

Charlie Liem, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
August 17 and 18, 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 17th day of August, 2010.

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

Division staff present at the meeting: Juana Watkins, Deputy Director; James Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Enforcement; Patrick Cunningham, Robert Minarcin, Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Fred Clanton, Investigation Supervisor; Denise Johnson, Operations Management Consultant II; Jocelyn Pomales, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; Commissioner Guju seconded to approve the Minutes of the July 20 and 21, 2010, General Meeting, as written. Motion carried unanimously.

Unlicensed Activity Report

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

Monthly and Annual Exam Performance Summary Reports

Deputy Director Watkins presented the Annual and Monthly Exam Performance Summary Reports and addressed questions from the Commission.

Escrow Disbursement Orders

Attorney Joseph Solla presented 34 Escrow Disbursement Orders and 1 Order to interplead for the Commission's consideration. Upon recommendation of the Legal Section, the Commission issued 34 Escrow Disbursement Orders and 1 Order. Commissioner Ruffier moved to approve

the Legal Section recommendation. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

Recovery Fund Claim Final Order

W-K Investment, Inc., v. Athan Charles Prakas – DBPR Case No. 2010001228. Senior Attorney Solla presented this matter to the Commission. Neither Respondent nor Claimant was present. 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. Commissioner McCoig moved to approve the order denying the claim. Vice-Chair DeNapoli seconded the motion. The motion carried unanimously. The motion carried unanimously.

DOAH Recommended Orders - Applicants

John P. Castagna v. DBPR, Florida Real Estate Commission – DOAH Case No. 10-1538

FREC Counsel Rachel Clark presented the Recommended Order of the Administrative Law Judge. Petitioner was not present and represented by Daniel Villazon, Esquire. 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 Administrative Law Judge's Recommended Order. Commissioner Guju seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab A – Lonzie Burgess, BK 701456; Case No. 2008024740 – Recommended Order, Exceptions

Respondent was present and represented by Steven W. Johnson, Esquire. No current members were recused due to participation on the probable cause panel.

Mr. Cunningham represented the Department and presented the case to the Commission. Mr. Johnson filed exceptions on behalf of the Respondent. Mr. Johnson presented Exception I, relating to the Findings of Facts, paragraph 4. The Commission entered into discussion. Vice-Chair DeNapoli moved to reject Exception I, relating to paragraph 4 of the Recommended Order; seconded by Commissioner Ruffier, motion carried unanimously. Mr. Johnson presented Exception II relating to the Conclusions of Law, paragraph 31. The Commission entered into discussion. Commissioner Ruffier moved to reject Exception II, relating to paragraph 31 of the Recommended Order; seconded by Commissioner Furst, motion carried unanimously. Mr. Johnson presented Exception III relating to the Conclusion of Law, paragraph 42. The Commission entered into discussion. Vice-Chair DeNapoli moved to reject Exception III, relating to paragraph 42; seconded by Commissioner Ruffier, motion carried unanimously. Mr. Johnson presented Exception IV relating to the Conclusion of Law, paragraph 43. The Commission entered into discussion. Commissioner Boring moved to reject Exception IV relating to the penalty; seconded by Commissioner Ruffier, motion carried unanimously. Mr. Johnson withdrew Exception D relating to Conclusion of Law paragraph 47. Mr. Johnson presented Respondent's exception to the Administrative Law Judge's Recommendation of

Penalty. Commission Guju moved to accept the Findings of Fact and Conclusions of Law and accept the Administrative Law Judge's Recommended Order imposing the penalty below. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Penalty imposed: Revoke; \$264.00 costs. **Violation:** Guilty of concealment, 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.

Tab W – Dennis Wolfson, BK 97882, Case No. 2009049222 – Stipulation

Respondent was present and represented by William Furlow, Esquire. 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 Guju moved; seconded by Commissioner Furst to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$7,500.00 fine and \$1,148.40 costs within 24 months from the Effective Date of the Final Order, 24 months probation, attend two 2-day FREC general meetings. **Violation:** Failing to direct, control or manage a sales associate employee.

Action taken: Stipulation accepted.

Tab P – Donald Wolfson, SL 691268, Case No. 2009029854 – Voluntary Surrender of Licensure for Permanent Revocation

Respondent was not present and represented by William Furlow, Esquire. Commissioner Ruffier was recused due to participation on the probable cause panel.

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

Penalty imposed: Revoke.

Tab E – Juan Blanco; SL 3124231, Case No. 2007010953 – Respondent's Request for a Reconsideration

Mr. Blanco was not present and represented by Daniel Villazon, Esquire. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Minarcin 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 Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to set aside the previous Final Order

Action Taken: Final Order set aside.

Tab R – Juan Carlos Baixeras, SL 3076487, Case No. 2009047152 – Stipulation

Mr. Baixeras was not present and represented by Daniel Villazon, Esquire. 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 Boring moved; seconded by Commissioner Guju to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine and \$346.50 costs within 6 months from the Effective Date of the Final Order, attend one (1) FREC general meeting. **Violation:** Two counts of failing to make written request to the title company to provide written verification of the receipt of the deposit in violation of Rule 61J2-14.008(2)(b), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab S – Florida Realty of Miami Corp., CQ 1017676, Case No. 2009047153 – Stipulation

Respondent was not present and represented by Daniel Villazon, Esquire. 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. Vice-Chair DeNapoli moved; Commissioner Furst seconded by to accept the Stipulation. Motion carried unanimously.

Penalty imposed: Reprimand, \$264.50 costs within 6 months from the Effective Date of the Final Order, attend one 2-day FREC meeting. **Violation:** Guilty of failing to make written request to the title company to provide written verification of the receipt of the deposit in violation of Rule 61J2-14.008(2)(b), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab U – Claire Amy Meadows, SL 3149645, Case No. 2009031551 – Stipulation

Ms. Meadows was not present and represented by Daniel Villazon, Esquire. 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 Guju to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$450.00 costs within 6 months from the Effective Date of the Final Order, attend one 2-day FREC meeting. **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.

Action taken: Stipulation accepted.

Tab J – Josephine S. Latronica, SL 0664786, Case No. 2009044456 – Respondent’s Request for an Informal Hearing

Ms. Latronica 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 Commission granted the informal hearing and entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$500.00 fine, \$161.70 costs, 18 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of having violated Section 475.42(1)(a), Florida Statutes when Respondent engaged in the above-referenced real estate transactions without a valid and current real estate license.

Tab N – Alla Thicklin a/k/a Alla Zakharova, SL 3101946, Case No. 2009041614; Respondent’s Request for an Informal Hearing

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

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

Penalty imposed: \$858.00 costs, 12 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of having violated Section 475.25(1)(e), by violating Section 475.42(1)(a), Florida Statutes when Respondent operated as a broker or sales associate without being the holder of a valid and current active license.

Tab F – William Brough, BK 620176, Case No. 2008041627 – Respondent’s Request for an Informal Hearing

Mr. Brough was present and was represented by N. Rodriguez-Varela, not present. Commissioner Guju 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 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: \$500.00 fine, \$297.00 costs, 18 months probation. **Violation:** Guilty of violating Section 475.25(1)(e), by violating Section 475.42(1)(e) Florida Statutes, when the Respondent failed to comply with a lawful Order issued by the Commission; guilty of violating

Section 475.25(1)(e), by violating Rule 61J2-10.032, Florida Administrative Code, when the Respondent failed to notify the Commission in writing, within thirty (30) business days, as to which alternative procedure was instituted and when Respondent failed to notify the Commission, within ten (10) business days, regarding the final accounting and disbursement of the funds held in trust.

