

Charlie Liem, Interim Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 22 and 23, 2010
General Meeting**

Chair Roger Enzor called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 22nd day of June, 2010.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli; Claude "Chip" Boring, Darla Furst, Ralph McCoig, and John Ruffier. Commission Guju was excused. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Director and Executive Director; James Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Enforcement; Jennifer Blakeman, Patrick Cunningham, Robert Minarcin, Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner Ruffier moved; Commissioner Boring seconded to approve the Minutes of the May 18 and 19, 2010, General Meeting, as written. Motion carried unanimously.

Report Regarding Complaints Over 365 Days

Director O'Bryant presented the report regarding Complaints Over 365 Days. Director O'Bryant addressed questions from the Commission.

Unlicensed Activity Report

Director O'Bryant presented the Unlicensed Activity Report. Director O'Bryant addressed questions from the Commission.

Broker Examination Update Timeline

Director O'Bryant presented the Broker Examination Update Timeline. Director O'Bryant addressed questions from the Commission and the audience.

Escrow Disbursement Orders

Attorney Joseph Solla presented 31 Escrow Disbursement Orders and 3 Orders to interplead for the Commission's consideration. Mr. Solla reported that items L and AF have been settled and withdrawn from consideration. Upon recommendation of the Legal Section, the Commission issued 29 Escrow Disbursement Orders and 3 Orders. Commissioner McCoig moved to approve the Legal Section recommendation. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Recovery Fund Claim Final Order

Christine Sundquist v. Bill Unsworth – DBPR Case No. 2009012179. Senior Attorney Solla presented this matter to the Commission. Respondent Unsworth was not present. Claimant Christine Sundquist appeared and presented mitigation in support of her claim. Mr. Solla advised that the claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Vice-Chair DeNapoli moved to approve the order denying the claim. Commissioner Furst seconded the motion. The motion carried unanimously. The motion carried unanimously.

DOAH Recommended Orders - Applicants

Alvah T. Wickboldt v. DBPR, Florida Real Estate Commission – DOAH Case No. 09-4030

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

Legal Final Order Docket

Tab B – Arif Zaheer, BK 3049559, Case No. 2008065707; Vista Horizon Realty, Inc., CQ 1016846, 2008054720– Respondent's Request for an Extension of Time to Comply with Final Order

Mr. Zaheer was not present and represented by Daniel Villazon, Esquire. Vice-Chair DeNapoli was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Ruffier to accept the Recommended Order; motion carried unanimously to impose the following sanctions:

Penalty imposed: Respondent Zaheer – Revoke, \$5,000 fine, \$775.50 costs; Respondent Vista Horizon Realty, Inc. – Revoke, \$5,000.00 fine, \$181.50 costs. **Violation:** Respondents – guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of

Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of failure to immediately place with the registered employer any money, fund, deposit, check or draft entrusted to her as agent of the registered employer in violation of Rule 61J2-14.009, Florida Administrative Code and Section 475.25(1)(k), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of having delivered a deposit to the other party to a transaction before the transaction closed in violation of Rule 61J2-14.011, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes. Respondent Zaheer – Guilty of exercising influence on the client for the purpose of financial gain of the licensee or a third party in violation of Section 455.227(1)(n), Florida Statutes.

Tab C – Christopher Barulic, SL 3143630, Case No. 2009045270 – Petitioner’s Request for an Informal Hearing

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

Mr. Harwood represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner McCoig moved, seconded by Commissioner Boring motion carried unanimously to impose the following sanctions:

Penalty imposed: 3 year suspension, \$161.70 costs, 6 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of having had a registration suspended, revoked, or otherwise acted against in any jurisdiction in violation of Section 475.25(1)(s), Florida Statutes.

Tab M – Maria D. Roldan, SL 3194822, Case No. 2008068194 – Respondent’s Request for Reconsideration

Ms. Roldan was present and not represented counsel. Commissioner Guju, not present, was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig to deny reconsideration of the Final Order filed December 4, 2009. The motion carried unanimously.

Action taken: Reconsideration denied.

