

Division of Real Estate Juana Watkins, Director 400 West Robinson Street, Suite N801 Orlando, Florida 32801-1757 Phone: 407.481.5662 • Fax: 407.317.7245

Ken Lawson, Secretary

Rick Scott, Governor

Minutes of THE FLORIDA REAL ESTATE COMMISSION December 16 and 17, 2014 General Meeting

Chair Darla Furst, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., in Orlando, Florida, on this 16th day of December, 2014.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas and Poul Hornsleth. Commissioner Enzor had an excused absence. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Andrew Fier, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Alison Lamont, Jennie Schwartz and Crystal Stephens, Assistant General Counsels; Appearing via teleconference: Daniel Brackett, Al Cheneler, Daniel David, David Folley, Josh Kendrick and Brande Miller, Assistant General Counsels; Mike Johnson, Complaint Analyst; Jocelyn Pomales, Education Coordinator; Johanne Knudson, Government Analyst I; Nyasha Riley, Government Analyst I; Mike Davis, Regulatory Specialist II; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Vice-Chair Fryer moved to approve the Minutes of the November 18 and 19, 2014, General Meeting, as written. Commissioner Boring seconded the motion. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

Bureau Chief Sara Kimmig presented the report regarding Enforcement Trends and Escrow Audits Summary and addressed questions and comments from the Commission.

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Application and License Count Reports

Deputy Director Johnson presented the Application and License Count Report and addressed questions and comments from the Commission.

Rules Report

FREC Counsel Barnhart reported on the status of the rules currently open for discussion, workshop or rulemaking and addressed questions and comments from the Commission.

Legal Case Activity Report

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 17 Escrow Disbursement Orders and 4 Orders for the Commission's consideration.

Vice-Chair Fryer moved to accept 17 Escrow Disbursement Orders and 4 Orders; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Recovery Fund Cases

Tab A – Daniel Spitzer v. Michael P. Carleton, DBPR Case No. 2014-030255

Mr. Brackett presented this matter to the Commission. Neither the Claimant nor the Respondent was present. Mr. Brackett 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. Vice-Chair Fryer moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$41,500.00. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab B – Harold Smith v. Michael P. Carleton, DBPR Case No. 2014-030266

Mr. Brackett presented the above matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Brackett 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 Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$25,000.00. Commissioner Chotas seconded the motion. The motion passed without dissent.

Tab C - Susan King v. Latara Marie Clements, DBPR Case No. 2014-030181

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

Tab D - Gloria Espinal v. Albert Deering, DBPR Case No. 2011-043992

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

Tab E - Vijetha Oduru v. Kimberly Henry, DBPR Case No. 2014-022681

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

Tab F - Victor Danhi & Jane Danhi v. Bruce Edward Manny, DBPR Case No. 2011-030834

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

Discussion Regarding RFC Process

The Commission commented that the claimants are aware that they may file a claim requesting payment from the Recovery Fund, but they are not aware of the statutory requirement of obtaining a judgment and inquired how the process could be addressed to be able provide relief to the claimants. Chief Attorney Fier explained that as soon as the Office of General Counsel receives a claim a questionnaire is mailed to the claimant explaining that they will need a civil judgment and that attorney's fees are not covered. Mr. Fier reported that there are other Boards that do not require a favorable civil judgment; only a disciplinary Final Order. Upon conclusion of discussion, the general consensus of the Commission was to present this topic at the Mid-Winter Florida Realtors meeting in January to see how it is received by the Florida Realtors group.

