

January 28, 2022
Board of Accountancy
Department of Business and Professional Regulations
Division of Real Estate Board Room,
400 W. Robinson Street, Suite N901, Orlando, Florida 32801

Notice

Friday January 28, 2022

The meeting was called to order at 9:00 a.m. Roll call of Attendees was called by Roger Scarborough, Director and reflected the following persons present:

Board Members

Steve Platau (Chair)	Present
Brent Sparkman	Present
Jason Lafser	Present
Tracy Keegan	Present
Shireen Sackreiter	Present
Michelle Maingot	Present
William Benson	Present
William Blend	Present

Staff

Roger Scarborough	Present
Kevin Brown	Present

Rachelle Munson, Senior Assistant Attorney General and Board Counsel. Danijela Janjic, Chief Attorney, Office of the General Counsel. Joseph Klein, Assistant General Counsel, Office of the General Counsel. Justin Thames of the Florida Institute of Certified Public Accountants. The court reporter was Donna Wolk.

1. Approve Minutes

a. December 17, 2021

Motion was made by Ms. Keegan, seconded by Mr. Sparkman, to approve minutes as presented. Upon vote, the motion passed unanimously.

2. OGC Final Action

a. 2020-010005 Zachow, Andra

Ms. Zachow was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Blend, seconded by Mr. Lafser to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Mr. Lafser to accept the recommended penalties with the amendment that the respondent's license be placed on suspension for a period of two (2) years. Upon vote, the motion passed unanimously.

b. 2020-014250 Howard, Stacey

This item was continued.

c. 2020-003609 Rodriguez, Verya

This item was continued

d. 2020-002340 Rodriguez, Sandy

Mr. Rodriguez was present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Ms. Sackreiter to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to accept the recommended penalties with the amendment that the fine is reduced to \$1750. Upon vote, the motion passed unanimously.

e. 2019-055862 Burgner, Bobby

Mr. Burgner was present with Mr. Ronald Kozlowski as counsel.

Mr. Klein presented the case.

Motion was made by Ms. Keegan, seconded by Mr. Blend to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Benson, seconded by Ms. Sackreiter to accept the recommended penalties. Upon vote, the motion passed unanimously.

f. 2019-052057 Rosenhaus, Jason

Mr. Rosenhaus was not present.

Ms. Janjic presented the case.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

g. 2020-003566 Statia, Godfrey

Mr. Statis was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Sparkman, seconded by Mr. Blend to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

h. 2020-003527 Garcia, Jose

Mr. Garcia was not present.

Ms. Keegan and Mr. Benson were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Blend to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

i. 2020-009816 Morton, Mylika

Ms. Morton was present.

Ms. Keegan and Mr. Benson were recused.

Ms. Janjic presented the case.

Motion was made by Mr. Sparkman, seconded by Mr. Blend to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Ms. Maingot, seconded by Mr. Lafser to accept the recommended penalties with the amendment to change the peer review requirement that the respondent enroll into peer review prior to engaging someone with attestation services. Upon vote, the motion passed unanimously.

j. 2019-057189 Kaleel, K Mark

Mr. Kaleel was not present.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

Motion was made by Ms. Maingot, seconded by Mr. Sparkman to accept the recommended penalties. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

k. 2020-005474 Kondorosi, Mileny

Ms. Konodorosi was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Blend, seconded by Mr. Benson to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Mr. Lafser to accept the recommended penalties. Upon vote, the motion passed unanimously.

l. 2019-061584 Woodward, Serena

Ms. Woodward was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Ms. Sackreiter to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Ms. Sackreiter to accept the recommended penalties. Upon vote, the motion passed unanimously.

m. 2019-059677 Spalding, Joshua

Mr. Spalding was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Mr. Benson to accept the recommended penalties. Upon vote, the motion passed unanimously.

n. 2019-059738 Wagner, Albert

Mr. Wagner was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Ms. Maingot to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

o. 2019-051510 McKinney, Jeffrey

Mr. McKinney was not present.

Ms. Janjic presented the case.

Motion was made by Mr. Lafser, seconded by Mr. Blend to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

Motion was made by Mr. Blend, seconded by Mr. Benson to accept the recommended penalties. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

p. 2020-009964 Saenz, Raul

Mr. Saenz was present.

Ms. Keegan and Mr. Benson were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

q. 2020-004447 Shadlich (Garvey), Christine

Ms. Shadlich was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Blend, seconded by Ms. Maingot to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

r. 2019-057261 Vail, David

Mr. Vail was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Mr. Benson to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have

a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Mr. Blend, seconded by Mr. Benson to accept the recommended penalties. Upon vote, the motion passed unanimously.

s. 2019-058650 Lenz, David

Mr. Lenz was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Mr. Blend, seconded by Mr. Sparkman to accept the recommended penalties, with the amendment that the fine imposed is increased to \$2000. Upon vote, the motion passed unanimously.

t. 2019-004357 Hogen, Nicholas

Mr. Hogen was not present.

