

September 22-23, 2016
Board of Accountancy

Daytona Beach Hilton Resort
Daytona Beach, Florida

Thursday, September 22, 2016

The meeting was called to order at 8:30 a.m. The Pledge of Allegiance was recited; Introduction of Board; the roll was called by Veloria Kelly, Division Director, and reflected the following persons present:

BOARD MEMBERS		STAFF	
Cynthia Borders-Byrd	Present	Veloria Kelly	Present
Maria E. Caldwell	Excused Absence	Denise Graves	Present
David L. Dennis	Present		
M.G. Fennema	Tardy		
Tracy Keegan	Present		
James Lane	Present		
Steve Riggs	Present		
Eric Robinson	Excused Absence		
H. Steven Vogel	Excused Absence		

Mary Ellen Clark, Senior Assistant Attorney General and Board Counsel was present. C. Erica White, Chief Attorney, Department of Business and Professional Regulation; Rosanna Bronhard, Senior Attorney, Department of Business and Professional Regulation was present. Court Reporter was Rob Darling.

1. Approve Board Minutes

A. July 28-29, 2016

Motion was made by Ms. Borders-Byrd seconded by Mr. Lane, to approve minutes. Upon vote, the motion passed unanimously.

7. Maintenance And Reactivation - Staff Approvals

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to approve those listed. Upon vote, the motion passed unanimously.

9. Maintenance And Reactivation - Voluntary Relinquishment

Motion was made Ms. Keegan, seconded by Mr. Riggs, to approve those listed. Upon vote, the motion passed unanimously.

10. Deceased Practitioners

There was a moment of silence.

11. Temporary Permits

Motion was made by Ms. Borders Byrd, seconded by Ms. Keegan, to ratify list. Upon vote, the motion passed unanimously.

12. Reports

A. Committee on Continuing Professional Education Meeting Minutes July 13, 2016

Motion was made by Mr. Riggs, seconded by Ms. Borders Byrd, to ratify the recommendations of the committee. Upon vote, the motion passed unanimously.

B. Committee on Clay Ford Scholarship Meeting August 9, 2016

Motion was made by Ms. Keegan, seconded by Mr. Riggs, to ratify the recommendations of the committee. Upon vote, the motion passed unanimously.

C. Committee on Legislative Affairs Meeting August 29, 2016

1. Discussion on statutory changes:

- a. 473.302(8)(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The board ~~shall~~ may at their discretion adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the board to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph.

Motion was made by Ms. Keegan, seconded by Mr. Riggs, to strike “shall” and change to “may at their discretion”. Upon vote, the motion passed unanimously.

- b. 473.302(9) “Uniform Accountancy Act” means the Uniform Accountancy Act, ~~Fourth~~ Seventh Edition, dated ~~December 2007~~ May 2014 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

Motion was made by Ms. Riggs, seconded by Ms. Keegan, to strike “Fourth”; change to the Seventh Edition and strike “December 2007”; change to May 2014. Upon vote, the motion passed unanimously.

- c. 473.3065(2) All moneys used to provide scholarships under the Clay Ford Scholarship Program shall be funded by a portion of existing license fees, as set by the board, not to exceed \$10 per license. Such moneys shall be deposited into the Professional Regulation Trust Fund in a separate account maintained for that purpose. The department may spend up to \$200,000 per year for the program from this program account but may not allocate overhead charges to it. Moneys for scholarships shall be disbursed twice per year upon recommendation of the advisory council and approval by the board, based on the adopted eligibility criteria and comparative evaluation of all applicants. Funds in the program account may be invested by the Chief Financial Officer under the same limitations as apply to investment of other state funds, and all interest earned thereon shall be credited to the program account.

Motion was made Mr. Riggs, seconded by Ms. Borders-Byrd, to continue to support the current level of fees, spend down the funds and balance of the account.

- d. 473.308(8) If the applicant has at least 5 years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of

State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States, or has at least 5 years of work experience that meets the requirements of subsection (4), the board shall waive the requirements of subsection (3) which are in excess of a baccalaureate degree. All experience that is used as a basis for waiving the requirements of subsection (3) must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States. The board shall have the authority to establish the standards for experience that meet this requirement.

No action at this time.

