transaction as a deposit, not in the name of his employer and without the express consent of his employer; Respondent violated Section 475.25(1)(e), Florida Statutes (2011), by violating Rule 61J2-14.009, Florida Administrative Code (2011), when Respondent collected a payment connected to a real estate transaction and failed to deliver the payment to Respondent’s employer by the end of the next business day following receipt of the payment.

General Business continued

Review and Consideration of the Real Estate Continuing Education Course

Director Watkins presented the following continuing education course for the Commission’s consideration:

High Velocity Wind as it Effects Roof Structures – New Course (3 hours Specialty CE – classroom) – Application No. 19631 – Robert E. Stobaugh, III, BPA, USA, Inc. DBA Building Performance Americas USA, Inc.

Mr. Stobaugh was present in support of the application. The Commission entered into discussion. Commissioner Podolsky moved to approve the continuing education course contingent upon the following: that the applicant provide a more detailed set of documents in support of the supplemental outline; omitting the ARA material; incorporating the outline that was provided in the supplemental materials; and making it clear at the end of every section to defer to a licensed roofing contractor or structural engineer, all subject to

resubmission and being approved by the Director of the Division. Vice-Chair Hornsleth seconded the motion. The motion passed 4 to 2.

Special Agenda

Tab B – Communication from Nafi Schwanzer

Director Watkins presented communication received from Nafi Schwanzer requesting that the Commission grant a hardship and reinstate her Null and Void license. Ms. Schwanzer appeared in support of her request. The Commission entered into discussion. Director Watkins reported that under Section 455.271(12), Florida Statutes, the FREC does not have the authority to reinstate a license in a null and void status. After discussion, Vice-Chair Hornsleth stated that the Commission did not have authority to grant Ms. Schwanzer's request.

The Commissioners encouraged all licensees to check the Department's website after they renew to ensure that their licenses reflect that it has been renewed. Director Watkins also stated that there is an app available to check license statuses using a smart phone. Information regarding the DBPR iPhone or Android app can be found on the DBPR website at www.myfloridalicense.com/dbpr under "Contact Us" or "eNewsroom."

Legal Appearance Docket continued

Tab C – Barrington Irving, BK 584715, Case No. 2007061838 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver a judgment entered by the County Court of the Seventeenth Judicial Circuit in favor of Girvan Billings.

Tab D – Oscar L. Mesa, P.A., SL 3144665, Case No. 2013025541 – Respondent's Request for an Informal Hearing

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

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

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent was adjudicated guilty of trafficking more than 10 grams but less than 200 grams of Phenethylamine/Ecstasy.

Tab E – Joshua Pagan, SL 3185831, Case No. 2011053543 – Respondent’s Request for an Informal Hearing

Respondent was not present and was 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. Commissioner Furst moved, seconded by Commissioner Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.42(1)(b), Florida Statutes (2010), when Respondent operated as a broker and not under the name of a broker; Section 475.42(1)(d), Florida Statutes (2010), Section 475.42(1)(d), Florida Statutes (2010), when Respondent collected money in connection with a real estate brokerage transaction for a rental, not in the name of his employer and without the express consent of his employer; Section 475.25(1)(e), Florida Statutes (2010), by violating Rule 61J2-14.009, Florida Administrative Code (2010), when Respondent collected a payment connected to a real estate transaction and failed to deliver the payment to Respondent’s employer by the end of the next business day following receipt of the payment.

Tab F – Frank Rhoden, SL 557575, Case No. 2013006209 – Petitioner’s Motion for Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and was 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. Commissioner Furst moved, seconded by Commissioner Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2012), when Respondent failed to comply with a lawful order issued under the provisions of Chapters 475 and 455, Florida Statutes; Section 455.227(1)(q), Florida Statutes (2012), when Respondent failed to comply with a lawful order issued by the Department or Board.

Tab H – D. Keith Brown, BK 588360, Case No. 2013006035 – Voluntary Relinquishment of License for Permanent Revocation

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

Mr. Brackett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Boring to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Voluntary Relinquishment of License for Permanent Revocation.

Tab I – Ramchand Ramrup, SL 3241306, Case No. 2011058130 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present and was not represented by counsel. Chair Enzor served on the probable cause panel. Chair Enzor was excused and not present.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Voluntary Relinquishment of License for Permanent Revocation.