Tab B – Michael Jacob Piwko, BK 3062479, Case No. 2008010393 – Recommended Order

Mr. Piwko was not present and represented by Heather Rutecki, Esquire, not present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla 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 Ruffier moved to adopt the Findings of Facts and Conclusions of Law and adopt the Administrative Law Judge’s Recommended Order with the exception of the penalty due as it was an egregious theft and dishonest dealings, seconded by Vice-Chair DeNapoli; motion carried unanimously to and impose the following sanctions:

Penalty imposed: Revocation. **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 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 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 H – Brett Alan Hemminger, SL 3081686, Case No. 2009000879 – Respondent’s Request for an Informal Hearing

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

Mr. Solla 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 Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$200.00 fine, \$594.00 costs, 12 months probation, attend one 2-day FREC meeting. **Violation:** Guilty of having violated Section 475.25(1)(e), by violating Section 475.42(1)(e) Florida Statutes, when Respondent failed to comply with a lawful Order issued by the Florida Real Estate Commission which is binding upon her or him.

Tab I – Herbert H. Heron, BK 3006198, Case No. 2009023361 – Petitioner’s Request for an Informal Hearing

Mr. Heron 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 Commission 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 McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$1,122.00 costs. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which directly relates to the activities of a licensed real estate sales associate or that involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes; guilty of being confined in a state or federal prison thereby being in violation of Section 475.25(1)(n), Florida Statutes; 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 K – Jacqueline C. Lopez, SL 659261, Case No. 2004035596 – Petitioner’s Request for an Informal Hearing

Ms. Lopez was not present and not represented 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. The Commission granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$478.50 costs. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab M – Virginia Poe, SL 677825, Case No. 2008012516 – Respondent’s Request for an Extension of Time to Comply with Final Order

Ms. Poe was not 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 Commission entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner Guju; motion carried unanimously to grant a 90-day extension to complete the Final Order requirements.

Action Taken: Extension granted for 90 days.

Tab O – J. Carlos Thomas a/k/a Juan Carlos Thomas, SL 3014109, Case No. 2009058034 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revoke.

Tab Q – Hermann A. Zingg, BK 3041458, Case No. 2008040147 – Petitioner’s Request for an Informal Hearing

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

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; 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: \$500.00 fine, \$165.00 costs, 12 months probation, attend two 2-day FREC meetings. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab T – Michael E. Kimmey, SL 3025057, Case No. 2009051243 – Stipulation

Mr. Kimmey was not present and represented by Norman Kent, Esquire, not present. 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 Commission entered into discussion. Vice-Chair DeNapoli moved; seconded by Commissioner Guju to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$330.00 costs within 6 months from the Effective Date of the Final Order, 6 months probation, attend one (1) FREC general meeting. **Violation:** Guilty of having failed to inform the FREC in writing within 30 days of having pled guilty or nolo contendere to, or having been convicted of a felony in violation of Section 475.25(1)9p), Florida Statutes.

Action taken: Stipulation accepted.

Tab V – Teresa Cheryl Parker, BK 572371, Case No. 2008015562 – Stipulation

Ms. Parker was not present and not represented by counsel. Commissioner Guju 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. Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$500.00 fine, \$379.50 costs within 6 months from the filing date of the Final Order. **Violation:** Section 475.25(1)(b), F.S. (2005), subjects a real estate licensee to discipline for committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or device, culpable negligence, or breach of trust in any business transaction.

Action taken: Stipulation accepted.

The following case was withdrawn

Tab C – Alexis Brahms
Tab D – Andres Alvarez
Tab G – Leonor Chandia
Tab L – Daniel Pfeiffer

Rules Report

Deputy Director Watkins presented the Rules Report in Mr. Barnhart's absence and asked if the Commission had any comments or questions. Commissioner's offered no comments.

Rule Workshop and Statement of Regulatory Costs (where applicable)

61J2-2.027 – Applications by Individuals

FREC Counsel asked the Commission to review the final draft language discussed at the July meeting, and if in agreement, approve moving forward with the rule making process. Commissioner Ruffier moved, Vice-Chair DeNapoli seconded the motion; motion carried unanimously to amend the rule as follows:

The application of a natural person for active licensure pursuant to Rule 61-35.0271, Florida Administrative Code, with respect to sales associates and pursuant to Rule 61-35.02711, Florida Administrative Code, with respect to brokers, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.

(1) No change.

(2)(a) No change.

(2)(b) (c) In the last five years, were you admitted or directed into a program for the treatment of a diagnosed substance-related (alcohol/drug) disorder or, if you were previously in such a program, did you suffer a relapse within the last five years?

(d) If ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances, or

(e) If ever had a broker's or sales associate's license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(3) Each application shall be accompanied by digital fingerprint data ~~a completed FBI fingerprint card~~ for processing to determine if the applicant has a criminal history record, and

(4) No change.

At the FREC general meeting on June 22, 2010, the Commission agreed that there are no regulatory costs in association with the change to this rule and accepted the proposed determination of impact on small businesses.

61J2-24.004 – Mediation

FREC Counsel asked the Commission to review the final draft language discussed at the July meeting, and if in agreement, approve moving forward with the rule making process. Commissioner McCoig moved, Vice-Chair DeNapoli seconded the motion; motion carried unanimously to amend the rule as follows:

(1) No change.

(2) The Commission finds that mediation is an acceptable method of dispute resolution for the following violations as they are ~~it is~~ economic in nature or can be remedied by the subject of the complaint:

(a) Failure to maintain office or sign at entrance of office pursuant to Section 475.22, F.S.

(b) Failure to register a branch office pursuant to Section 475.24, F.S.

(c) Failure ~~Has failed~~ to deliver to a licensee a share of a real estate commission if the licensee has obtained a civil judgment and the judgment has not been satisfied pursuant to Section 475.25(1)(d), F.S.

(d) Failure to give Commission 30 day written notice after a guilty or nolo contendere plea or convicted of any felony pursuant to Section 475.25(1)(p), F.S.

(e) Failure to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year pursuant to Section 475.42(1)(m), F.S.

(f) Failure to keep and make available to the department such books, accounts, and records as will enable the department to determine whether the broker is in compliance with the provisions of this chapter pursuant to Section 475.453, F.S.

The Commission agreed that there are no costs in association with the change to this rule and accepted the proposed determination of impact on small businesses at the FREC general meeting on July 20, 2010.

61J2-24.006 - Probation

FREC Counsel asked the Commission to review the final draft language discussed at the April meeting, and if in agreement, approve moving forward with the rule making process. Commissioner McCoig moved, Vice-Chair DeNapoli seconded the motion; motion carried unanimously to amend the rule as follows:

(1) No change.

(2) If a respondent is unable to complete the requirements of probation within the ninety (90) days or such other time specified in the final order, the Division Director is authorized to grant a one-time 180 ~~ninety (90)~~ days extension for the following reasons:

(a) through (b) No change.

(c) Any substantiated hardship.

(3) through (5) No change.

61J2-3.013 – Distance Education Courses for Hardship Cases

Deputy Director Watkins presented this rule to the Commission for review. The Commission agreed to place this rule on the next available agenda to allow input from FREC Counsel Barnhart and Director O’Bryant.

61J2-3.020 – Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

FREC Counsel asked the Commission to review the final draft language discussed at the April meeting, and if in agreement, approve moving forward with the rule making process. Vice-Chair DeNapoli moved, Commissioner Boring seconded the motion; motion carried unanimously to amend the rule as follows:

(1) through (9) No change.

~~(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-license education requirements.~~

Review and Consideration of the Real Estate Continuing Education Course

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

1. HVCC and the Future of Appraising: Taking Back Our Profession – New Course – Application No. 12679

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

Ratification of Suspended License

Deputy Director Watkins requested the Commission ratify reinstatement of the real estate license of Alan Warman who has met all requirements for reinstatement. The Commission ratified the action unanimously.