- e. 473.315(3) The board ~~shall~~ may at their discretion adopt rules establishing the standards of practice of public accounting, including, but not limited to, independence, competence, and technical standards.

Motion was made by Mr. Riggs, seconded by Mr. Lane, to strike “shall” and change to “may at their discretion”. Upon vote, the motion passed unanimously.

Mr. Lane will work with Mr. Brown & Mr. Grossman to develop language to present to the Board for Independence Standards.

- f. 473.323(1)(j) Suspension or revocation of the right to practice before any state or federal , or quasi-governmental agency, including but not limited to the Public Company Accounting Oversight Board. ~~agency.~~

Motion was made by Mr. Riggs, seconded by Ms. Keegan, to approve the language as written. Upon vote, the motion passed unanimously.

- g. ~~473.323(2) The board shall specify, by rule, what acts or omissions constitute a violation of subsection (1).~~

Motion was made by Mr. Riggs, seconded by Ms. Keegan, to delete 473.323(2). Upon vote, the motion passed unanimously.

- h. Revise practice act to allow for level II (fingerprinting) background checks for CPA examination and licensure applicants.

Motion was made by Dr. Fennema, seconded by Mr. Dennis, to approve level II background checks to be obtained by the applicant by a service provider at the time of applying for the CPA exam or applying for Endorsement licensure. Upon vote, the motion passed with Mr. Lane opposing.

Ms. Curry will place this item on the FICPA State Legislative Policy Committee agenda to be discussed.

- 2. Consider drafting a letter of support for use of ULA funds.

Motion was made by Mr. Riggs, seconded by Mr. Lane, to accept and approve the drafted letter presented to the Board. Upon vote, the motion passed unanimously.

D. Committee on Peer Review Meeting August 30, 2016

Motion was made by Dr. Fennema, seconded by Ms. Borders-Byrd, to accept and approve the drafted letter presented to the Board. Upon vote, the motion passed unanimously.

Motion was made by Mr. Lane, seconded by Mr. Dennis, request the FICPA to consider including reviews in the requirement to be enrolled in peer review to F.S. 473.3125(4). Upon vote, the motion passed unanimously.

Motion was made by Mr. Lane, seconded by Dr. Fennema, request the FICPA to consider including reviews in the requirement to be enrolled in peer review to F.S. 473.3125(4). Upon vote, the motion passed with Mr. Dennis opposing.

Mr. Brown informed the Board of the process if a peer review is failed. For the first non-pass peer review there is a letter issued for improvement. The second time an entity receives a non-pass peer review report; the CPA may be un-enrolled from the peer review program and must report to the Board within thirty (30) days of un-enrollment for a hearing before the Board.

Ms. Clark requested the Board to request a consider adding a continuance request for 2ZZ. Picca, Irene to the agenda.

Dr. Fennema chaired the consideration for continuance for 2ZZ. Picca, Irene

Motion was made by Ms. Borders-Byrd, seconded by Mr. Riggs, to add the consideration to the agenda for item 2ZZ. Picca, Irene. Upon the vote, the motion passed unanimously.

Motion was made by Mr. Lane, seconded by Ms. Keegan, to grant the continuance request for Ms. Picca. Upon the vote, the motion passed with Mr. Riggs opposing.

E. Prosecuting Attorney Report

Ms. White reported.

Ms. White gave the Board stats on how many licensed and unlicensed cases are under investigation as well as how many are being reviewed by legal.

F. Rules Report – Assistant Attorney General

Ms. Clark informed the Board; because all rulemaking previously in progress had been completed at the time of the last report in July, 2016, there was nothing new for a rules report. Rules to be discussed for inclusion in the 2016-2017 Annual Regulatory Plan would be covered at that part of the agenda.

13. Administrative

A. Board of Accountancy Statistics

This was an informational item.

B. Department of Business and Professional Regulation 2016-2017 Annual Regulatory Plan

Motion was made by Ms. Border-Byrd, seconded by Ms. Keegan, to approve the current rules on the Annual Regulatory Plan and add rule 61H1-33.003. The purpose of the rule evaluate whether the Board should return to the practice of requiring documentation of completed CPE as part of every renewal as opposed to only in the event of an audit. Upon the vote, the motion passed unanimously.