Tab U– Natanael Betances, SL 3245221, Case No. 2012035587 – Respondent’s Request for Waiver Hearing

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

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

Action Taken: Revocation, investigative costs. **Violation(s):** Sections 455.225(t) and 475.25(1)(e), Florida Statutes, when Respondent failed to timely provide written notification the FREC when he was adjudicated guilty of conspiracy to commit wire fraud, money laundering, securities fraud and sales of unregistered securities; Section 475.25(1)(f), Florida Statutes, when Respondent was adjudicated guilty of conspiracy to commit wire fraud, money laundering, securities fraud and sales of unregistered securities; Section 475.25(1)(n), Florida Statutes, by being confined in any state or federal prison.

Tab V – Luis F. Columna, BK 3243954, Case No. 2012036575 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was 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 waiver hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by receiving an escrow deposit and failing to remit the full amount of the escrow deposit on demand; Section 475.25(1)(b), when Respondent committed misrepresentation and breach of trust; Section 475.5015, Florida Statutes, and therefore, Section 475.25(1)(e), Florida Statutes, by failing to provide the Department with his brokerage

business records upon request; Section 475.25(1)(k), Florida Statutes, by failing to deposit an escrow deposit into an escrow account.

Tab X – David Anthony Hobbs, SL 3122610, Case No. 2012025068 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was 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 waiver hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.42(1)(b), Florida Statutes (2010), when Respondent operated as a broker and not under the name of a broker; Section 455.227(1)(j), Florida Statutes (2010), when Respondent aided, assisted, procured, employed or advised an unlicensed entity to practice a profession contrary to this chapter, the chapter related to this profession, or the rules of the department or board.

Tab Y – Anthony F. Lee, SL 3179698, Case No. 2012018778 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: \$250 fine; investigative costs; attend 1 complete FREC General meeting; probation for 6 months; license shall be suspended should the provisions of the Final Order not be completed within 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with Final Order No. 2011-00855, filed on February 4, 2011, a lawful order issued under the provisions of Chapter 455 or 475, Florida Statutes.

Chief Attorney Cunningham announced that Ms. Blakeman is leaving the Office of General Counsel for the Office of Financial Regulation and today is her last day. Mr. Cunningham thanked Ms. Blakeman her 5 years of service with the Office of General Counsel. The Commissioners also thanked her for her service and conveyed best wishes.

Tab Z – Olman Jean Mentor, SL 3155254, Case No. 2011048803 – Respondent’s Request for an Informal Hearing

Case withdrawn.

Tab AA – Diriangen Moraga, SL 681793, Case No. 2012034636 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was not represented by counsel. Chair Enzor participated on the probable cause panel. Chair Enzor was excused and not present.

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

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.25 (1)(e), Florida Statutes, and thereby 475.42(1)(a), Florida Statutes, when Respondent prepared contracts and submitted offers for a client while his license was in inactive status.

Tab AB – Santiago Ospina, SL 3037050, Case No. 20136178 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent concealed the execution of Lease Agreements 1 and 2 from his broker, Matimex; Section 475.42(1)(d), Florida Statutes, when Respondent collected money in connection Lease Agreements 1 and 2 as a commission without the express consent of his, Matimex; Section 475.42(1)(b), Florida Statutes, when Respondent represented that he worked for Miami New Realty.

Tab AC – Eric Josef Schulz, SL 522666, Case No. 2011052323 – Petitioner’s Motion for Waiver Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found of Conspiracy to Manufacture and Possess with Intent to Manufacture and Distribute More than 100 Marijuana Plants.

Tab AD – Kyle Dean Sellers, SL 3130003, Case No. 2011036079 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Mr. David represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Mr. David stated that the Respondent is deceased. Commissioner Podolsky moved; seconded by Commissioner Furst; to dismiss the Administrative Complaint.

Action Taken: Case dismissed.

General Business continued

Review and Consideration of the Real Estate Continuing Education Courses

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

Doubling Your Commission with the 1031 Exchange – New Course (3 hours Specialty CE; Combination Law and Specialty – classroom) – Application No. 19706 – Cordell A. BaanHofman, Exchange Resource Group, Inc.

Mr. BaanHofman was not present. The Commission entered into discussion. Commissioner Podolsky moved to approve the continuing education course listed above as it meets the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Boring seconded the motion. The motion passed without dissent.

Practical Guide to Zoning and Land Use Law – New Course (7 hours Specialty CE; Law – classroom) – Application No. 19757 – Cassi Gruber, NBI, Inc. DBA National Business Institute

Ms. Gruber was not present in support of the application. The Commission entered into discussion. Commissioner Podolsky moved to approve the continuing education course listed above as it meets the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Furst seconded the motion. The motion passed without dissent.

