

Charlie Liem, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 19 and 20, 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 19th day of October, 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. 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; James P. Harwood, Chief Attorney; Patrick Cunningham, Robert Minarcin, Joseph Solla, Senior Attorneys; Brad Koshland, Bureau Chief of Enforcement; 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 McCoig moved; Vice-Chair DeNapoli seconded to approve the Minutes of the September 14 and 15, 2010, General Meeting, as written. Motion carried unanimously.

Unlicensed Activity Report

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

Financial Reports

Director O'Bryant presented the Financial Reports for the twelve months ending June 30, 2010, and addressed questions from the Commission and members of the audience.

Monthly Exam Performance Summary Report

Director O'Bryant presented the Monthly Exam Performance Summary Report.

Escrow Disbursement Orders

Attorney Joseph Solla presented 25 Escrow Disbursement Orders and 4 Orders to interplead for the Commission's consideration. Upon recommendation of the Legal Section, the Commission issued 25 Escrow Disbursement Orders and 4 Orders. Commissioner Furst moved to approve the Legal

Section recommendation. Commissioner Guju seconded the motion. The motion carried unanimously.

Recovery Fund Claim Final Order

Jeremy Ferderber and Julie Selvaggi v. Denny R. Hughes – DBPR Case No. 2010012025. Senior Attorney Solla presented this matter to the Commission. Respondent Hughes was not present. Attorney Tom Runyan appeared on behalf of the Claimants in support of the claim. Mr. Solla advised that the Claimants qualify statutorily to receive payment from the recovery fund and recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Ruffier moved to approve the order granting the claim in the amount of \$7,980.00. Commissioner Guju seconded the motion. The motion carried unanimously.

John Burke v. Denny R. Hughes – DBPR Case No. 2010012028. Senior Attorney Solla presented this matter to the Commission. Neither the Claimant nor the Respondent was present. Mr. Solla advised that the Claimant does qualify statutorily to receive payment from the recovery fund and recommended the Commission grant the request. The Commission considered the facts and circumstances. Vice-Chair DeNapoli moved to approve the order granting the claim in the amount of \$23,970.00. Commissioner Guju seconded the motion. The motion carried unanimously.

Barbara Keller v. DBPR – DBPR Case No. 2010025411. Senior Attorney Solla presented this matter to the Commission. Respondent Keller was not present. Mr. Solla advised that the Claimant does qualify statutorily to receive payment from the recovery fund and recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner McCoig moved to approve the order granting the claim in the amount of \$1,463.00. Commissioner Boring seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Tab X – Gail A. Moncla, BK 3218488, Case No. 2009004385 – Stipulated Settlement

Respondent was present and represented by James Shepherd, Esquire, present. Chair Enzor was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner Ruffier to accept the Stipulation as amended. Motion carried unanimously.

Penalty imposed: \$2062.50 costs, attend one 2-day FREC general meeting, 30 hours of education to include, in part, escrow management. **Violation:** Violated Section 475.25(1)(v), Florida Statutes, in that she failed to review the brokerage's trust accounting procedures for All American School of Real Estate; violated 61J2-14.012, Florida Administrative Code, in that she failed to make monthly reconciliations for All American School of Real Estate and, therefore in violation of Section 475(1)(e), Florida Statutes.

Action taken: Stipulation accepted as amended.

Tab L – Matthew D. Lyons, BK 3055790, Case No. 2009064637 – Respondent’s Request for an Informal Hearing

Respondent was present and represented by Nancy P. Campiglia, Esquire, 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 granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Six months suspension, \$2,500.00 fine, \$112.20 costs, 12 months probation to run concurrent with suspension, attend two 2-day FREC general meetings. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes (2008); guilty of not having informed the Florida Real Estate Commission in writing within thirty (30) days after pleading guilty or nolo contendere to, or being convicted or found guilty of a felony in violation of Section 475.25(1)(p), Florida Statutes (2008).

Agenda B – Tab A – Michael J. Franco, BK 306383, Case No. 2009051087 – Respondent’s Request for an Informal Hearing

Respondent was present and represented by Steven W. Johnson, Esquire, present. Commissioner Guju and Commissioner Boring were recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission granted the 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: Revoke, \$660.00 costs. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes.

Tab F – Judith Deviney, SL 3140150, Case No. 2009048845 – Respondent’s Request for an Informal Hearing

Respondent was present and was 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 Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$1,000.00 fine, \$990.00 costs, 1 year probation, 30 hours of continuing education, must attend one 2-day FREC general meeting. **Violation:** Guilty of aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board, in violation of Section 455.227(1)(j), Florida Statutes; guilty of having operated as a broker while licensed as a sales associate by collecting compensation from another not registered as her employer in violation of Section 475.42(1)(b), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab G – Courtney George Dixon, SL 681828, Case No. 2008030120 – Petitioner’s Request for an Informal Hearing

Respondent was present and not represented by counsel. Commissioner Guju and Commissioner Boring were 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 of Count II of the Administrative Complaint. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: \$346.50 costs, 6 months probation, must complete a 4-hour escrow course, attend one 2-day FREC general meeting. **Violation:** Guilty of failure to indicate the name and address of the Escrow Agent holding the Buyers’ deposit and when Respondent failed to obtain and retain written confirmation upon delivery of the escrow deposit in violation of Rule 14.008(2)(b), Florida Administrative Code(2006).

Tab H – Lucina D. Guerrero, SL 3175181, Case No. 2008034004 – Petitioner’s Request for an Informal Hearing

Respondent was present and represented by Milton J. Figueroa, 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. Mr. Figueroa requested a continuance of the matter. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to continue the matter to November.

Action Taken: Case continued to November, 2010.

Tab U – Matt John Raitz, SL 3092196, Case No. 2006043561 – Respondent’s Request for Reconsideration

Respondent was present and not represented 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 entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst to grant the request and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried 5 to 2 to vacate the previous Final Order filed December 4, 2007, find the Respondent guilty as charged and impose the following sanctions:

Penalty imposed: Two years eight months suspension, \$1,000.00 fine, \$504.90 costs. **Violation:** 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, Florida Administrative Code; guilty of 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 comply with duties of the brokerage relationship to deal honestly and fairly in violation of Section 475.278, Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab B – Orlando Capiro, BK 162278, Case No. 2009028522; Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Guju and Commissioner Boring were 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 Commissioner Boring; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$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 collecting a \$1,000.00 security deposit and money for rent from a tenant without the express consent from the employer in violation of Section 475.42(1)(d), Florida Statutes(2006).

Tab C – Orlando Capiro, BK 162278, Case No. 2010003114; Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Guju and Commissioner Boring were 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 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: Revoke, \$250.00 fine, \$257.40 costs. **Violation:** Guilty of having been convicted, regardless of adjudication, to a crime which directly relates to the activities of a licensed real estate broker or sales associate or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes; guilty of failure to inform the Commission in writing within 30 days after pleading guilty or nolo contendere to a felony crime in violation of Section 475.25(1)(p), Florida Statutes.

Tab I – Michael K. Hannaway, SL 3115416, Case No. 2008034239 – Respondent’s Request for an Extension of Time to Comply with Final Order

Respondent 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 Commission entered into discussion. Commissioner Guju moved, seconded by Commissioner Boring; motion carried unanimously to grant a 6 months extension to complete the Final Order requirements.

Action Taken: Extension granted for 6 months.

Tab J – Hugo Krause, SL 3080294, Case No. 2008032358 – Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Guju and Commissioner Boring were 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: Revoke, \$429.00 costs. **Violation:** Guilty of having operated as a broker while licensed as a sales associate or as a sales associate of any person not registered as his employer 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 received and accepted money from the Tenant, without the express consent from the Respondent’s broker of record in violation of Section 475.42(1)(d), Florida Statutes.

Tab M – Xavier Mercado, SL 3120993, Case No. 2008068023 – Respondent’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. Cunningham represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Furst moved, seconded by Commissioner Boring; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$198.00 costs. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), Florida Statutes (2007).

Tab N – Kenneth Mong, SL 682886, Case Nos. 2007003612 and 2006011421; Respondent’s Request for an Extension of Time to Comply with Final Order

Respondent 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. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to grant a 6 months extension to complete the Final Order requirements.

Action Taken: Extension granted for 6 months.

Tab O – Mauricio Salas, BK 0522738, Case No. 2010003420 – Respondent’s Request for an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Guju and Commissioner Boring were 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 McCoig; motion carried unanimously to find the Respondent guilty as charged. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$52.80 costs. **Violation:** Guilty of having been convicted of committee bank loan application fraud, mail fraud and wire fraud in violation of Section 475.25(1)(f), Florida Statutes (2007); guilty of being confined in a state or federal prison in violation of Section 475.25(1)(n), Florida Statutes (2008).

Tab Q – Vanity J. De Stefano, BK 523919, Case No. 2010005875 – Respondent’s Request for an Informal Hearing

Respondent was present and not represented by counsel. Commissioner Guju and Commissioner Boring were 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 McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty of Counts I and III of the Administrative Complaint and dismiss Count II. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$500.00 fine, \$227.70 costs. **Violation:** Guilty of failing to report in writing to the Commission, within 30 days after the effective date of the statute, her conviction in violation of Section 455.227(1)(t), Florida Statutes (2009); guilty of failure to inform the Commission in writing within 30 days of her felony conviction in violation of Section 475.25(1)(p), Florida Statutes (2009).

Tab S – Julian J. Veroes, SL 663864, Case No. 200180804 – Respondent’s Request for Reconsideration

Respondent was present and not represented 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 entered into discussion. Commissioner Ruffier moved, seconded by Vice-Chair DeNapoli to deny reconsideration of the Final Order filed September 17, 2003. The motion carried unanimously.

Action taken: Reconsideration denied.

Tab T – Edward E. Cambas, BK 454126, Case No. 2004025613 – Respondent’s Request for Reinstatement

Respondent 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 entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig to deny Respondent’s request for reinstatement of license. The motion carried unanimously.

Action taken: Reinstatement request denied.

Tab Y – Marcella Elisabeth Phelps, SL 3173295, Case No. 2010001608 – Stipulated Settlement

Respondent was not present and not presented by counsel. Commissioner Guju and Commissioner Boring were 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 Ruffier moved; seconded by Vice-Chair DeNapoli to accept the Stipulation. Motion carried unanimously.

Penalty imposed: 30 days suspension, \$500.00 fine, \$514.80 costs, 12 months probation and attend two 2-day FREC general meetings. **Violation:** A person licensed as a sales associate may not operate as a broker or operate as a sales associate for any person not registered as her or his employer in violation of Section 475.42(1)(b), Florida Statutes, and Section 475.25(1)(e), Florida Statutes.

Action taken: Stipulation accepted.

Tab Z – Quinton E. Smith, SL 548570, Case No. 2009044946 – Stipulated Settlement

Respondent was not present and not presented 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. Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to accept the Stipulation. Motion carried unanimously.

Penalty imposed: \$500.00 fine, \$462.00 costs; 12 months probation, attend one 2-day FREC general meeting. **Violation:** Guilty of having placed or caused to be placed a lien, upon public records of any county, any contract, assignment, deed, will, mortgage, affidavit, or other writing which purports to affect the title of, or encumber, any real property if the same is known to her or him to be false, void, or not authorized to be placed of record, or not executed in the form entitling it to be recorded, or the execution or recording whereof has not been authorized by the owner of the property, maliciously or for the purpose of collecting a commission, or to coerce the payment of money to the broker or sales associate or other person, or for any unlawful purpose. However, nothing in this paragraph shall be construed to prohibit a broker or sales associate from recording a judgment rendered by a court of this state or to prohibit a broker from placing a lien on a property where expressly permitted by

contractual agreement or otherwise allowed by law, in violation of Section 475.25(1)(j), Florida Statutes.

Action taken: Stipulation accepted.

The following cases were continued or withdrawn

Tab A – Andres Alvarez
Tab D – Carl Lee Carr
Tab E – Tom Daugherty
Tab K – Thomas Martin Langston
Tab P – Josue Soto
Tab R – Craig John Tomlin
Tab V – Martin W. Burnstein

JAPC Comments

61J2-24.004 – Mediation

FREC Counsel Tom Barnhart presented the letter received by the Joint Administrative Procedures Committee and recommended to modify the rule according to JAPC’s comments and strike the addition of 61J2-24.004(d) through (f), Florida Administrative Code. Commissioner McCoig moved to approve additions of 61J2-24.004, (a) and (b), Florida Administrative Code, allowing the division, through mediation, to remedy these violations. Commissioner Furst seconded the motion; the motion carried unanimously.

61J2-24.006 – Probation

FREC Counsel Tom Barnhart presented the letter received by the Joint Administrative Procedures Committee. Director O’Bryant stated that the issue with this rule is that it refers to Rule 61J2-3.013, Florida Administrative Code – Distance Education Courses for Hardship Cases and suggested that the Commission review Rule 61J2-3.013 and then address Rule 61J2-24.006. Director O’Bryant addressed questions and comments from the Commission. Vice-Chair DeNapoli moved; seconded by Commissioner Furst; the motion carried unanimously to amend the rule change as follows:

61J2-24.006(2)(c) “Any substantiated hardship.” to “Economic hardship as defined by someone completing all other requirements of probation with the exception of paying fine and costs.”

Nominations of Chair and Vice-Chair

Chair Enzor opened the floor for nominations.

Commissioner Ruffier moved for the nomination of Vice-Chair Richard DeNapoli as Chair. Commissioner Furst seconded the motion. The motion carried unanimously.

Commissioner Ruffier moved for the nomination of Commissioner Michael Guju for the position of Vice-Chair. Commissioner Chip Boring moved for the nomination of Commissioner Furst for the position of Vice-Chair. Motion carried 5 to 2 in favor of Commissioner Guju for the position of Vice-Chair.

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. ASFMRA Governance and Ethics for New Members – New Course – Application No. 13241

Mr. Grace 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.

2. ASFMRA 81st Annual Convention – New Course – Application No. 13242

Mr. Grace did not appear in support of the new course. Vice-Chair DeNapoli moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

3. Animal Agricultural Seminar – New Course – Application No. 13243

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

4. Financial Management Seminar – New Course – Application No. 13244

Mr. Grace did not appear in support of the new course. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

5. How to Soar in Presentation and Training – New Course – Application No. 13258

Mr. Thompson appeared 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; Vice-Chair DeNapoli seconded the motion. The motion carried 6 to 1.

6. Boundary Issue: Resolving Client Conflicts – New Course – Application No. 13291

Ms. Gruber 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 Guju seconded the motion. The motion carried unanimously.

7. Home Staging for Agents – New Course – Application No. 13406

Ms. Harmon, not present, provided a statement in support of the new course in lieu of her appearance. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair DeNapoli seconded the motion. The motion carried unanimously.

8. EPA Lead Safety – Repair, Renovation & Painting – New Course – Application No.

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

Consent Agenda A

The Commission considered 147 applicants from the Consent Agenda A; Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve 101 applicants and require 46 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Albert, Joel	Arbeiter, James M.	Ash, Abraham O.
Barilich, Kenneth R.	Barton, Brian D.	Bastek, Jurgen W.
Baxter, Robert E.	Bent, Theophilus	Beringer, Daniel T.
Boland, Erik	Bosley, Frank	Brabant, Brian A. Sr.
Brown, Christina A.	Burkhart, William	Castaneda, Virginia
Cataldo, Paul A.	Clark, Charlotte	Coker, Tracey
Conneally, Daniel	Corman, Brendan	Cruzata, Gabriel
Dell, Paul L.	Demetreu, Michael J. Jr.	Depierro, Anthony
Dworsky, Fredric J.	Falcon, Cesar	Feaster, Paul F.
Fischell, Erika N.	Fitzpatrick, Elizabeth	Flaherty, Charles M.
Freeman, Eric J.	Giberson, John C. Sr.	Griffin, Brian
Griggs, Karl J.	Harper, Joshua	Harrison, Lauren M.
Heuwetter, Christopher	Ingrande, Bryan V.	John, Marlon
Jones, Jeffrey S.	Juman, Nezam	Kashmiri, Marisol
Kearns, David A.	Keith, Alysia	Kramer, Kimberly
Kraus, Robert	Krupp, Jacqueline	Lackie, Rhonda M.
Leard, Joanne M.	Ligeikis, Donald R.	Llosa, Enrique A.
Leard, Joanne M.	Ligeikis, Donald R.	Lott, Jamie Al
Lynch, John A.	Martin, Brian M.	Mathews, Mark
Mendez, Reinaldo J.	Mokaya, Martin M.	Monahan, Thomas J.
Neff, Timothy D.	Nelson, Halima Nha-Khir	Nichols, Earl A.
Nunez, Christopher R.	Nurse, Harry L. Jr.	Odio, Jason A.
Ojeda, Frank E.	Oliver, Shanna	Olumide, Oluwole
Panchal, Hemant B.	Papini, Luccas	Pasquale, Jai A.
Peacock, Cassie	Pheil, Jessie Jr.	Ramaker, Casey J.
Reves, Patricia A.	Rigsby, Rhonda R.	Riordan, Sean P.
Rivera, Francisco	Rodgers, Negel R.	Ross, Donna S.
Sanjurjo, Benae T.	Sargeant, Adrian L.	Seifert, Michael C.
Senatore, Christopher J.	Serrano, Jacqueline M.	Siefker, David W.
Smotryski, John B.	Sorensen, James D.	Stern, Paul
Stetson, Michael J.	Torne, Juan F.	Trevethan, Allyson A.
Trombley, Bridget J.	Valcarcel, Fredy	Vaughn, Kathleen
Wall, Penny M.	Weiner, JRobert E.	Weismore, Ronnie P. II
Wells, Aubrey B.	Westerfield, Karen A.	

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

Arguello, Douglas M.	Bailey, Carrie L.	Buskey, Christopher
Cairns, Michelle J.	Campos, Tiffany	Dieter, Marco A.
Evangelista, Michael	Fagerness, Angela	Feehan, Terri A.
Gates, Gary L.	Gilligan, Jody T.	Gonzalez, Derek
Groover, Anthony M.	Hardt, Bradley R.	Harris, Marshall L. Jr.
Jablkowski, Jennifer A.	Lantrip, Lisa	Laprade, David M.
Madsen, Jason I.	Majeu, Alain	Mandel, Joshua M.
Marr, David	McDonnell, Anthony J.	McLean, Patrick K.
Miller, Frederick L. III	Murphy, Jacqueline	Ogilvie, Sonny L.
Patel, Smita	Pemberton, James M.	Perez Cervera, Andres
Redondo, Jessica A.	Richards, Raynard D.	Rodrigues, Diana M.
Samuel, Ann Marie	Sanchez, Veronica	Scida, Lance N.
Sciuto, Brandon A.	Silver, David M.	Taouzzale, Youssef
Tatro, Michael Jr.	Taylor, Catrina A.	Trauger, Carl R.
Trotto, Jessica S.	Vickers, Kadijah J.	
Westfield, Kurt	Yunis, Jeffrey N.	

Consent Agenda B

The Commission considered 24 applicants from the Consent Agenda B; Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve 12 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Abadie, Tania P.	Boring, Todd	Calabrese, Fred
Cottom, George A.	Deandrea, Taru	Elfenbein, Karen
Freeland, Heather	Gayer, Jossef	Giordano, Davidde L.
Pickett, Darrell R.	Poger, Michael S.	White, Patrick Jason

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

Dalton, William S.	Federic, James III	Gomez, Raul
Goncalves, Tanya G.	Horka, Silvie	Matranca, Marcelo A.
McAbee, Bridgette	Nuccio, John	Packard, Tiffany M.
Pesh, Larry	Ponce, Ricardo	Valerio, Mark P.

Public Comments

The Commissioners received comments from a member of the audience.

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

October 20, 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 20th day of October, 2010.

Chair Roger Enzor, Vice-Chair Richard DeNapoli; Claude “Chip” Boring, Darla Furst, Michael Guju, Ralph McCoig and John Ruffier. 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; Brad Koshland, Bureau Chief of Investigation; Patrick Cunningham, Senior Attorney; Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; JoEllen Peacock, Education Coordinator; Lauren Roderick and Janice Taylor, Government Analyst I; 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 28 Summary of Applicants requesting to sit for the real estate examination.

Tab Z – Velez, Carlos Patricio, present – represented by Attorney Daniel Villazon, present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab M – Livingston, Beverly Suzzan; present – represented by Attorney Nancy Campiglia, present – Commissioner Ruffier moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for broker; motion carried unanimously. No further action was taken.

Tab Q – Onwuemene, Onochie; present – represented by Attorney Nancy Campiglia, present – Application withdrawn.

Tab A – Aubut, Michael Philip; not present – Commissioner Guju moved; seconded by Commissioner Boring to approve the application for sales associate; motion failed 3 to 4. Vice-Chair DeNapoli moved; seconded by Commissioner Ruffier to deny the application for sales associate; motion carried 4 to 3.

Tab B – Baysura, Robert John; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to deny the application for sales associate; motion carried unanimously.

Tab C – Burgos, John M.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to adopt the findings of fact and conclusions of law and uphold the Notice of Intent to Deny the application for sales associate; motion carried unanimously.

Tab D – Cowrie, Abraham; not present – Application withdrawn completely.

Tab E – Forestal, Guybs; present – Application withdrawn and waived 90-day requirement.

Tab F – Galley, Joseph M., Gerald; not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Tab G – Gonzalez, Adolfo, H.; present – Commissioner Furst moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab H – Keppler, Patrick E.; not present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab I – Kirk, Christopher George; not present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

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

Tab K – Ledet, Brady Russell; not present – Applicant requested a continuance to December. Commissioner Boring moved; seconded by Vice-Chair DeNapoli to continue the application for sales associate; motion carried unanimously. Applicant waived the 90-day requirement.

Tab L – Liburd, Adrian; not present – Commissioner Boring moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried 6 to 1.

Tab N – Loy, Dennis R., present – Vice-Chair DeNapoli moved; seconded by to Commissioner Furst approve the application for sales associate; motion carried unanimously.

Tab O – Lynn, Paul; present – Application withdrawn and waived 90-day requirement.

Tab P – Nicolas, Claude Harry; present – Commissioner Furst moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab R – Pappas, Alexandros Jr.; present – Commissioner Guju moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab S – Pichardo, Eladio Antonio; present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for broker; motion carried unanimously.

Tab T – Prescott, Blessing Marie; not present – Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to approve the application for sales associate; motion carried 6 to 1.

Tab U – Rizea, Tina C.; present – Application withdrawn and waived 90-day requirement.

Tab V – Schultz, John Albert; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab W – Scotland, Ulric A.; present – Application withdrawn and waived 90-day requirement.

Tab X – Sloan, Julian Rapallo III; not present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve the application for sales associate; motion carried unanimously.

Tab Y – Souza, Robert Alex; not present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve the application for broker; motion carried unanimously.

Tab AA – Williams, Reynaldo Jr.; present – Application withdrawn and waived 90-day requirement.

Tab AB – Wyatt, Sherri Lynn; not present – Commissioner Furst moved; seconded by Vice-Chair DeNapoli to deny the application for sales associate; motion carried unanimously.

Chair's Comments

Chair Enzor thanked the Commission, Mr. Barnhart and division staff for supporting him during his tenure as Chairman and added that it has been a pleasure serving as Chairman. Chair Enzor also thanked his wife Dee for being his chauffer when he travels to the meetings. Chair Enzor congratulated Chair-Elect DeNapoli and Vice-Chair Elect Guju wished them the best next year.

The Commissioners applauded Chair Enzor for his service as Chairman this past year and as an industry member for over 40 years.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 11:30 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 16 and 17, 2010, in Orlando, Florida.

Roger Enzor, Chair
Florida Real Estate Commission

Thomas O'Bryant, Jr.,
Director
Florida Real Estate Commission