Tab O – Iris A. Salinas, BK 363477, Case Nos. 2007015658 and 2008032232 – Petitioner’s Request for an Informal Hearing

Ms. Salinas was present and was represented by David Tucker, Esquire, not present. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. Respondent requested a continuance. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to continue the case to July 2010.

Action taken: Case continued.

Tab R – Gustavo Christlieb, SL 622043, Case No. 20080239187 – Respondent’s Request for Reconsideration

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Commissioner Boring to grant the request and entered into discussion. Commissioner Boring moved, seconded by Commissioner McCoig; motion carried unanimously to set aside the previous Final Order, find the Respondent guilty as charged and impose the following sanctions:

Penalty imposed: \$500.00 fine, \$554.40 costs, 6 months to pay. **Violation:** Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of having collected any money in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer and is guilty of commencing or maintaining any action for a commission or compensation against any person except his registered employer in violation of Section 475.42(1)(d), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of failure to maintain trust funds in the real estate brokerage escrow bank account or some other proper depository in the State of Florida until disbursement thereof was properly authorized in violation of Section 475.25(1)(k), Florida Statutes.

Tab B – Agenda B – Amie Layne Bennis, SL 617133, Case No. 2008066944 – Oral Motion to Set Aside Final Order and Continue Case

Ms. Bennis was not present and represented by Richard Withers, Esquire. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved; seconded by Commissioner McCoig to set aside the Final Order and continue the case. Motion carried unanimously.

Action taken: Final Order set aside and case continued.

Tab T – Terrence Jerome Miedzianowski, SL 638010, Case No. 2008022337 – Stipulation

Mr. Miedzianowski was present and not represented by counsel. Commissioner Guju, not present was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$973.50, 1 year probation, attend one 2-day FREC meeting.
Violation: Guilty of having obstructed or hindered in any manner the enforcement of Chapter 475, Florida Statutes or the performance of any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes and, therefore, is in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab N – Joy Rowe, BK 201389, Case No. 2008046257; America Rents the Suncoast, Inc., CQ 229630; Case No. 2008047231 – Respondent’s Request for an Informal Hearing

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Boring moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondents guilty of counts I and III and dismiss counts II and IV. Commissioner Boring moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: Respondent Rowe – \$660.00 costs; Respondent America Rents – \$643.50 within 6 months. **Violation:** Guilty of failing to notify the commission of conflicting demands regarding a deposit in violation of Section 475.25(1)(d)1, Florida Statutes.

Tab W – Stephen B. Williams, BK 3001675, Case No. 2007054223– Stipulation

Mr. Williams was present and represented by T. Geoffrey Heekin, Esquire, not present. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Vice-Chair DeNapoli to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$250.00 fine, \$1,204.50 costs, attend one 2-day FREC meeting all to be completed within 6 months of the effective date. **Violation:** Failed to include an expiration date and price in a listing agreement pursuant to Section 475.25(1)(r), Florida Statutes.

Action taken: Stipulation accepted.

Tab A – Juan Carlos Sanchez, BK 3087282, 3135267, 3134695, 3202672, 3196365; ZH 1002031, 1001815; Case No. 2008051592; Homefirst Realty Group, Inc., CQ 1016872; Case No. 2008051982 – Recommended Order with Transcript – No Exceptions filed

Mr. Sanchez was not present and not represented by counsel. Commissioner Ruffier was recused due to participation on the probable cause panel. Commissioner McCoig was not present in the room.

Mr. Harwood represented the department and presented the case to the Commission. Neither party filed exceptions. The Commission considered the Recommended Order and entered into

discussion. Vice-Chair Commissioner DeNapoli moved, seconded by Commissioner Boring to accept the Recommended Order; motion carried unanimously to impose the following sanctions:

Penalty imposed: Respondent Sanchez – Revoke; \$5,000 fine, collectively pay \$726.00 costs; Respondent Homefirst Realty Group – Revoke, \$5,000 fine, collectively pay \$726.00 costs.

Violation: Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of failure to maintain trust funds in the real estate brokerage escrow bank account or some other proper depository in the State of Florida until disbursement thereof was properly authorized in violation of Section 475.25(1)(k), Florida Statutes.