C. Remarks from the Executive Director

Ms. Kelly informed the Board that Mr. Evans from the staff and Ms. White will be attending the FICPA Accounting Show in Fort Lauderdale on September 27-29, 2016. She also informed the Board staff would be sending out a letter to the colleges and universities located in Florida advising them of the changes in to the

education rule regarding business law. Dr. Fennema requested these letters be sent to the deans of the business schools as well. Ms. Kelly provided the Board with a guide for dealing with the media, which was prepared by the DBPR Office of Communications. Ms. Kelly informed the Board that they can always refer media requests to the Office of Communications. In the event a board member chooses to speak to the media, they must make it clear they are not speaking for the Board. Ms. Kelly informed the Board that in response to their request to send representation to the NASBA 109th Annual Meeting, the Department has granted approval for Board members Dave Dennis, Steve Vogel, and Jim Lane; Board counsel Mary Ellen Clark, and Executive Director Veloria Kelly to attend this meeting.

- D. Review of Nonprofit, For-Profit, and Other Entity Audit Reports For the Fiscal Years Ended October 1, 2014, through September 30, 2015 - Pursuant to Section 215.97(11)(f), Florida Statutes (2015) – FYI

Ms. Kelly informed the Board that she had met, via telephone, with Mr. Richard Law, expert investigator, to discuss reports. Mr. Law advised that unlike the audits of local governments, there is no statutory authority to the review the reports of nonprofit, for-profit, and other entities. Mr. Law advised that the first step would be for the Executive Director to write a letter seeking their cooperation.

- E. Update from Board Members/Staff Serving on NASBA and/or AICPA Committees

Mr. Dennis informed the Board the Uniform Accountancy Act (UAA) Committee moved forward with the UAA model rules / standards. Draft documents will become available later in the week. SARS 21 update is awaiting feedback from NASBA Boards.

Ms. Kelly informed the Board she was reappointed to the AICPA State Board Committee for a fifteen month (15) month term beginning October 2016 through January 31, 2018. She will be traveling to San Diego, California September 27 through 29, 2016 to attend an AICPA State Board Committee meeting.

The Retired status was discussed. It was determined Mr. Lane will work with Ms. Curry and have the information to Mr. Vogel & Ms. Kelly for the next Legislative Policy Committee meeting.

14. NASBA

- A. Candidate Care Concerns 2016 Q-2 – FYI

This was an informational item.

- B. NASBA Jurisdiction Reports: CPA Exam Performance 2016 Q-2 – FYI

This was an informational item.

15. FICPA

Deborah Curry, Justin Thames and Paul Brown were present.

Ms. Curry informed the Board on September 30, 2016 the FICPA Legislative Committee will be meeting and actively pursuing many legislative changes. The potential legislative structure would follow the Uniform Accountancy Act (UAA) policy and model.

Mr. Thames informed the Board the student membership is growing. Mr. Thames thanked the Board for the holding their meetings in conjunction with the FICPA conferences in the past and invited the Board to consider holding their 2017 meetings in conjunction with the MEGA conference.

16. Old Business

None at this time.

17. Other Business

None at this time.

18. Future Meetings

Ms. Kelly informed the Board she would take a look at the schedule, but did remind the Board of Legislative changes that affect where we can hold meetings. Ms. Kelly also informed the Board that changing dates to hold meeting in conjunction with a FICPA conference could affect other listed meeting dates as well.

The meeting was recessed at 12:40 p.m. by Mr. Dennis.

Friday, September 23, 2016

The meeting was reconvened at 8:30 a.m. The Pledge of Allegiance was recited; Introduction of Board; the roll was called by Veloria Kelly, Division Director, and reflected the following persons present:

BOARD MEMBERS		STAFF	
Cynthia Borders-Byrd	Present	Veloria Kelly	Present
Maria E. Caldwell	Present	Denise Graves	Present
David L. Dennis	Present		
M.G. Fennema	Present		
Tracy Keegan	Present		
James Lane	Present		
Steve Riggs	Present		
Eric Robinson	Present		
H. Steven Vogel	Excused Absence		

Mary Ellen Clark, Senior Assistant Attorney General and Board Counsel was present. C. Erica White, Chief Attorney; Department of Business and Professional Regulation, was present. Rosanna Bronhard, Senior Attorney; Department of Business and Professional Regulation, was present. Court Reporter was Holly Kapacinskas.