Special Agenda

Illinois Mutual Recognition Request

Director Watkins presented the evaluations submitted by the Illinois Real Estate Commission relating to its request for mutual recognition with Florida and reported that the Bureau of Education and Testing (BET) recommends proceeding with a written agreement. Commissioner Furst moved to adopt BET’s recommendation that the Division proceed with preparing a written mutual recognition agreement with the Illinois Real Estate Commission; Commissioner Podolsky seconded the motion; the motion passed without dissent.

Consent Agendas

Agenda A

The Commission considered 83 applicants from the Consent Agenda A; Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve 66 applicants and require 17 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adams, Paul	Ferris, Joseph Jr.	Mitchell, Richard
Arango, Eulalia	Figueredo, Ruben	Muhammad, Tamara
Aversano, Michael	Frederick, Tomeka	Nobre, Pablo
Bailey, Riccardo	Gaiman, Ioulia	O'Donnell, John
Bandy, Jason Dean	Garcia, Barbara	Ogiba, Thomas
Bocock, Edward	George, David	Pebbles, Moira
Boothe, Gary	Gomez, Rafael Sr.	Pelly, Christopher
Brena, Miguel	Greenspan, Regina	Popoola, Samuel
Brown, Ryan	Hood, Darrylle	Prieto, Lazaro
Browne, Barbara	Jules, McAllens	Roberts, Jaime
Bull, Reba	Kain, Inessa	Salcedo, Humberto
Bustamante, Claudia	Klimas, Kristin	Sarracino, Vanessa
Campbell, Melissa	Krumm, Andrew	Shifflett, Sherri
Cartledge, Rachel	Kuzlik, Linda	Sofranko, Gregory
Chraniuk, Michael	Laborde, Ralph	Tardif, Nicole
Cosby, Bealas	Lauer, Brian	Thill, James
Cumberbatch, Vincent	Lawson Parker, Tamika	Thomsen, Sarah
Davis, Suzanne	Lopez, Anthony	Voigt, Collen
Davis, Suzanne	MacPherson, Andrew	Wilcox, James
Derolf, Jeffrey Sr.	Maximin, Trevor	Williams, Brenda
Erickson, William	Meehan, John	Wilson, Suxanne
Ferace, Tera	Mello, Michael	Ziglar, Carmeline

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

Blank, Guy	Martinez, Oscar	Schreiber, Jason
Colby, Kyle	Medina, Vivanne	Snyder, Scott
Daniel, Ariel	Moises, Maria	Weiss, Leslie
Fleming, Christin	Morris, David	White, John
Gonzalez, Giancarlo	Parry, Steven	Williams, Yvette
Gutierrez, Uberti	Perez, Nelson	

Agenda B

The Commission considered 79 applicants from the Consent Agenda B; Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve 56 applicants and require 23 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adams, Norman Jr.	Gonzalez, Francisco	Murray, John
Arreaza, Alejandro	Grant, Dianne	Naser, Ariel

Bailetti, Susanna
Barrett, Jennifer
Blumer, Errol
Bordes, Alexander
Bridges, Jessica
Butchart, Brian
Byrd, Nora
Cadiz, Ulfredo
Chung, Valerie
Clifford, William
Cooper, Craig
Devenyi, Gabor
Dorsey, David Jr.
Ellis, Bobbi
Escalante, Carlos
Fuller, Mark
Ganem, Oscar

Gray, David
Green, Carl
Guadamuz, Francisco
Hamill, Amy
Henao Franco, Giovanni
Hoffman, Geoffrey
Hoffman, Harry
Hurm, Jon
Jaffer, Husain
Johnson, Damian
Johnson, Jericco
King, Chad
Leiter, Claudio
Maharaj, Tammy
Marte, Ginger
McClure, Richard Jr.
Morris, James

Pedrick, Jon
Pelletier, Jessica
Phillippe, Jennifer
Robertson, Lesley
Rose, Macarena
Rubens, Stuart
Ruiz, Roland
Sanderson, Lawren
Schwebke, Olga
Stambul, Derek
Treat, Nathaniel
Van Eman, Terry
Vancleave, Jason
Weathersby, Calvin
Whitman, Nathan
Wiley, Alison

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

Abner-Johnson, Alonderay
Adetu, Dennis
Bone, Bridd
Boyd, Duane
Caro, Robert
Cintron, Jose
Colon, Roland
Derringer, Daniel Jr.

Douglas, Christopher
Eatwell, Rick
Griffin, Brendan
Jaszcz, Loren
Komasa, Rebecca
Manry, Charles
Newman, Jeffry
Nguyen, Khoi

Rinker, Sherri
Sequino, Danielle
Stubbs, Erin
Torres, Orlando
Vallier, Debra
Vasile, Carl
Young, Brandon

Public Comments

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

Recess

There being no further business and no objection, the Chair recessed the meeting at approximately 3:10 p.m. until 8:30 a.m. tomorrow.