Tab D – Juan Carlos Blanco, SL 3124231, Case No. 2007010953 – Petitioner’s Request for an Informal Hearing

Mr. Blanco was not present and not represented by counsel. Commissioner Guju, not present, was recused due to participation on the probable cause panel. Commissioner McCoig was not present in the room during presentation and vote of this case.

Mr. Minarcin represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$1,600.50 costs. **Violation:** Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation or territory; has violated a duty imposed upon him by law or by the terms of a listing contract, written, oral, express, or implied, in a real estate transaction; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design, or scheme in violation of Section 475.25(1)(b), Florida Statutes.

Tab E – Thomas Patrick Brew, SL 683003, Case No. 2008008960– Petitioner’s Request for an Informal Hearing

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

Mr. Harwood represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$907.50 costs. **Violation:** Guilty of having operated as a broker while licensed as a sales associate in violation of Section 475.42(1)(b), Florida Statutes and, therefore, in

violation of Section 475.25(1)(e), Florida Statutes; guilty of having collected any money in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer in violation of Section 475.42(1)(d), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab F – Patrick Thomas Carney, SL 3186407, Case No. 2007038563 – Respondent’s Request for an Extension of Time to Comply with Final Order

Mr. Carney was not present and not represented by counsel. Commissioner Guju, not present, was recused to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commissioners entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to deny an extension to complete the requirements of the Final Order filed May 13, 2008.

Action Taken: Extension denied.

Tab G – Thomas J. Christenson, BK 505323, Case No. 2007031822 – Respondent’s Request for Reconsideration

Mr. Christenson was not present and not represented counsel. Vice-Chair DeNapoli and Commissioner Ruffier were recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner McCoig moved, seconded by Commissioner Furst to deny reconsideration of the Final Order filed May 13, 2008. The motion carried unanimously.

Action taken: Reconsideration denied.

Tab I – Kevin William Lumb, BK 686345, Case No. 2007057143 – Petitioner’s Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$727.65 costs. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes.

Clarification Regarding Section 475.25(1)(d), Florida Statutes

Director O'Bryant requested the Commission's opinion relating to Section 475.25(1)(d), Florida Statute. Director O'Bryant stated that a division investigator requesting guidance relating to commission loss checks being paid by British Petroleum that are written directly to the sales associate and not to the brokerage. Mr. Barnhart stated that when the sales associates file a claim they should request that the checks be made payable to the brokerage and if the check is not made payable to the brokerage the sales associate must turn the check into the brokerage. The Commission's opinion is that the checks should be made payable to the brokerage as required by Section 475.25(1)(d), Florida Statutes.

Legal Final Order Docket continued

Tab J – Renee Dawn Manning, SL 687743, Case Nos. 2009064392, 2010005037, 2009060570, 2010008644, 2010002246, 2010000454, 2010005887, 2009064553, 2010002911, 2009063596 and 2009063614 – Voluntary Surrender of Licensure for Permanent Revocation

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

Mr. Harwood represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab L – Taylor Lords Rattray, SL 3154536, Case No. 2008028605 – Petitioner's Request for an Informal Hearing

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

Mr. Harwood represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$181.50 costs. **Violation:** Guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days of having pled guilty or having been convicted of a felony and, therefore, is in violation of Section 475.25(1)(p), Florida Statutes.

Tab P – Justin C. Scarpelli, SL 610371, Case No. 2008024817– Petitioner's Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Ruffier; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$1,468.50 costs. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of having collected any money in connection with any real estate brokerage transaction except in the name of the employer and with the express consent of the employer and is guilty of commencing or maintaining any action for a commission or compensation against any person except his registered employer in violation of Section 475.42(1)(d), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab Q – Scott Jameson Weltz, SL 3196093, Case No. 2008043560 – Petitioner’s Request for an Informal Hearing

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$379.50 costs. **Violation:** Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of failure to immediately place with the registered employer any money, fund, deposit, check or draft entrusted to him as agent of the registered employer in violation of Rule 61J2-14.009 of the Florida Administrative Code and Section 475.25(1)(k), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab S – Melissa M. McLaughlin, BK 633766, Case No. 2008024817– Stipulation