3. Petition for Variance or Waiver

A. Bartlett, Renee

Ms. Bartlett was present.

Motion was made by Mr. Lane, seconded by Mr. Riggs, to grant the Petition for Variance or Waiver for permanent variance. Upon vote, the motion passed unanimously.

B. Karalius, William Matthew

Motion was made by Mr. Riggs, seconded by Mr. Lane, to grant the Petition for Variance or Waiver for permanent variance. Upon vote, the motion passed unanimously.

C. Miller, Tanya

Ms. Miller was present.

Ms. Miller withdrew her Petition for Variance or Waiver for permanent variance.

D. Sanchez, Linda

Motion was made by Mr. Riggs, seconded by Mr. Robinson, to deny the Petition for Variance or Waiver for permanent variance. Upon vote, the motion passed unanimously.

4. Exams – Considerations

A. Apfel, Stephen Tyler

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

B. Bathurst, Brent Austin

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

C. Deloach, Matthew Wayne

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

D. Knight, Stefanie Dawn

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

E. Larneard, Thomas William Jr.

Mr. Larneard was present.

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

F. Lucia, Michael

Mr. Lucia was present.

Motion was made by Mr. Robinson, seconded by Ms. Borders-Byrd, to approve for convictions only. Upon vote, the motion passed unanimously.

G. Perrone, Carl

Mr. Perrone was present.

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed with Dr. Fennema opposing.

H. Siebold, Chelsea

Ms. Siebold was present.

Motion was made by Ms. Keegan, seconded by Mr. Lane, to approve for convictions only. Upon vote, the motion passed with Mr. Robinson and Dr. Fennema opposing.

5. Exams – Do Not Met Requirements

A. Phan Payne, Mary Theresa

Motion was made by Mr. Riggs, seconded by Ms. Keegan, to deny. Upon vote, the motion passed unanimously.

B. Varsela, Cristina

Motion was made by Mr. Riggs, seconded by Ms. Keegan, to deny. Upon vote, the motion passed unanimously.

6. Endorsements – Considerations

A. Arboleda, David

Motion was made by Mr. Riggs, seconded by Mr. Robinson, to approve for convictions only. Upon vote, the motion passed unanimously.

B. Collier, Cullen

Mr. Collier was present.

Mr. Collier waived his 90 day requirement. Application is incomplete and sanctions are not satisfied. There were new charges since application in 2015. Applicant will submit new application with new charges listed.

C. Diane, Donna Lee

Ms. Diane was present.

Motion was made by Mr. Robinson, seconded by Ms. Borders-Byrd, to approve for convictions only. Upon vote, the motion passed unanimously.

D. Hurley, Eric Lee

Mr. Hurley was present.

Motion was made by Mr. Robinson, seconded by Ms. Borders-Byrd, to approve for convictions only. Upon vote, the motion passed unanimously.

E. Lavin, David

Motion was made by Mr. Riggs, seconded by Mr. Robinson, to approve for convictions only. Upon vote, the motion passed unanimously.

8. Maintenance And Reactivation – Requirements Not Met

A. Hale, Maryann Gerlyn

Ms. Hale was present.

Motion was made by Mr. Robinson, seconded by Ms. Borders-Byrd, to approve. Upon vote, the motion passed unanimously.

B. Krajewski, Tanya C.

Board requested staff contact licensee and invite them to submit a new reactivation application and a Petition for Variance to request reduction in the total number or CPE hours required by Rule 61H1-33.006 F.A.C. and waive the application fee required by Rule 61H1-31.006 F.A.C.

C. Lee, John Webb

Board requested staff contact licensee and invite them to submit a new reactivation application and a Petition for Variance to request reduction in the total number or CPE hours required by Rule 61H1-33.006 F.A.C. and waive the application fee required by Rule 61H1-31.006 F.A.C.

D. Orlan, Sharyn Neumann

Board requested staff contact licensee and invite them to submit a new reactivation application and a Petition for Variance to request reduction in the total number or CPE hours required by Rule 61H1-33.006 F.A.C. and waive the application fee required by Rule 61H1-31.006 F.A.C.