December 18, 2013

Vice-Chair Poul Hornsleth reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of December, 2013.

The following Commission members were in attendance: Vice-Chair Poul Hornsleth, Claude "Chip" Boring, III, Elias Chotas, Dick Fryer, Darla Furst and Josh Podolsky. Chair Roger Enzor was excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Sean Anderson, Christine Arzillo, Daniel Brackett and Ann Prescott, Assistant General Counsels; Jocelyn Pomales, Operations Management Consultant II; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori

Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 47 Summary of Applicants requesting to sit for the real estate examination.

Commissioner Chotas was delayed and not present; the delay was excused.

Tab AJ – Angela M. Nielson; was present and was represented by Randy Schwartz, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AD – Nikolas Marulis; was not present and was represented by Nancy Campiglia, Esquire, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Commissioner Chotas joined the meeting.

Tab U – Holly Hughes; was present and was represented by Leila Chacko, Esquire, also present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab G – Melissa Helen Bailey, was not present; was represented by Daniel Villazon, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab R – Sean Fleming, was present; and was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AQ – Deborah E. Rosso; was present and was represented by Daniel Villazon, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab C – Javier G. Alvarez, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab E – Nabil Ashdji, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab I – Neil Justus Boucher, Jr., present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab J – Lana Jean Bowes, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab K – Joshua David Caldwell, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab Q – Logan M. Eastham, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab S – Montgomery Boone Fox, present – Vice-Chair Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 5 to 1.

Tab M – Carlos A. Casanueva, present – Applicant withdrew the application and waived the 90-day requirement.

Tab V – Derek A. Johnson, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab W – Stephen J. Johnson, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab Y – Laverne Lee Kratz, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for broker; the motion passed without dissent.

Tab Z – Travis M. Krell, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for broker; the motion passed without dissent.

Tab F – David Michael Badamo, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for broker; the motion passed without dissent.

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

Tab AG – Hicham Mikasser, present – Applicant requested a continuance waived the 90-day requirement.

Tab AK – Alfred C. Nova, III, present – Commission Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AL – Jose L. Olivier, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AO – Benigno Rojas, present – Commissioner Fryer moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AP – Jorge Luis Roman, Jr., present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AU – Shawn Thomas Wilson, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AI – Romina Navarrette, present – Applicant withdrew the application and waived the 90-day requirement.

Tab A – Jesenia Gonzalez, not present – Applicant requested a continuance waived the 90-day requirement.

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

Tab D – Sherri Andrews, not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab H – Kerri Lee Bates, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab L – Eddie Dewayne Carlisle, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

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

Tab O – Alejandro Diaz, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab P – Celia M. Duarte, not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

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

Tab X – Robert Earl Knowles, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AB – Charles Shawn Lucroy, not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to deny the application for broker; the motion passed without dissent.

Tab AC – Michael Maurice Mann, not present – Commissioner Furst moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AE – Danielle M. McDaniel, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AF – Eduardo Melhado, present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AH – Michael Dane Miller, not present – Applicant withdrew the application and waived the 90-day requirement.

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

Tab AN – Nadine Rhodes, not present – Commissioner Podolsky moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

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

Tab AS – Heriberto Torres, Jr., not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AT – Evan Wilson, not present – Applicant requested a continuance and waived the 90-day requirement.

Director’s Comments

On behalf of Director Watkins, Deputy Director Johnson wished everyone a safe and happy Holiday.

Commission’s Remarks

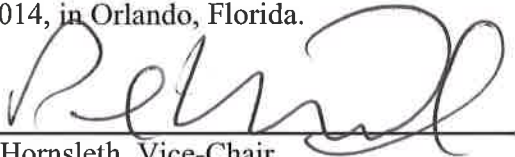
Commissioner Furst requested to keep Chair Enzor in your thoughts and prayers. Vice-Chair Hornsleth commended Commissioner Boring and Commissioner Fryer for being reappointed and congratulated Commissioner Chotas on his appointment. The Commissioners wished everyone a safe and happy Holiday.

Public Comments

The Commission invited but did not receive comments from the audience.

Adjournment

There being no further business and no objection, the Vice-Chair adjourned the meeting at approximately 12:07 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 14 and 15, 2014, in Orlando, Florida.



Poul Hornsleth, Vice-Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission