

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
January 24 and 25, 2012
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 24th day of January, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Claude "Chip" Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana C. Watkins, Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Joseph Solla, Assistant General Counsel; JoEllen Peacock, Education Coordinator; Jocelyn Pomales, Operations Management Consultant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Vice-Chair Boring moved; seconded by Commissioner Enzor to approve the Minutes of the December 13 and 14, 2011, General Meeting, as written. Motion passed without dissent.

Unlicensed Activity Report

Bureau Chief LeTarte presented the Unlicensed Activity Report and addressed questions and comments from the Commission. The Commission requested to see a tracking report of the cases that are referred to the State Attorney's Office.

Monthly Exam Performance Summary Report

Director Watkins presented the Monthly Exam Performance Summary Report.

Annual Report Regarding FREC Education and Research Foundation FY 2010-2011

Director Watkins presented the FREC Education and Research Foundation Annual Report for FY 2010-2011 and addressed comments and questions from the Commission.

Commissioner Guju asked who sets the criteria for the scholarships and whether the standards are set high enough. Director Watkins responded that the criterion was set by a previous Commission. Chair Furst stated that the Florida Realtors awarded over \$250,000.00 in scholarships and because there were quite a number of requests an emphasis was certainly placed on the grades. Chair Furst requested that perhaps

that Mr. Fryer, who serves on the scholarship review board, could provide a report reflecting the average grade point average of the students who received a scholarship. Mr. Fryer stated that the Florida Realtors has received 180 applications to date and he would be happy to provide a report to the Commission. Chair Furst stated that the grades are important, but there are a myriad of requirements to ensure the students receiving scholarships are well rounded and that the students are going to take their studies seriously. Commissioner Enzor asked if the funds are kept separately. Chair Furst said that they are recorded separately. Commissioner Enzor asked if the department intends to continue with the scholarships. Ms. Watkins stated that would be her position and the division is currently renegotiating the contract. Chair Furst stated she provided the annual report to the members serving on the Florida Realtor Foundation Committee and that they were very grateful.

Report Regarding Legal Case Activity

Chief Attorney Cunningham presented the Legal Case Activity Report to the Commission. Chief Attorney Cunningham addressed questions and comments from the Commission.

Report Regarding Office Inspection/Escrow Audits

Bureau Chief Letarte presented the Report Regarding Office Inspection/Escrow Audit. Commissioner Enzor asked if the investigators are conducting a thorough inspection, including reviewing contracts as well as the escrow accounts. Mr. Letarte responded affirmatively. Mr. Letarte addressed additional questions from the Commission. Mr. Letarte stated he will provide additional information regarding the audits at the next meeting. Mr. Solla offered comments relating to this topic. Mr. Letarte and Mr. Solla addressed questions and comments from the Commission and members of the audience. Commissioner Enzor inquired whether the department will be asking for more investigators. Director Watkins stated it is a topic of ongoing discussion and as she stated last month there are several factors involved in addressing this issue. Director Watkins addressed additional comments from the Commission.

Report Regarding FREC Investigations Trends

Director Watkins presented the Report Regarding FREC Investigations Trends reporting that the enforcement team has risen to the challenge the Commission set by bringing the cases under investigation over 365 days down to 3 and stated that she is extremely proud of them. Director Watkins addressed comments from the Commission.

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 26 Escrow Disbursement Orders and 2 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 26 Escrow Disbursement Orders and 2 Orders, as presented. Commissioner Guju seconded the motion. The motion passed without dissent.

DOAH Recommended Order - Applicant

Samuel Poppell v. DBPR, Florida Real Estate Commission – DOAH Case No. 11-3809

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

Law and accept the Recommended Order and issue an Order denying the applicant. Commissioner Hornsleth seconded the motion. The motion carried unanimously.

Kevin Vaughan, Jr. v. DBPR, Florida Real Estate Commission – DOAH Case No. 11-4979

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

Legal Final Order Docket

Tab R – Carmen Gonzalez, BK 569520 and BK 3205995, Case No. 2008023821 and Tab S – La Casa Real Estate Center, CQ 1004367, Case No. 2008023825 – Settlement Stipulation

Respondent not present and represented by Daniel Villazon, Esquire, present. 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 Hornsleth moved; seconded by Commissioner Enzor to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Respondent Gonzalez – \$500.00 fine, \$66.00 costs, attend one 2-day FREC meeting and complete 7 hours of continuing education to include a 4-hour escrow course within 6 months from the Effective Date of the Final Order; Respondent La Casa Real Estate Center – \$66.00 costs, reprimand. **Violation:** Respondents – Guilty of failure to immediately deposit trust funds in violation of Rule 61J2-14.010, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Action taken: Settlement Stipulation accepted.

Tab C – Patrick T. Carney, SL 3186407, Case No. 2010031583 – Respondent's Request for an Informal Hearing

Respondent was 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 granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner DeNapoli moved, seconded by Guju; motion passed without dissent to enter into a stipulated agreement with the Respondent with the following provision:

Action Taken: Pay the outstanding penalties of \$66.00 costs, \$2,000.00 fine and one 2-day FREC meeting relating to Final Order No. BPR-2008-04124; additional costs of \$273.90 incurred in case number 2010031583 to be completed within 6 months of the filing date of this Final Order or the Respondent's sales associate license shall be revoked. **Violation:** Respondent violated Section 475.25(1)(e) by failing to comply with a lawful order issued under the provision of Chapter 455 or 475, Florida Statutes.

Tab Q – Silvia Patricia De Leon, SL 3220690, Case No. 2009049117 – Settlement Stipulation

Respondent was present and not represented by counsel. Chair Furst and Commissioner Hornsleth 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 DeNapoli moved; seconded by Commissioner Guju to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$500.00 fine, \$422.40 costs, attend one 2-day FREC meeting within 6 months from the date of filing of the Final Order. **Violation:** Respondent violated Section 475.41(1)(j), Florida Statutes, by filing a false lien on a residence in an attempt to coerce payment of funds for which she was not entitled.

Action taken: Settlement Stipulation accepted.

Tab T – Jessica Dianne Roberts, BK 701515 and BK 3226045, Case No. 2008022245 – Settlement Stipulation

Respondent was present and not represented by counsel. Vice-Chair Boring and Commissioner Hornsleth 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 Enzor moved; seconded by Commissioner DeNapoli to accept the Settlement Stipulation. Motion passed without dissent.

Penalty imposed: \$1,000.00 fine, \$305.25 costs, attend one 2-day FREC meeting within 12 months of the filing date of the Final Order. Violation: Respondent violated Subsection 475.41(1)(j), Florida Statutes, by placing or causing to be placed, upon the public records of Miami-Dade County, a writing which purports to affect the title or encumber real property if the same was not authorized to be placed of record and/or which was for the purpose of collecting a commission, Respondent violated Subsection 475.22(1), Florida Statutes, by failing to maintain an office and failing to maintain a sign on or about the entrance of the principal office, Respondent violated Section 455.275(1), Florida Statutes, by failing to notify the department of a change of address and/or failing to notify the department of the licensee's current place of practice.

Action taken: Settlement Stipulation accepted.

Tab U – M. Consuelo Vilar, BK 3005195, Case No. 2008034634 – Settlement Stipulation

Respondent was present and not represented by counsel. Commissioner Enzor 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 Hornsleth moved; seconded by Commissioner Podolsky to accept the Settlement Stipulation as amended. Motion carried unanimously.

Penalty imposed: \$1,000.00 fine, \$825.00 costs, attend two 2-day FREC meetings within 6 months from the date of filing of the Final Order. Violation: Respondent violated Section 475.5015, Florida Statutes, when Respondent failed to preserve, maintain and deliver to the Petitioner the requested broker's business records and trust accounts records; violated Rule 61J2-14.012(1), Florida Administrative Code, by failing to make available to the Petitioner or its authorized representative, all deposit slips and statements of account rendered by Respondent's bank, regarding the Subject Property, together with all agreements

between the Respondent and property owners or buyers; violated Rule 61J2-14.012(2), Florida Administrative Code, by failing to monthly make a written statement comparing the broker's total liability with the reconciled bank balance(s) of all trust accounts; violated Section 475.42(1)(i), Florida Statutes, when Respondent failed to deliver the requested broker's records regarding the audit and for the Subject Property.

Action taken: Settlement Stipulation accepted as amended.

Tab A – Michael James Barton, BK 471599, Case No. 2010037375 – Voluntary Relinquishment of License

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. Commissioner Guju moved, seconded by Vice-Chair Boring to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Tab B – Christopher Allen Blanton, SL 3102506, Case No. 2010024938 – Respondent's Request for an Informal Hearing

Respondent was present and represented by Mustapha Gana, Esquire, also present. 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 granted the informal hearing and entered into discussion. Commissioner Enzor moved, seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner Guju; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$594.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when he pled no contest to grand theft.

Tab D – Jason John Favier, SL 3030955, Case No. 2010017502 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair Boring and Commissioner Hornsleth were 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 Commissioner Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Guju moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$1,204.50 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when Respondent entered a plea of nolo contendere to Case Number 562008CF004747A; violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to inform the commission in writing within 30 days after pleading nolo contendere to a felony offense.

Tab E – Gerardo Magallon, BK 3107017, Case No. 2008061970 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Vice-Chair Boring and Commissioner Hornsleth were 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 Enzor moved, seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner Guju; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$354.75 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent moved into property that he did not own.

Tab L – Donald J. Pellicer, BK 158581, Case No. 2008052572; and Tab F – Mann Pellicer, Inc., CQ 133905, Case No. 2008058649 – Respondents’ Request for an Extension of Time to Comply with Final Order

Mr. Pellicer 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 Hornsleth moved, seconded by Commissioner Guju; motion carried unanimously to deny an extension to complete the requirements of the Final Order.

Action Taken: Extension request denied.

Tab G – Bruce Edward Manny, BL 384027, Case No. 2011012584 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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 granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$20,000.00 fine, \$1,988.25 investigative costs. **Violation:** Respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust in his business transactions involving the Land Ho Management account or property management escrow account; violated Section 475.42(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012(1), Florida Administrative Code, when Respondent failed to keep an accurate account of each deposit transaction and each separate business account for Land Ho and failed to produce the Land Ho records upon request of Petitioner; violated Section 475.42(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012(3), Florida Administrative Code, when Respondent failed to reconcile the Land Ho bank accounts and disclose the cause(s) of the returned check(s) and corrective action taken; violated

Section 475.42(1)(e), Florida Statutes, through a violation of Rule 61J2-14.008(2)(a), Florida Administrative Code, when Respondent deposited or intermingled more than the statutorily allowable amount of his personal funds or brokerage funds with funds held in escrow.

Tab K – Cynthia C. Myers, SL 3083019, Case No. 2008046591 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Chair Furst 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 Hornsleth moved; seconded by Commissioner Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Guju; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$660.00 costs. **Violation:** Respondent violated Section 455.227(1)(j), Florida Statutes, when Respondent, as manager of CC Sells Real Estate, LLC engaged in real estate activities without having said CC Sells Real Estate, LLC, registered with the FREC, as a licensed real estate brokerage corporation; violated Section 475.42(1)(d), Florida Statutes, when Respondent accepted money in connection with a real estate brokerage transaction, as security deposit, except in the name of her registered employer; violated Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account for or deliver to Jester, at the conclusion of the tenancy, and in accordance with Section 83.49(3), Florida Statutes, the security deposit paid by or on behalf of the tenant.

Tab M – Lisa Rachel Rotolo, SL 594577, Case No. 2011014343 – Voluntary Relinquishment of License

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. Commissioner DeNapoli moved, seconded by Commissioner Enzor to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Tab N – Gabriel Souza, BK 3104515, Case No. 2008053953 – Respondent’s Request for an Extension of Time to Comply with Final Order

Mr. Souza 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 Enzor moved, seconded by Vice-Chair Boring; motion carried unanimously to deny an extension to complete the requirements of the Final Order.

Action Taken: Extension request denied.

Tab O – Paul John Svejda, BK 271502, Case No. 2010060716 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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 granted the informal hearing and entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Guju; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner DeNapoli moved, seconded by Commissioner Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$330.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when the court adjudicated Respondent guilty of Making False Statements on Immigration Documents; violated Section 475.25(1)(p), Florida Statutes, when Respondent failed to inform the FREC in writing within 30 days after pleading nolo contendere to a felony criminal offense; violated Section 455.227(1)(c), Florida Statutes, when the court adjudicated Respondent guilty of Making False Statements on Immigration Documents; violated Section 455.227(1)(t), Florida Statutes, when Respondent failed to inform the FREC in writing within 30 days after the court adjudicated him guilty to a felony criminal offense.

Tab P – Terry L. McCoy, BK 655713, Case No. 2010010314 – Voluntary Relinquishment of License

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

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner DeNapoli moved, seconded by Commissioner Guju to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action Taken: Commission accepted the Voluntary Relinquishment of License.

The following cases were continued or withdrawn

Tab H – Luis A. Monsalve

Tab I – Luis A. Monsalve

Tab J – Luis A. Monsalve

Ms. Linda Crawford addressed the Commissioners to encourage them that as part of the penalties imposed that the Commission includes the 28-hour reactivation course. Director Watkins stated that 61J2-3.010(2), Florida Administrative Code, provides what is included in this course and that she sent Chief Attorney Cunningham the link to the approved courses for reference.

Special Agenda

FREC Review and Consideration of Experience Eligibility for Taking the Florida Real Estate Broker License Exam Regarding Applicant Eusebio Pascual

Director Watkins presented Applicant Eusebio Pascual’s background information before the Commission and stated that the division was unable to determine whether Mr. Pascual’s real estate license in Spain was regulated and whether the real estate experience qualified him for a broker’s license. Mr. Pascual

appeared, with an interpreter, in support of his request offering his testimony. The Commission asked Mr. Pascual to explain what steps he has gone through to obtain the ability to sell real estate in Valencia, Spain. The Commission entered into discussion. Commissioner DeNapoli moved to accept Mr. Pascual's real estate experience requirement from Spain as being valid to apply for a broker's license; seconded by Commission Guju; motion carried without dissent.

Correspondence received from Allen Zachary Osbrach

FREC Counsel Barnhart presented a letter received from Allen Osbrach requesting a waiver to pay the renewal fee late. Mr. Osbrach appeared in support of his request and offered testimony. Mr. Barnhart stated that he brought this before the Commissioners for their review and consideration as this does not qualify for a rule waiver. The Commission entered into discussion. Commissioner DeNapoli moved to allow Mr. Osbrach the opportunity to pay the required renewal and late fees and reinstate his real estate license under the provision of Section 455.271(6)(b), Florida Statutes, given his illness or unusual hardship documented under the Federal American Disability Act and upon the good faith effort of Mr. Osbrach, there is evidence that the licensee is under the protected class under Federal law; seconded by Commissioner Guju; motion carried without dissent.

Mr. Osbrach stated that the education providers could provide an easy reader to assist people with this type of disability. Mr. Fryer brought to the Commission's attention CSHB 887 and its companion SB 1250 which will strip the Commission of the authority and its ability to hear matters such as this. Director Watkins stated that she had planned to provide a legislative update tomorrow during Director's Comments.

FREC Review of RE Applications Forms – DBPR RE Form 1-16

Director Watkins reported that this project "E-Z Apply" began in 2010, when the forms were submitted to the Joint Administrative Procedures Committee (JAPC) and due to the process changes relating to rulemaking the department was unable to complete this project. The department was required to withdraw the initial request for rule development and resubmit to JAPC. Additionally, the department has revised the forms to accommodate any objections by JAPC and address any Office of Fiscal Accountability and Regulatory Reform concerns. Director Watkins provided a brief summary of the revisions. Director Watkins stated that the department wanted to provide the Commissioners a copy of the revised forms for their information before submitting them to the JAPC for rulemaking.

Discussion Regarding the Death, Disability or Removal of a Qualifying Broker

Director Watkins presented a report reflecting the states and the statute or rule which provides guidelines in the event of the death, disability or removal of a qualifying broker. Director Watkins requested guidance from the Commissioners on how they would like to address these circumstances and which state most appealed to the Commission. The Commission entered into discussion and provided guidance. Director Watkins stated that she would confer with Mr. Barnhart to address the 14 days as well as explore the option of an inventory broker for sole proprietorships only and will bring this topic back at a future meeting.

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:30 p.m.

January 25, 2012

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 25th day of January, 2012.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Claude "Chip" Boring, Richard DeNapoli, Roger Enzor, Michael Guju, Poul Hornsleth and Josh Podolsky. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana C. Watkins, Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 39 Summary of Applicants requesting to sit for the real estate examination.

Tab O – DeBartolo, Joann, present; represented by Nancy Campiglia Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 6 to 1.

Tab S – Forcey, Peter C., present; represented by Nancy Campiglia Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab W – Griffith, Gregory J., not present; represented by Daniel Villazon, Esquire, present – Commissioner Enzor moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 6 to 1.

Tab AC – Marin, Guillermo, present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion failed 2 to 5. Applicant withdrew application and waived the 90-day requirement.

Tab AD – Perez, Tyrone, present; represented by Daniel Villazon, Esquire, present – Commissioner Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Agenda B, Tab A – Perrine, Brent D., not present; represented by Daniel Villazon, Esquire, present – informal hearing – Commissioner Guju moved; seconded by Vice-Chair Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried without dissent.

Tab A – Duncan, Kraig D., present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab B – Glynn, Angela, not present – informal hearing – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab C – Kaplan, Jason, present – informal hearing – Vice-Chair Boring moved; seconded by Commissioner Guju to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; motion carried without dissent.

Tab D – Allen, Aaron L., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab E – Anvari, Gholamreza, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab F – Barnett, Bret Austin, present – Commissioner Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab G – Berger, Jeff A., present – Commissioner Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab H – Bieber, Barbara E., present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for broker; the motion passed without dissent.

Tab I – Cefali, Michael, present – Applicant withdrew application and waived the 90-day requirement

Tab J – Choroco, Carlos, present – Applicant withdrew application and waived the 90-day requirement.

Tab K – Cleveland, Mary, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 3.

Tab L – Connors, Katherine E., not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed 5 to 2.

Tab M – Damiano, Paul A., not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Vice-Chair Boring to grant a continuance; the motion passed without dissent.

Tab N – DePaul, Annette, not present – Vice-Chair Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6 to 1.

Tab P – Douglas, Jimmy, Jr., present – Commissioner DeNapoli moved; seconded by Commissioner Guju to approve the application for broker; the motion passed without dissent.

Tab Q – Faustin, David Y., not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab R – Fis, Rafael R., not present – Applicant requested a continuance and waived the 90-day requirement.

Tab T – Giarratana, Claudia M., present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6 to 1.

Tab U – Giraldi, Joe, present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab V – Gonzalez, Gisenia, present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring Enzor to approve the application for broker; the motion passed without dissent.

Tab X – Jenkins, Joseph A., present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab Y – Kersaint, Denis, present – Commissioner Enzor moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 6 to 1.

Tab Z – Lin, Peter S., present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 6 to 1.

Tab AA – Lynch, Robin, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Guju moved; seconded by Commissioner DeNapoli to grant a continuance; the motion passed without dissent.

Tab AB – MacDougall, Christopher, present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 5 to 2.

Tab AE – Perryman Cannizzaro, Kimberlee A., present – Commissioner Vice-Chair Boring moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 3.

Tab AF – Renaas, Sheila M., not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Guju moved; seconded by Commissioner DeNapoli to grant a continuance; the motion passed without dissent.

Tab AG – Rodriguez, Uberto, present – Application withdrawn. Applicant waived the 90-day requirement.

Tab AH – Shields, Marcia E., not present – Commissioner Guju moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed 6 to 1.

Tab AI – Smith, Joshua, present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Suereth, Timothy J., not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Guju moved; seconded by Vice-Chair Boring to grant a continuance; the motion passed without dissent.

Tab AK – Waller, Andrew P., present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab AL – Wellborn, Jack J., Jr., present – Application withdrawn. Applicant waived the 90-day requirement.