2. OGC Final Action

A. Lynchard, Daryl 2015-028547

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Motion was made by Mr. Robinson, seconded by Mr. Riggs, that Respondent waived his right to request a hearing in which there is a disputed issue of material fact, because he failed to file an Election of Rights form or otherwise establish a disputed issue of material fact pursuant to Rule 28-106.111, F.A.C. Upon vote, the motion passed unanimously. Motion was made to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Ms. Caldwell, to impose a fine of \$2,000.00 and administrative costs of \$417.92, to be due within thirty (30) days of Final Order. Suspend license until firm is enrolled in Peer Review, One (1) year Probation, Reprimand, and Practice Review by a Board approved consultant, to be completed within six (6) months of entry of the Final Order. Consultant shall review three (3) of each completed by the Respondent audits, compilations, and reviews and then submit a written report to the board office at the conclusion of the professional practice review regarding Respondent's work product. The report shall also indicate whether or not Respondent's firm has undergone peer review during the reporting period, and if so, whether or not Respondent received a "Pass." Pre-issuance review; practice shall be restricted. Any audits or reviews that Respondent chooses to perform while his license is restricted shall be subject to pre-issuance review by a Board-approved consultant and complete twenty (24) hours of Accounting and Auditing of continuing professional education. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirements. Upon vote, the motion passed unanimously.

B. Antonaras, John 2014-037371

Mr. Dennis, Mr. Vogel and Ms. Caldwell were recused.

Dr. Fennema chaired.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Ms. Keegan, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson seconded by Ms. Borders-Byrd, to impose revocation of license upon entry of the Final Order. Upon vote, the motion passed unanimously.

C. John Antonaras, CPA, PA 2014-037467

Mr. Dennis, Mr. Vogel and Ms. Caldwell were recused.

Dr. Fennema chaired.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Mr. Riggs, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board.

Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson seconded by Mr. Riggs, to impose revocation of license upon entry of the Final Order. Upon vote, the motion passed unanimously.

D. John Antonaras, CPA & Company, LLC 2014-037469

Mr. Dennis, Mr. Vogel and Ms. Caldwell were recused.

Dr. Fennema chaired.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Mr. Riggs, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson seconded by Ms. Borders-Byrd to impose revocation of license upon entry of the Final Order. Upon vote, the motion passed unanimously.

E. Barnier and Webber, LLC 2016-005733

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Motion was made by Mr. Robinson, seconded by Mr. Riggs, to accept stipulation. Upon vote, the motion passed unanimously.

F. Bell, Benjamin A. 2015-037945

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Mr. Bell was present.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Ms. Caldwell, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$250.00 and administrative costs of \$292.81, to be due thirty (30) days of Final Order and Reprimand. Practice restriction for a period of three (3) years and any services specified in Section 473.302(8)(a), F.S. that Respondent chooses to perform while his license is restricted shall be subject to pre-issuance review by a Board-approved consultant. Upon vote, the motion passed unanimously.

G. Porras, Ricardo 2015-033417

Ms. Borders- Byrd, Ms. Keegan and Mr. Lane were recused.

Motion was made by Mr. Riggs, seconded by Dr. Fennema, to accept stipulation. Upon vote, the motion passed unanimously.

H. Adams, Edward A. 2016-005957

Mr. Adams was present.

Case continued to the November meeting.

I. Beidleman, Scott Keith 2015-052680

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Mr. Robinson, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$2,000.00 and administrative costs of \$152.00, to be due within thirty (30) days of Final Order, licensee shall complete the fifty-three (53) makeup/missing penalty CPE hours plus fifty-three (53) penalty hours for a total of one hundred six (106) CPE hours, license shall be suspended until the outstanding CPE and penalty hours are completed for the 2012-2014 re-establishment period, and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

J. Brown, Henry Kennon 2016-006676

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Motion was made by Mr. Riggs, seconded by Dr. Fennema, to accept stipulation. Upon vote, the motion passed unanimously.