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

Mr. Solla represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Boring to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$500.00 fine, \$759.00 costs, 12 months probation, attend two 2-day FREC meeting. **Violation:** Guilty of dishonest dealing by trick Failed to comply with the requirements of Rule 61J2-3.011, Florida Administrative Code in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

The following case was withdrawn

Tab H – Amy Sue Jamieson

Tab K – Larry M. Pettit

Tab U – Heliana C. Perez

Tab V – Jean Robert Pierre-Paul

Rule Workshop

61J2-2.027 – Applications by Individuals

Director O’Bryant presented this rule to the Commission to address statutory changes relating to fingerprinting and to review the Statement of Regulatory Costs for approval. Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the changes as presented and confirmed there are no regulatory costs.

Statement of Regulatory Costs

61J2-24.001 – Disciplinary Guidelines

Director O’Bryant stated that the Commission previously approved the amendments of this rule. Director O’Bryant presented the Statement of Estimated Regulatory Costs for the Commission’s consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Commissioner Ruffier moved to accept the proposed determination of impact on small businesses. Commissioner Boring seconded the motion. The motion carried unanimously.

61J2-3.012 – Equivalency for Prelicensing Education

Director O’Bryant stated that the Commission previously approved the amendments of this rule. Director O’Bryant presented the Statement of Estimated Regulatory Costs for the Commission’s consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Commissioner Ruffier moved to accept the proposed determination of impact on small businesses. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

61J2-3.015 – Satisfactory Course Completion

Director O’Bryant stated that the Commission previously approved the amendments of this rule. Director O’Bryant presented the Statement of Estimated Regulatory Costs for the Commission’s consideration. The Commission considered the Statement of Estimated Regulatory Costs and agreed that there are no costs in association with the change to this rule. Commissioner McCoig moved to accept the proposed determination of impact on small businesses. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Review and Consideration of the Real Estate Continuing Education Courses

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

1. Avoiding Federal Capital Gains Taxes When Selling Real Property – New Course – Application No. 11827

Mr. Jere Gault appeared in support of the new course. Commissioner McCoig moved to approve the continuing education course listed above as it meets the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion passed 4 to 2.

2. It Is What It Is – New Course – Application No. 12097

Mr. Swearingen did not appear in support of the new course but provided a letter in lieu of his appearance. Commissioner Boring moved to deny the continuing education course listed above as the applicant is not properly licensed and it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Furst seconded the motion. The motion carried unanimously.

3. 2010 SIOR Spring World Conference – New Course – Application No. 122445

Mr. Ammerman appeared on behalf of SIOR in support of the new course. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes, with the understanding it will not be retroactive to the April event; Commissioner Boring seconded the motion. The motion carried unanimously.

4. 2010 Annual Meeting & New Markets Tax Credit Symposium – New Course – Application No. 12469

Mr. Sidorov did not appear in support of the new course. Commissioner Ruffier moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner McCoig seconded the motion. The motion carried unanimously.

5. REO and Short Sale Appraisal Guidelines – New Course – Application No. 12681

Ms. Vincent did not appear in support of the new course. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

Ratification of Suspended Licenses

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Ryan Barton and William Russell Pierce who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

Consent Agenda

The Commission considered 77 applicants from the Consent Agenda; Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve 66 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Arisso, Alberto	Ayala-Ramirez, Gregoria	Battoe, Thomas R.
Berns, Bryan T.	Briggs, James G.	Bryan, Leighanne
Byrd, Richard E.	Carmona, David	Chapman, Kurt
Chiaravalle, Albert J. Jr.	Costa, Crystal	De Ciria, Roberto
Disimone, William T.	Estilette, David C.	Feene, Jamie L.
Fracci Small, Monica	Frederick Jarrod T.	Frohlich, Williams S.
Grasso, Joseph R.	Green, Jason H.	Hill Johnson, Karen A.
Hill, Danny J.	Johnston, Steve H.	Josephs, Steven M.
Keiran, Jason M.	Ledesma, Alan	Leonard, Jeremiah T.
Lepoureau, Pierre G.	Lopatyuk, Sergiy	McClure, Rohan M.
Melendez, Karen S.	Molden, Suzanne D.	Moschella, Teresa M.
Mumford, Kennedy A. Jr.	Neuman, Joseph R.	Newgent, William J. Jr.
O'Connor, Patrick J.	Olmstead, Chris	Poole, Donna M.
Rader, Earl T. II	Robertson, Kevin T.	Ruiz, Luz M.
Samaroo, Jerome J.	Sanchez, Yan Paoli	Schuler, Susan R.
Shotwell, Paul F.	Snell, Jodie H.	Soaper, Jacqueline M.
Stein, Laurence E.	Stenman, Thomas R.	Stewart, Robert L. Jr.
Tadros, Salim A.	Taylor, James W.	Vazuez, Jose Luis
Vilkovskiy, Yevenily M.	Ward, Brian T.	Ward, Edward G.
Webb, Christopher C.	Webster, Tara M.	Wegner, Victoria E.
White, Kyle	Whitman, Steven A.	Williams, Artis Jr.
Williford, Brian E.	Woelfel, Jonathan C.	Young, Jermaine L.

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

Burgos, John M.	Cuevas, Alejandring	Diesu, Patrick J.
Goodrich, Jason J.	Knickelbein, Laura A.	Kramer, Kimberly
Mertl, Donna M.	Murphy, Ross H.	Panchal, Hemant B.
Sprude, Sandra	Stevens, Charlaina M.	

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m.

June 23, 2010

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:45 a.m., in Orlando, on this 23rd day of June, 2010.

Chair Roger Enzor, Vice-Chair Richard DeNapoli; Claude “Chip” Boring, Darla Furst, Ralph McCoig, and John Ruffier. Commissioner Guju was excused. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O'Bryant Jr., Director; James Harwood, Chief Attorney; Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Ms. Denise Johnson, OMC II, presented 70 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Agenda B – McAliley, Wade Franklin Sr.; present – Commissioner Ruffier moved; seconded by Commissioner Furst to vacate the previous denial and approve the application for sales associate; motion carried unanimously.

Tab F – Bitton, Julio; present; represented by Attorney Nancy Campiglia – Commissioner McCoig moved; seconded by Commissioner Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab I – Brown, Kyle G.; present; represented by Attorney Nancy Campiglia – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for broker; motion passed 5 to 1.

Tab J – Caballer, Daniel L., Jr.; present; represented by Attorney Nancy Campiglia – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AY – Milanés Ruiz, Conrado J.; present; represented by Attorney Nancy Campiglia – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab K – Caicedo, Andres F.; present; represented by Attorney Daniel Villazon – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab BK – Suarez, Ariel L.; present; represented by Attorney Daniel Villazon – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion passed 5 to 1.

Tab AB – Gendler, Allen S.; not present; represented by Attorney Martin G. McCarthy, not present – Applicant waived 90-day requirement; continued to August upon request of Mr. McCarthy.

Tab C – Baum, Raymond; present; represented by Attorney Jeffrey M. Janeiro – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab O – Davis, Jacquelyn M.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab BL – Thurston, Brent Alan; present – Application withdrawn and waived 90-day requirement.

Tab A – Atkins, Daryl D.; not present – Commissioner McCoig moved; seconded by Commissioner Furst to deny the application for mutual broker; motion carried unanimously.

Tab B – Barrington, Winfred Jr.; present – Commissioner Furst moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab D – Baxter, Robert E.; present; Application withdrawn and waived 90-day requirement.

Tab E – Beach, John E.; not present – Commissioner Furst moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab G – Botero, Ana C.; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab H – Brown, Curtis; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab L – Carlisle, Joseph Stanley; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab M – Corbino, Michael C.; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion passed 4 to 2.

Tab N – Corcoran, Patrick J.; not present – Application withdrawn by applicant indefinitely.

Tab P – Day, Roger T.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab Q – Doering, Michael J.; not present; Christal Silver appeared as a character witness – Commissioner McCoig moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab R – Donovan, Kelly; present – Application withdrawn and waived 90-day requirement.