Mr. Klein presented the case.

Motion was made by Ms. Sackreiter, seconded by Ms. Maingot to adopt the terms of the voluntary relinquishment. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

3. Petition for Variance or Waiver of Rule

a. Rotger, Ivan

Mr. Rotger was present.

Motion was made by Ms. Maingot, seconded by Mr. Blend, to deny the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed unanimously.

b. Zajac, Lindsey

Ms. Zajac was present.

Motion was made by Ms. Maingot, seconded by Ms. Keegan, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed unanimously.

4. Exams – Considerations

a. Breland, Justin E.

Mr. Breland was present.

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

b. Mirza, Waleed

Mr. Mirza was present.

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

c. Myers, Christopher H.

Mr. Myers was not present.

Motion was made by Ms. Maingot, seconded by Mr. Benson, to continue the application contingent upon Board Staff receiving a 90-day waiver from the applicant or deny the application at the end of the 90-day period. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

d. Pereira, Ricardo N.

Mr. Pereria was present.

Applicant withdrew their application at the meeting.

e. Twitty, Brandy

Ms. Twitty was not present.

Motion was made by Ms. Maingot, seconded by Mr. Sparkman, to continue the application contingent upon Board Staff receiving a 90-day waiver from the applicant or deny the application at the end of the 90-day period. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

5. Endorsement – Considerations

a. Birkholz, Jared A.

Mr. Birkholz was not present; Mr. Jonathan Zachem was present as counsel.

Motion was made by Mr. Blend, seconded by Mr. Benson, to accept the withdrawal of the application . Upon vote, the motion passed unanimously.

b. Kersting, Alexis N.

Ms. Kersting was not present.

Motion was made by Mr. Belnd, seconded by Mr. Sparkman, to continue the application contingent upon Board Staff receiving a 90-day waiver from the applicant or deny the application at the end of the 90-day period. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

c. Newland, Lisa M.

Ms. Newland was not present.

Motion was made by Ms. Maingot, seconded by Mr. Benson, to approve for question five only. Upon vote, the motion passed unanimously.

d. Shumaker, John J.

Mr. Shumaker was not present.

Motion was made by Mr. Benson, seconded by Mr. Sparkman, to approve for question five only. Upon vote, the motion passed with Mr. Blend and Mr. Platau voting no. Ms. Keegan was not present for the vote.

6. Maintenance & Reactivation – Null and Void

a. Holmes, Bret A.

Mr. Holmes was present.

Applicant withdrew their application.

7. Maintenance & Reactivation – Voluntary Relinquishment

Motion was made by Mr. Lafser, seconded by Ms. Sackreiter, to ratify list as presented. Upon vote, the motion passed unanimously. Ms. Keegan was not present for the vote.

8. Deceased

A moment of silence was held for deceased licensees.

9. Reports

a. Chief Attorney Report

Ms. Janjic presented the Chief Attorney Report.

Motion made by Mr. Benson, seconded by Mr. Blend to continue prosecuting year old cases. Upon vote, this motion passed unanimously. Ms. Keegan was not present for the vote.

10. Committee Discussion

a. Peer Review Oversight Committee Report and Minutes – November 29, 2021

Mr. Benson presents the minutes and decisions made by the committee to be discussed, approved and ratified by the board.

Motion made by Ms. Maingot, seconded by Ms. Sackreiter to approve the minutes and ratify the decisions of the committee. Upon vote, the motion passes unanimously. Ms. Keegan was not present for the vote.

11. Rules

a. Board Memo

Motion made by Ms. Maingot, seconded by Mr. Benson to allow Board Counsel to attend legal conference. Upon vote, the motion passed unanimously.

b. January Rules Report

Ms. Munson presented the January Rules Report.

c. Alabama Dental Board - FTC

This was an informational item.

12. Administration

a. Remarks from Chair

Mr. Platau discussed his upcoming article regarding holding oneself out as a CPA who reside in the state of Florida and is not licensed in the state.

b. Remarks from Executive Director

Mr. Scarborough provided an update on the CPE Reporting System.

c. Senate Bills Under Consideration

These were informational items.

d. Update from Board Member(s) serving on NASBA Committees

Mr. Platau provided an update from the NASBA Ethics Committee.

e. Delegation of Authority Memorandum

This item was continued.

f. 2022 Board Committee Appointments

Motion made by Mr. Blend, seconded by Mr. Lafser to ratify the roster as presented. Upon vote, this motion passed unanimously.

13. Florida Institute of Certified Public Accountants

Mr. Thames discussed the proposed senate bills from the perspective of the FICPA. Mr. Thames highlighted potential benefits and challenges presented by the bill for the Board. Mr. Thames also provided updates on the current legislative session.

14. Public Comments

There were none at this time.

15. Old Business

There were none at this time.

16. Other Business

There was none at this time.

17. Adjourn

The meeting was adjourned at 1:30 p.m.



Steven Platau, Chair

April 7, 2022

Date