Consent Agenda

The Commission considered 108 applicants from the Consent Agenda A; Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve 77 applicants and require 31 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Almirall, Roberto	Alvarez Gonzales, Alejandro	Bartlett, Nancy A.
Beal, Jason S.	Bellero, Susan	Briceno, Leopoldo E.
Brinker, Steven C.	Casson, Michelle M.	Champlin, Amber J.
Cooke, Vernon E.	Crosby, Gerard A.	Cruz, Carolina S.
Devore, Johnie L.	DiPaola, James C.	Eastburn, Alfred H.
Eaton, Michael J. Sr.	Edward Marsh, Nya N.	Elam, Dale K.
France, Jason M.	Frank, Nicole A.	Fritzler, Cory G.
Gilmore, Kenya N.	Gonzalez, Juana M.	Gordon, Tanasa
Greene, John P. Jr.	Griffith, Joshua A.	Guevara, Maria
Haass, Christopher E.	Hamilton, Tracy L.	Hosseini, Lori
Humphrey, Hillary N.	Johnson, Lavell D.	Kindler, Justin
Kirssin, Blair H.	Knudsen, Anthony H.	Krueger, Gerald J.
Little, Michael J.	Lonas, Jeffery L.	Lowe, Kyle A.
Madway, David A.	Matthes, David J.	McLaughlin, Frec C.
McSwain, Kristy M.	Miller, Matthew D.	Millis, Bobby C.
Moravec, Jodi	Mosias, Elliott W.	Nelson, Maude
Ojeda, Miguel O. Jr.	Perez, Javier	Perret Gentil, John A.
Ramirez, Adrianna F.	Ritchey, James P.	Rivera, Irina
Rocha, Juan Carlos	Rodrigo, Angel L.	Romero, Roberto H.
Salveggi, Michael	Savoy, John D.	Schiller, Shannon G.
Scures, Alexander M.	Simmons, Sunoco L.	Slack, Christy V.
Souchet, Rafael	Spencer, Nicole M.	Starlin, John R. II
Taylor, Laura L.	Tetrault, Geoffrey P.	Thomas, Canard A.
Tosi, Kesia	Vold, Ryan	Whitney, Alberto M.
Williams, Debra M.	Wingrove, Susan H.	Woods, Paul C.
Zapata, Allen J.	Zepeda, Juan J.	

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

Allen, Christophner X.	Altman, Ronald	Buchta, Jackie L.
Candelaria, David M.	Cardoso, Daniel H.	Colemon, Gerald P.
Colley, Joel A.	Compo, Alex	Crystal, Hope N.
Degross, James P.	Easterling, Travis O. Sr.	Galante, Nicolo
Gemignani, Mark	Harris, Lenwood W.	Holliday, Josh
Johnson, Richard W.	Kirkland, Douglas L.	Lee, Ho Yeon
Lone, Vivian D.	Martin, Brian M.	Mascherino, Andrew D. Jr.
New, Cynthia A.	Nott, Robert M.	Olsen, Laurence C.
Packard, Tiffany	Phillips, Antonio F.	Rodriguez, Angel L. Jr.
Sealy, Calvin M.	Smith, Carrie M.	St. Clair, Denise
Venderwerf, Sarah M.		

The Commission considered 44 applicants from the Consent Agenda B; Commissioner Ruffier moved; seconded by Commissioner McCoig to approve 29 applicants and require 15 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Abrahamson, Steven
Atkins, Daryl D.
Caratta, Kevin M.
Delo, Gregory James
Evans, Duke A.
Kennedy, Keith David
Monty, Mark
Pappalardo, Chris
Reid, Bobby R.
Schreiber, Vincent E.

Amy, Angela L.
Berlingieri, Roberto E.
Cederstrom, Vernon
Dion, Lee
Faulkner, John D.
Lauter, Mark
Noriega, Luis C.
Read, Tammy L.
Reitz Mucarsel, Carlos D.
Self, Wade R.