Tab S – Doss, Diana; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab T – Doubleday, John A.; present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab U – Duh, Charles D.; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab V – Fernandez, Eric; present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab W – Foster, Michael F.; not present – Commissioner Furst moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab X – Gargano, Ryan A.; not present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab Y – Garrett, Pamela Jay; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab Z – Gelfenbaum, Jay J.; present – Commissioner Furst moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab AA – Genari, Elizabeth S.; present – Commissioner Boring moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AC – Goldberg, Barry; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab AD – Granberg, Denise J.; not present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AE – Graves, Jeffrey G.; present – Commissioner Furst moved; seconded by Commissioner McCoig to approve the application for sales associate; motion passed 4 to 2.

Tab AF – Griffin, Eileen M.; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AG – Guerrero, Giovanni A.; present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion passed 5 to 1.

Tab AH – Heller, Merrill M.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to deny the application for sales associate; carried unanimously.

Tab I – Herring, William G.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for broker; motion carried unanimously.

Tab AJ – Hill, Michael A.; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab AK – Jimeno, Giancarlo; Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to deny the application for broker; motion carried unanimously.

Tab AL – Joy, Mary A.; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for broker; motion carried unanimously.

Tab AM – Kersaint, Denis; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AN – Kirkpatrick, Robert M.; not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AO – Larice, Mario A.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab AP – Laskowski, Daniel; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion passed 4 to 2.

Tab AQ – Lilly, Mark D.; present – Commissioner Ruffier moved; seconded by to Vice-Chair DeNapoli approve the application for sales associate; motion carried unanimously.

Tab AR – Lococo, Joseph P.; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AS – Love, Troy B; present – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion passed 5 to 1.

Tab AT – Masone, Anthony; not present – Commissioner Boring moved; seconded by to Vice-Chair DeNapoli deny the application for broker; motion carried unanimously.

Tab AU – Mattes, Suzette L.; present – Commissioner Ruffier moved; seconded by to Commissioner McCoig approve the application for sales associate; motion carried unanimously.

Tab AV – McDuffie, Sa' Keyta; not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab AW – Meadows, Clarence W. II; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Boring to deny the application for sales associate; motion passed 5 to 1.

Tab AX – Middleton, Darise D. Sr.; present – Commissioner Furst moved; seconded by to Commissioner Ruffier approve the application for sales associate; motion carried unanimously.

Tab AZ – Monsanty, Bruce J.; not present – Commissioner McCoig moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab BA – Moura, Christopher; not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to adopt the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion carried unanimously.

Tab BB – Palombi, Michael L.; present – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion passed carried unanimously.

Tab BC – Phillips, Antonio O. Jr.; present – Application withdrawn and waived 90-day requirement.

Tab BD – Porges, Edwin A.; not present – Applicant requested a continuance and waived 90-day requirement. Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to continue; motion carried unanimously.

Tab BE – Santos, Roberto C.; present – Commissioner Ruffier moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab BF – Scadlock, Steven L. Sr.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BG – Shanley, Michael; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BH – Simon, Sandra; present; Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab BI – Sinclair, Baldwin H.; not present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab BJ – Skandaliaris, Reene, present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion passed 5 to 1.

Tab BM – Vanderwerf, Lonnie J.; not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab BN – Walker, Quintina R.; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab BO – Wallace, Marva M.; present – Commissioner Furst moved; seconded by to Commissioner Boring approve the application for sales associate; motion carried unanimously.

Tab BP – Washington, Javad; present – Commissioner Ruffier moved; seconded by to Commissioner Boring approve the application for sales associate; motion carried unanimously.

Tab BQ – Wiggins, Tequilla L.; not present – Vice-Chair DeNapoli moved; seconded by to Commissioner Boring approve the application for sales associate; motion carried unanimously.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:20 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 20 and 21, 2010, in Orlando, Florida.

Roger Enzor, Chair
Florida Real Estate Commission

Thomas W. O’Bryant, Jr.,
Executive Director
Florida Real Estate Commission