Tab G – Susan King v. Michael O'Donnell, DBPR Case No. 2014-030172

Mr. Folley presented the above matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Folley advised that the statutes do not allow the Claimant to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts

and circumstances. Vice-Chair Fryer moved to approve the Final Order Denying Recovery Fund Claim. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab H - Nalini Ragbirsingh v. Quince Plunkett, DBPR Case No. 2012-039924

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

Tab I – Erika Willis v. Scott David Ried, DBPR Case No. 2013-038582

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

Tab J - Ismail Abu Hamda v. Kimberly Tara Henry, DBPR Case No. 2013-044845

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

Legal Appearance Docket

Tab E – Bill J. Hionas, SL 3115308; Case No. 2014028409 – Petitioner's Motion for Informal Hearing

Respondent was present; Respondent was represented by Nancy Campiglia, Esquire, also present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not present.

Mr. Brackett represented the department and presented the case to the Commission. Ms. Campiglia disputed the allegations and facts related to Count II of the Administrative Complaint. Mr. Brackett agreed to dismiss Count II. The Commission granted the informal hearing and entered into discussion. Ms. Campiglia requested a continuance until February 2015 so that the Respondent could be present to present mitigation. Vice-Chair Fryer moved, seconded by Commissioner Chotas; motion passed 3 to 2 to find the Respondent guilty of Count I as charged in the Administrative Complaint and defer the penalty phase until February 2015.

Action taken: Informal hearing granted; penalty phase deferred to February 2015.

Tab F – William J. Lennon, SL 3149295, Case No. 2014003307 – Respondent's Motion for Informal Hearing

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

Ms. Lamont represented the department and presented the case to the Commission. Vice-Chair Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Chotas; motion passed 3 to 1 to impose the following sanctions:

Action taken: \$2,000.00 fine; investigative costs; probation for 12 months; complete a 3-hour ethics course; attend one complete general FREC meeting. Violation(s): Section 475.25(1)(b), Florida Statutes, when he engaged in misrepresentation by creating signage that falsely touted Century 21's involvement and failing to disclose that he was not an agent of the same; breached his employer's trust by managing the property without his broker's knowledge; breached his employer's trust by failing to deliver the rental funds over to his broker; breached Renter's trust and general consumer trust when he deposited funds into his personal account; breached Renter's trust and general consumer trust when he failed to deposit funds into an escrow account; Section 475.25(1)(c), Florida Statutes, by expressly advertising Subject Property as a Century 21 property when it was not; Section 475.42(1)(b), Florida Statutes, by receiving the Renter's security deposit, rent payments, and gate key deposit in Respondent's name; by managing the Subject Property without his broker's consent, knowledge or permission; operating as a broker for an individual not registered as his employer; and Section 475.42(1)(d), Florida Statutes, by collecting monies and commission in his own name and not in the name of his registered employer.

Special Agenda

Communication from Marvin Lewis Gordon

Director Watkins presented correspondence received from Marvin Lewis Gordon requesting the Commission allow him apply for a new instructor license. Mr. Gordon was not present, but was represented by Daniel Villazon, Esquire. The Commission entered into discussion. Vice-Chair Fryer moved to allow Mr. Gordon submit a new instructor application with the condition that he complete the instructor continuing education upon availability prior to August 2015; Commissioner Boring seconded the motion; the motion passed without dissent.

Director Watkins provided a status update of the Department's progress regarding the development of an on-line continuing education course for real estate instructors.

Legal Appearance Docket continued

Agenda B, Tab A – Christopher White Group, LLC, CQ 1042652 – Case No. 2014033124; and Tab B – Christopher White, BK 698876 – Case No. 2014033118 – Voluntary Relinquishment of Licenses for Permanent Revocation

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

Mr. David represented the department and presented the cases to the Commission. The Commission entered into discussion. Commissioner Boring moved, seconded by Vice-Chair Fryer 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 A – Tina Lynn Berlin, SL 3103767; Case No. 2014027336 – Respondent's Request for Informal Hearing

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

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

Penalty: \$750.00 fine; investigative costs; probation for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through violating Section 455.227(1)(t), Florida Statutes, by failing to self-report her criminal convictions.

Tab B – Cesar Berroteran, SL 614508; Case No. 2014028548 – Respondent's Request for Informal Hearing

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

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

Penalty: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when he committed fraud by making false statements on loan applications; Section 455.227(1)(t), Florida Statutes, by failing to self-report his felony convictions.

Tab C – Michael Courtney Essix, BK 692432, Case No. 2014001921 – Respondent's Request for Informal Hearing

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

Ms. Stephens 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 Vice-Chair Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Vice-Chair Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by pleading nolo contendere and being adjudicated guilty of contempt of court for violence on August 21, 2012 and being convicted or found guilty of contempt of court for violating an injunction for protection against domestic violence and violating a condition of pre-trial release on October 30, 2013.

Tab D – Nicole Diane Garcia, SL 3215840, Case No. 2014030678 – Petitioner's Motion for Informal Hearing

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

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

Action taken: Suspension for 5 years; investigative costs; attend 3 complete FREC meetings. Violation(s): Section 475.25(1)(f), Florida Statutes, by pleading guilty to one count of fraudulent use of personal information, one count of third degree grand theft by fraud and one count of uttering a forged instrument; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission of her guilty plea to fraudulent use of personal information, third degree grand theft by fraud and uttering a forged instrument.

Tab G – Darryl Jay Ralby, BK 360442, Case No. 2014032028 – Respondent's Request for Final Order

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

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

Action taken: Revocation, investigative costs. Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to comply with the terms of the above Final Order.

Tab H – Howard J. Schab, BK 3010040; Case No. 2014031129 – Respondent's Request for Final Order

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

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

Action taken: \$2,000.00 fine; investigative costs; complete a 3-hour ethics course; attend 3 FREC general meetings; probation for 12 months. Violation(s): Section 475.25(1)(f), Florida Statutes when he sold controlled substances to an undercover police informant; Section 455.277(a), Florida Statutes, by failing to timely self-report his felony conviction; Section 475.25(1)(p), Florida Statutes, by failing to notify the commission in writing after being convicted of the selling controlled substances felony charge.

Tab I - Michael F. Pagano, BK 314295; Case No. 2014002191 - Settlement Stipulation

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

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

Penalty: \$500.00 fine; investigative costs; probation for 18 months. **Violation(s):** Respondent admits violating Section 455.227(1)(t), Florida Statutes, by failing to timely notify DBPR that Respondent was adjudicated guilty of DUI.

Action taken: Settlement Stipulation accepted.

Tab J – Brian Robert Allabastro, SL 3212284; Case No. 2014005613 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. Violation(s): Section 475.25(1)(e), Florida Statutes (2013), by violating a lawful order issued under the provisions of Chapter 475, Florida Statutes, or Chapter 455, Florida Statutes.

Tab K – Jennifer Mae Bain, SL 3235478; Case No. 2014009314 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner 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. Vice-Chair Fryer moved, seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved, seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: \$1,000.00; investigative costs; attend 2 complete FREC meetings; probation for 6 months. **Violation(s):** Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker and not under the direction, control or management of her broker.

Tab L – Michelle R. Benoit, BK 3034398; Case No. 2014015372 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: \$500.00 fine; investigative costs; attend 1 complete FREC meeting; probation for 6 months. Violation(s): Section 455.227(1)(t), Florida Statutes, by pleading nolo contendere and being adjudicated guilty of driving under the influence.

Tab M – Edge USA Land Company LLC, CQ 1042686; Case No. 2014019853 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Mr. Folley represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Chotas moved, seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Chotas 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)(d), Florida Statutes, by failing to timely return or remit money upon demand; Section 475.25(1)(b), Florida Statutes, by taking monies from Nick J. Baldassare by misrepresentation, false pretenses, dishonest dealing or breach of trust in a business transaction.

Tab N – Edge USA Land Company LLC, CQ 1042686; Case No. 2014021589 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. Violation(s): Section 475.25(1)(d), Florida Statutes, by failing to timely return or remit a deposit upon demand.