K. Browne, Andrea Lynne 2015-049875

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Ms. Caldwell, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson seconded by Mr. Riggs, to impose a fine of \$1,000.00 and administrative costs of \$150.69, to be due within thirty (30) days of Final Order, licensee shall complete the twenty-eight (28) makeup/missing penalty of CPE hours plus twenty-eight (28) penalty hours for a total of fifty-six (56) CPE hours, and license shall be suspended until the outstanding CPE and penalty CPE hours are completed for the 2012-2014 re-establishment period and licensee shall submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

L. Casey, Patrick Brian 2015-052736

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Mr. Casey was present.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Ms. Caldwell, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Ms. Caldwell seconded by Mr. Robinson, to impose a fine of \$500.00 and administrative costs of \$253.79, to be due within thirty (30) days of Final Order, licensee shall complete the twenty (20) makeup/missing penalty CPE hours plus twenty (20) penalty hours for a total of forty (40) CPE hours and submit proof of those hours for the 2012-2014 re-establishment period, and licensee shall submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

M. Castillo, Renee R. 2015-045330

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Mr. Robinson, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board.

Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson seconded by Mr. Riggs, to impose a fine of \$1,000.00 and administrative costs of \$226.09, to be due within thirty (30) days of Final Order, licensee shall complete the thirty two (32) makeup/missing penalty CPE hours plus thirty two (32) penalty hours for a total of sixty four (64) CPE hours and submit proof of those hours for the 2012-2014 re-establishment period, and licensee shall submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

N. Comly, Nadine

2015-049886

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Motion was made by Mr. Robinson, seconded by Mr. Riggs, that Respondent waived their right to request a hearing in which there is a disputed issue of material fact, because she failed to file an Election of Rights form, or otherwise established a disputed issue of material fact pursuant to Rule 28-106.111, F.A.C. Upon vote, the motion passed unanimously. Motion was made to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusion of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson, seconded by Dr. Fennema, to impose a fine of \$2,000.00 and administrative costs of \$137.38, to be due within thirty (30) days of Final Order. Licensee shall complete the twenty (20) makeup/missing penalty CPE hours plus twenty (20) penalty hours for a total of forty (40) CPE hours and submit proof of those hours for the 2012-2014 re-establishment period, and licensee shall submit proof CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

O. Chen, Lihsin

2016-007856

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Mr. Riggs, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$2,000.00 and administrative costs of \$152.31, to be due within thirty (30) days of Final Order, licensee shall complete the eighty (80) makeup/missing penalty CPE hours plus eighty (80) penalty hours for a total of one hundred sixty (160) CPE hours and submit proof of those hours for the 2012-2014 re-establishment period, license shall be suspended until completion of outstanding CPE and penalty hours are completed for 2012-2014, re-establishment period and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

P. De La Rosa, Franklin

2015-047848

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Mr. Riggs, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$1,000.00 and administrative costs of \$101.10, to be due within thirty (30) days of Final Order, licensee shall complete the thirty-three (33) makeup/missing penalty CPE hours plus thirty-three (33) penalty hours for a total of sixty-six (66) CPE hours and submit proof of those hours, and license shall be suspended until completion of outstanding CPE and penalty hours for the 2012-2014 re-establishment period, period and

submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

Q. Gross, Julia Ann

2015-045346

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. Gross was present.

Motion was made by Mr. Riggs, seconded by Mr. Robinson, to reject stipulation. Counter offer was made by Mr. Robinson, seconded by Mr. Riggs, to impose a fine of \$2,000.00 and administrative costs of \$146.91, to be due within twenty four (24) months of Final Order, licensee shall complete the eighty (80) makeup/missing penalty CPE hours plus eighty (80) penalty hours for a total of one hundred sixty (160) CPE hours and submit proof of those hours, and submit proof of having completed all required hours of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed, with Ms. Caldwell opposing.

Ms. Gross accepted the terms of the counter stipulation.