Anderson, Gavonnie
Bork, Darrel James
Cohen, Robin P.
Dudley, Richard K.
Freeman, Farley D.
Lopez, Alexia J.
Osborne, Gerald E.
Rebillion, Scott
Rich, Marvin J.

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

Andrade, Kelvin A.
Gomez, Richard P. Jr.
Henriques, Giggi N.
Low, Alfred
Robinson, Joel M.

Cowherd, Benjamin J.
Gonzalez, Jesus R.
Kelly, James P.
Miller, Ronald C.
Schmer, Justin D.

Edelglass, Diane C.
Harbus, Maria
Kelly, Mary Ann
Pronman, Gary E.
Williams, Megan

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:00 p.m.

August 18, 2010

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of August, 2010.

Chair Roger Enzor, Vice-Chair Richard DeNapoli; Claude “Chip” Boring, Darla Furst, Michael Guju, Ralph McCoig and John Ruffier. Ms. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Division staff present at the meeting: Juana Watkins, Deputy Director; James Harwood, Chief Attorney; Jennifer Blakeman, Senior Attorney; Fred Clanton, Investigative Supervisor; 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 27 Summary of Applicants requesting to sit for the real estate examination.

Tab W – Scott, Veronica C.; present; represented by Attorney Daniel Villazon, present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab Y – Thurston, Brent A.; present; represented by Attorney Daniel Villazon, present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab A – Alie, Nadeer D. Jr.; present – Commissioner Boring moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab B – Alvarado, Erick; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab C – Appleby, Cara M.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab D – Baez, Johnny Omar; present – Application withdrawn and waived 90-day requirement.

Tab E – Bombenger, George M.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried 5 to 2.

Tab F – Christensen, Ester E.; not present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab G – Delagdo, Carolos A.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to continue the application for sales associate until September; motion carried unanimously. Applicant waived 90-day requirement.

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

Tab I – Doscher, Scott M.; present – Commissioner McCoig moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab J – Gendler, Allen A.; not present; represented by Attorney Nancy Campiglia – not present; Vice-Chair DeNapoli moved; seconded by Commissioner Furst to continue the application for sales associate until September; motion carried unanimously. Applicant waived 90-day requirement.

Tab K – Gousseva, Ekaterina I.; present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab L – Gross, Glenn H.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab M – Johnston, Buddy W.; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion passed 4 to 2.

Tab N – Maribona, Bernardo; present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

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

Tab P – Masone, Anthony; present – Commissioner Ruffier moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion carried unanimously. Commissioner Boring moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab Q – Mixon, Robin M.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab R – Mock, Cary L.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab S – Nelson, Darren; present – Commissioner Furst moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried 6 to 1.

Tab T – Orme, Tarah R.; present – Vice-Chair DeNapoli moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab U – Oshinsky, Steven; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab V – Rabinowitz, Brian; present – Commissioner McCoig moved; Commissioner Furst seconded by to approve the application for sales associate; motion carried unanimously.

Tab X – Staggs, Joshua W.; present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried unanimously.

Tab Z – Tran, Yen Hong, not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab AA – Veasey, William D. IV.; present – Commissioner Guju moved; seconded by Commissioner McCoig to approve the application for broker; motion carried unanimously.

Tab AB – Vosmak, Vitaliy.; not present; represented by Attorney Nancy Campiglia – not present; Vice-Chair DeNapoli moved; seconded by Commissioner Boring to continue the application for sales associate until September; motion carried unanimously. Applicant waived 90-day requirement.

Deputy Director Comments

Ms. Watkins reported that the division is seeing an increase in applications. Ms. Watkins addressed comments from the Commission.

Chair's Comments

Chair Enzor thanked the Deputy Director and FREC Counsel for their hard work.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 10:18 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 14 and 15, 2010, in Orlando, Florida.

Roger Enzor, Chair
Florida Real Estate Commission

Juana Watkins,
Deputy Director
Florida Real Estate Commission