Tab O – Mitch Harris, BK 3238334; Case No. 2014017918 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Mr. Folley 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 Chotas; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Boring moved, seconded by Commissioner Chotas; motion passed without dissent to impose the following sanctions:

Action taken: Revocation; investigative costs. Violation(s): Section 475.25(1)(d), Florida Statutes, by failing to timely return or remit money upon demand; Section 475.25(1)(b), Florida Statutes, by taking monies from Nick J. Baldassare by misrepresentation, false pretenses, dishonest dealing or breach of trust in a business transaction.

Tab P – Mitch Harris, BK 3238334; Case No. 2014018657 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. Violation(s): Section 475.25(1)(d), Florida Statutes, by failing to timely return or remit money upon demand.

Tab Q – Chris G. Langston, BK 3109315; Case No. 2014019876 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; investigative costs. Violation(s): Section 475.25 (1)(e) Florida Statutes by failing to comply with a lawful order made or issued under the provisions of Chapter 475.

Review and Consideration of the Real Estate Education Courses continued

Tab A – FHA for Today's Appraiser – New Course (7 hours – Specialty CE; classroom) – Application No. 21667 – Nichole Fetzeck, McKissock LP

Ms. Fetzeck was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 7 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab B – CRS 120 Converting Leads into Closings – New Course (8 hours Specialty CE) No. 21930 – Regina Harvey, Council of Residential Specialists

Ms. Harvey was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 8 hours of Specialty CE; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab C – CRS 122 Building a Team to Grow Your Business – New Course (8 hours – Specialty CE; classroom) – Application No. 21932 – Regina Harvey, Council of Residential Specialist

Ms. Harvey was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 8 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab D – CRS 121Win-Win Negotiation Techniques – New Course (8 hours – Specialty CE; classroom) – Application No. 21931 – Regina Harvey, Council of Residential Specialists

Ms. Harvey was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 8 hours of Specialty CE; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab E – How New Government Consumer Protections Impact Real Estate Transactions - New Course (3 hours Sales Associate Post-Licensure/Specialty CE; classroom) – Application No. 22192 – Dana R. Ward, Real Estate Closing Solutions, LLC

Ms. Ward was not present. The Commission entered into discussion. The Commission tabled this item until tomorrow.

Tab F – *RevInYou: Business Planning and Best Practices* – New Course (3 hours – Specialty CE; classroom) – Application No. 22323 – Cherolyne Fogarty, Walk the Talk Presentations, Inc.

Ms. Fogarty was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 3 hours of Specialty CE; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab G – Connecting with Multicultural Homebuyers – New Course (6 hours – Specialty CE; classroom) – Application No. 22265 – Leticia Oliver, South Florida Real Estate School

Ms. Oliver was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 6 hours of Specialty CE with conditions; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab H – *Effective Risk Management* – New Course (6 hours – Specialty CE; classroom) – Application No. 22324 – Leticia Oliver, South Florida Real Estate School

Ms. Oliver was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 6 hours of Specialty CE with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab I – Exceeding the Expectations of the Seller – New Course (6 hours – Specialty CE; classroom) – Application No. 22325 – Leticia Oliver, South Florida Real Estate School

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

Consent Agenda A

The Commission considered 89 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 54 applicants and require 35 applicants to be placed on the Summary of Applicant Agenda; the motion passed 5 to 1.

The following applicants were approved:

Achille, John Michael Adams, Ciprian Assef, Thamara Galina

Barrett, Gary A.

Bautista Rodriguez, Nitty J.

Bravo, David Junior Cdebaca, Joseph Anthony Champion, Matthew James

Cooper, Kimberly Cooper, Matthew Cortes, Angel Coulanges, Brian

Craig, Patrick Raymond Cunningham, Conroy Kirk

Delfierro, Arturo Jose Dittman, Nicole

Ehlen, Nancy Eiman, Amanda Elizabeth Frank, Nicole Avery George, Joshua Golden, Derek Gonzalez, Michael Gonzalez, Rafael Grays, Erika

Grays, Erika Griffin, Colten

Guenette, James Arthur

Guerrier, Enece Hsu, Tingih

Kieszek, Derek Jonathan

King, Dexter

Lewis, Keon Lamar Ludwig, Zachary

Mccloskey, James LLC

Mcentyre, Kenny Mirabal, Jose Manuel Monroe, Grant D. Mowry, Jason

Naab, Iliana Lily Nixon, Ryan Ralph Oliveras, Frankie Jamil Omotayo, Adebola Ayoka

Randolph, Stephanie Robinson, Kayra Marie Rodriguez, Jessica Rodriguez, Robin O.

Rooney, Deanna June

Seramur, Sarah Smith, Brian N. Storms, Jamen J.

Szempruch, Edwina Marie Toth, Alexander Gabriel III

Wallace, Christopher Walter, Jason Scott Whitaker, Chad S.

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

Alfonso, Gloria Arias, Armando Ash, Damon Eugene

Bales, Jason Ballesteros, Abiel Castineira, Nelson Ariel Curran, Michael B. Cwikla, Nicholas Anthony Feamster, Christopher T. Flynn, John Joseph III Ortega, Ernesto Rocco, Silvio Paul Rojas, Jaime Andres Sanford, Marie Elaine Soto, Juan Enrique Barnett, Christopher Barreneche, Pablo Bekova, Albina Bosco, John Buchholz, Ryan Bradley Carter, Joanne Case, Nicholas Edward

Ghanem, Ramses
Guerra, Katrina
Johnson, Canaan Morgan
Judd, Cynthia Lynn
Lawrence, Donna R.
Nicolas, Samuel Arthur
Orjuela, Ricardo

Still, Michael
Sukholinskiy, Paul
Taylor, Jerry
Williams, Shantaya
Wyckoff, Justin Martin
Yalacki, John Allen

Consent Agenda B

The Commission considered 41 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 26 applicants and require 15 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Aguiar, Oscar August Jr. Akim, Curtiss K. Andrews, Keith Charles Arias, Rafael Bradley, Lynn Braithwaite, Ramone Brown, Dave Kenneth Depina, Olivia Dasilva Dupont, Gervain Fiengold, Beverly H.
Figueroa, Sarah C.
Harrell, Dwayne
Henderson, Marlana Nicole
Hill, Hardy
Houseman, Randall Kent
Larocca, Paula
Lewis, Darrell
Mollo, Francesco Virgilio

Robinson Wilcox, Linda Ann Rojas, Danny Spivey, Miale Stephanishen, Kristine Touchstone, Jonathan Troche, Damaris Lynn Vincent, Patrick Wood, Daniel

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

Ackland, William Tyler Aguilera, Ernando Javier Caffrey, Thomas Patrick Jr. Calhoun, Nathan Michael Di Vico, Dennis Michael Goncalves, Leticia Gonzalez, Andres Jewels, Steven Chanceler Kemp, Taillondra Nicole Nawaz, Shahzad Ostojic, Predrag Stonestreet, Nicole Lee Stubbs, Scott Washington, Gary Welch, Terry Alan

Special Agenda continued

Communication Received from John Marabella

Director Watkins presented communication received from John Marabella, not present. Mr. Marabella requested the Commission approve an extension for both him and his wife to complete the 72 hour prelicensure broker's course they began on October 14, 2014. Mr. Marabella requested to complete the last 4 days during the next available session beginning January 27, 2015, which exceeds the 30-day provision in Rule 61J2-3.008, Florida Administrative Code. The Commission entered into discussion. Vice-Chair Fryer moved to approve the request of Mr. and Mrs. Marabella. Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Communication Received From William R. Miller, J.D., M.B.A.

Director Watkins presented communication received from William R. Miller requesting the Commission recognize the coursework that he completed in the 2013 calendar year as an equivalent substitution for the

14-hour continuing education requirement for renewal of his real estate license. The Commissioner entered into discussion. Commissioner Hornsleth moved to deny Mr. Miller's request based on the fact there is not enough information relating to the courses he has submitted. Commissioner Chotas seconded the motion; the motion passed without dissent.

Communication Received From Deborah Thornell

Director Watkins presented communication received from Deborah Thornell requesting the Commission grant a waiver of the fee the Department assessed for late renewal of her real estate license. Ms. Thornell was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the request. Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Public Comments

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

Recess

There being no objection, the Chair recessed the meeting at approximately 12:45 p.m. until 8:30 a.m. tomorrow.

December 17, 2014

Chair Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of December, 2014.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas and Poul Hornsleth. Commissioner Enzor had an excused absence. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Denise Johnson, Deputy Director; Andrew Fier, Chief Attorney; Alison Lamont and Crystal Stephens, Assistant General Counsels; Nyasha Riley, Government Analyst I; Jeannie Adkinson, Regulatory Specialist III; Mike Johnson, Complaint Analyst; Susan Bailey, Administrative Assistant II; Mike Davis, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

General Business continued

Review and Consideration of Real Estate Education Course(s)

Tab E – How New Government Consumer Protections Impact Real Estate Transactions - New Course (3 hours Sales Associate Post-Licensure/Specialty CE; classroom) – Application No. 22192 – Dana R. Ward, Real Estate Closing Solutions, LLC

Ms. Ward was not present. The applicant requested a continuance until January 2015.

Summary of Applicants

Government Analyst Nyasha Riley presented 79 Summary of Applicants requesting to sit for the real estate examination.

Tab R – Luz Adriana Cortes, present with interpreter – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab P – Richard Coles, present; was represented by Chad Alvaro, Esquire, also present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BC – Raheel A. Naviwala, present; was represented by Nancy Campiglia, Esquire, also present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab BQ – Colleen R. Thompson, present; was represented by Nancy Campiglia, Esquire, also present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab G – Josue Batista, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab J – Matt Bohanon, present; was represented by Daniel Villazon, Esquire, also present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab S – Vanessa Cox, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab T – Nicolas Cruz, not present; was represented by Daniel Villazon, Esquire, present – Mr. Villazon withdrew the application on behalf of the applicant.

Tab AY – Andres F. McCausland, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BT – Scott Tye, not present; was represented by Daniel Villazon, Esquire, present – Mr. Villazon withdrew the application on behalf of the applicant.

Tab N – Jimmy Cantave, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AN – Ivonne Hoffman, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

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

- Tab BN Esther Santamaria, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.
- Tab B Tyler B. Allen, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab C Luke T. Amoresano, present Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.
- Tab D Olsi Arqimandriti, present Applicant withdrew the application.
- Tab E Derek Bailey, present Applicant withdrew the application.
- Tab H Brandon W. Bennington, present Commissioner Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.
- Tab I Justin B. Berrier, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab K Andres Borrero, Jr., present Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab L Anthony S. Brown, present Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab Q Nicole Colvin, present Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.
- Tab U Kevin Wade Crystal, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Tab V Daniel Dales, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab W Robert C. Di Pano, not present Applicant requested a continuance until January 2015 and waived the 90-day requirement.
- Tab X Robert Egger, not present Applicant withdrew the application.
- Tab Y Randy M. Fagg, not present Applicant withdrew the application.
- Tab AA Daniel James Farrell, present Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
- Commissioner Hornsleth was delayed and not present.
- Tab BW Patricia Vilela, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab M – Eric Buigas, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AD – Maurice Fleming, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AE – Jamis Godwin, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AF – Carlos G. Gonzalez, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AG – Don Eric Green, Sr., present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab AH – Thomas M. Harmon, II, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab AI – Jonathan P. Harris, present – Commissioner Chotas moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Charles W. Harrison, III, present – Applicant withdrew the application.