R. Harney, Charles F.

2015-050342

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Mr. Riggs, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$1,000.00 and administrative costs of \$198.68, to be due within thirty (30) days of Final Order, licensee shall complete the thirty-one (31) makeup/missing penalty CPE hours plus thirty-one (31) penalty hours for a total of sixty-two (62) CPE hours and submit proof of those hours, license shall be suspended until the outstanding CPE and penalty hours are completed for 2012-2014 re-establishment period and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

S. Hawkins, Craig Russell

2015-045350

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Mr. Hawkins was present.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Robinson, seconded by Mr. Riggs, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Ms. Caldwell seconded by Mr. Robinson, to impose a fine of \$1,500.00 and administrative costs of \$181.72, to be due within thirty (30) days of Final Order, licensee shall complete the sixty-three (63) makeup/missing penalty CPE hours plus sixty-three (63) penalty hours for a total of one hundred twenty-six (126) CPE hours and submit proof of those hours, and licensee shall submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours that were prior submitted may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

T. McDonald, Brianna Lise

2016-004131

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Mr. Robinson, to adopt the allegations of fact and

conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$2,000.00 and administrative costs of \$163.73, to be due within thirty (30) days of Final Order, licensee shall complete the sixty-four (64) makeup/missing penalty CPE hours plus sixty-four (64) penalty hours for a total of one hundred twenty-eight (128) CPE hours and submit proof of those hours, and licensee shall license shall be suspended until the outstanding CPE and penalty hours are completed for 2012-2014 re-establishment period and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

U. Petteruti, Ralph A. 2015-047944

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Mr. Robinson, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson seconded by Mr. Riggs, to impose a fine of \$2,000.00 and administrative costs of \$148.09, to be due within thirty (30) days of Final Order, licensee shall complete the forty-nine (49) makeup/missing penalty CPE hours plus forty-nine (49) penalty hours for a total of ninety-eight (98) CPE hours and submit proof of those hours, and licensee shall license shall be suspended until the outstanding CPE and penalty hours are completed for 2012-2014 re-establishment period, and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

V. Phelps, Peter A. 2015-045428

The case was continued until the January meeting.

W. Phifer, Lyssa Marie 2015-050398

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Mr. Robinson, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Robinson, to impose a fine of \$500.00 and administrative costs of \$206.51, to be due within thirty (30) days of Final Order, licensee shall complete the eighteen (18) makeup/missing penalty CPE hours plus eighteen (18) penalty hours for a total of thirty-six (36) CPE hours and submit proof of those hours, and licensee shall license shall be suspended until the outstanding CPE and penalty hours are completed for 2012-2014 re-establishment period, and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

X. Silvey, Kevin 2015-052721

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White stated Respondent elected a hearing in which there is no disputed fact, pursuant to Section 120.57(2), F.S. Motion was made Mr. Riggs, seconded by Mr. Robinson, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Dr. Fennema, to impose a fine of \$2,000.00 and administrative costs of \$157.22, to be due within thirty (30) days of Final Order, licensee shall complete the seventy-two (72) makeup/missing penalty CPE hours plus seventy-two (72) penalty hours for a total of one hundred forty-four (144) CPE hours and submit proof of those hours, and license shall

be suspended until the outstanding CPE and penalty hours are completed for 2012-2014 establishment period, and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

Y. Berman, Elliot Reaves 2014-046825

Mr. Dennis and Ms. Caldwell were recused.

Dr. Fennema chaired.

William Furlow, Attorney for Mr. Berman was present.

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to accept stipulation. Upon vote, the motion passed unanimously.

Z. Berman & Company, P.A. 2014-047202

Mr. Dennis and Ms. Caldwell were recused.

Dr. Fennema chaired.

William Furlow, Attorney for Mr. Berman was present.

Motion was made by Mr. Robinson, seconded by Ms. Keegan, to accept stipulation. Upon vote, the motion passed unanimously.

ZZ. Picca, Irene 2013-029161

Dr. Fennema chaired.

The case was granted a continuance until the December meeting.


17. Other Business

Probable Cause will be scheduled for Thursday, November 3, 2016 from 8:30 a.m. – 11:30 a.m. Board meeting will begin at 1:00 p.m. with plan to hear all OGC final action items. The meeting will reconvene on Friday, November 4, 2016 at 8:30 a.m. Mr. Dennis informed the Board rules work will also be placed on the November agenda.

In an effort to reduce any backlog, the Board requested that the Probable Cause Panel meet on Wednesday, December 14, 2016 for a full day. Ms. Kelly asked Ms. Graves to check venue availability.

20. Adjourn

Mr. Dennis adjourned the meeting at 1:23 p.m.



David Dennis, Chair