Commissioner Hornsleth returned to the meeting.

Tab AL – Rae Ann Heydinger, present – Applicant withdrew the application.

Tab AQ – Dylan Jaeck, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.

Tab AR – Zoltan Kecskes, Jr., present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AS – Ashley Lorraine Larkin, present – Vice-Chair Fryer moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab AT – Nathan Lee, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AU – Lindsey Leibowitz, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AV – Donovan Mandoeng, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AZ – Barbara McCloud, not present – Applicant requested a continuance until January 2015 and waived the 90-day requirement.

Tab BA – Margaret D. Meekison, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BB – Colleen S. Monn, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BD – Robert B. Nuttall, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab BE – Michael C. Orlando, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for broker; the motion passed without dissent.

Tab BG – Sonia Pena, present – Commissioner Chotas moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab BH – Colette Perrot, present – Commissioner Boring moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab BI – Jess Stephen Powers, present – Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BM – Kevin R. Roser, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BO – Jess Stephen Powers, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BP – Tyler S. Tateo, present – Applicant withdrew the application.

Tab BR – Joseph Totten, present – Applicant requested to continue the matter and waived the 90-day requirement. Vice-Chair Fryer moved; seconded by Commissioner Boring to continue the application; the motion passed without dissent.

Tab BS – Daniel Tuttle, not present – Applicant withdrew the application.

Tab BU – Enrique Valcarcel, present – Applicant withdrew the application.

Tab BX – Suelan Wan, present – Applicant withdrew the application.

Tab BY – Ronald Westmoreland, present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab CA – Kenneth L. White, II, present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab F – Leroy L. Baines, Jr., not present – Commissioner Chotas moved; seconded by Commissioner Bring to deny the application for sales associate; the motion passed without dissent.

Tab O – Mario L. Capaldo, not present – Commissioner Boring moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Tab Z – Erik Fanuelsen, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab AB – John Ferrante, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AC – Michael Fisher, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab AK – Kimberly Heinz, not present – Commissioner Boring moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent. kero

Tab AM – Shelby Leigh Hicks, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AO – Heather Hon, not present – Vice-Chair Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab AP – Mohammad Y. J. Ismail, not present – Applicant requested a continuance until January 2015 and waived the 90-day requirement.

Tab AW – Carlos D. Manrique, Jr., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed 4 to 1.

Tab AX – Ruth E. Marte, not present – Vice-Chair Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab BF – Daphnee Paul, not present – Commissioner Chotas moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BJ – Charmene Prescott, not present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BK – James M. Radyko, not present – Applicant withdrew the application.

Tab BL – Sean C. Rand, not present – Vice-Chair Fryer moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab BV – Manlio Valentino, not present – Commissioner Boring moved; seconded by Vice-Chair to approve the application for sales associate; the motion passed 4 to 1.

Director's Comments

Ms. Johnson provided the following comments:

> July 1, 2013, the Bureau of Education and Testing and Pearson VUE worked together to provide testing abilities for real estate candidates stationed overseas in various locations, so that they would have the opportunity to test upon completion of the pre-licensure course. Ms. Johnson reported that 70 candidates were able to use this service this past year.

> The Department of Service Operation has submitted a work ticket to implement electronic licenses. Ms. Johnson provided a brief summary of the process and addressed questions and comments from the Commission.

Last, Ms. Johnson wished everyone a Happy Holiday and Happy New Year on behalf of the Department, the Division and Director Watkins.

Commission's Remarks

Vice-Chair Fryer reported that the Broker Syllabus update workshop is scheduled for Monday, January 12, 2015, at 9:00 a.m.

Chair Furst wished everyone Happy Holidays.

Public Comments

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

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:55 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 13 and 14, 2015, in Orlando, Florida.

Darla Furst, Chair

Florida Real Estate Commission

Juana Watkins, Director

Florida Real Estate Commission