Consent Agenda

The Commission considered 146 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commissioner Guju to approve 98 applicants and require 48 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abreu, Yoel	Gorman, Laura B	Pittman, Terry L
Adler Stout, Marnie	Gu, Luo Y	Puckett, Laura L
Bailey, Jeremy	Guillermo, Sandra P	Reber, Gloria L
Barnes, Thomas B.	Gunnip, Charles J	Reed, Laverne F
Basi, Roman A.	Gutierrez, Jorge A	Salgado, Robert P
Bates, Mona	Hall, Michael	Sgroi, Jim
Beard, Jeremy F	Hjartnes, Erik	Shea, Debra A
Bernard, Kent	Issar, Jeetendra K	Shelfer, Jason P
Bettan, Daniel	Jackson, Tiffany D	Smith, Bryan T
Borges, Helen	Jordan, Enrique	Sparks, Bruce W
Bretas, Pedro E.	Joyner, Michael	Spinuzza, James R
Buhr, Kendall L	Justice, James	Stiefel, Lyndon
Castillo, Marco	Kasprzyk, Thomas	Sullivan, Debra
Cesar Lopez, Deigo	Kinsaul, Mary E	Swetnam, Craig
Chang, Daniel M	Kotar, Jason A	Swinehart, Chad M
Chapman, Alicia D	Leonard, Justin L	Tershowski, Kaia A
Charlton, Elvis	Lubeigt, Olivier	Thresher, Frank J
Christy, Wallace G	Maguire, Scott	Tolbert, Johnny W Jr
Cialone, Judy	Mandell, Benjamin L	Torres, Oswaldo
Collins, Joseph D Jr	Marcone, Michael A	Trapp, Holly M
Crugnale, Frederick J	Martin, Tristan J	Turner, Anthony R
Cusack, William J	Mathusek, Gerald D	Vargecko, Brian
Dargan, Robert S	McClain, Matthew J	Verastegui, Brightie E
De Armas, Maidel	Merrick, Nathaniel	Wandrei, Dean R
Dimusto, Alexander	Minella, Juan M	Webster, Richard T
Eckenrode, George W	Moore, Sonny	White, Andrew J
Eisenberg, Ellen	Moreira, Arjuna S	White, Suzanne R
Encarnacion Tejada, Dioniso	Nankin, Siri	Wulf, Fleet M
Ergisi, David M	Nieto, Robert G	Yang, Mibo
Esquivel, Brandy C	O'Neil, David	Yelensky, Joshua
Flood, John L	Ortega, Rudolph R	Yusuf, Mohammad N
Fuentes, Vanessa A	Otoya, Mario J	Zielinski, Richard E
Golod, Kristine N	Paul, Eric	

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

Aguado, Alvaro J	Gordon, Marvin L	Miller, Andrew V IV
Amador, Frank N	Hansell, Theresa	Mitravich, Courtney K
Anderson, Tashiem T.	Hill, David	Peckham, Malik
Ardoguein, Gustavo M.	Hubert, Jeffrey M	Pennell, Barbara
Arena, Ronald J. Jr.	Kelly, Keith B	Riggio, Caryl J
Berthiaume, Michelle	Killingback, Donald	Rungo, Corinne
Bravo, Oliver J	Kiselyov, Dmitry	Samuel, Lee A
Burkott, Scott A	Knie, Ashley	Saumell, David
Celestin, Steven	Kocijan, Sandra	Secrist, Tracey
Cook, Ernell	Lutgert, Erik F	Sharma, Giresh K

Crouch, Nicholas
Diaz Deleon, Laura
Digirolamo, Joseph R
Espejo, Miguel A Sr
Espido, Krystal M
Garrett, David A

Lynch, Gerald E
Magris, Jesus
Masengale, Wanda C
McCone, Kenyana
Meyeraan, Ross P
Michaels, Erica

Skillman, David W
Tarin, Victor M
Tuck, Brian
Warren, Leonard C Jr
Zielinski, Paul A
Zraik, Samr B

Director's Remarks

Director Watkins provided a copy of four bills which impact this division and welcomed any comments. Commission requested to address this topic in February.

Commission's Comments

Chair Furst requested to discuss an issue regarding language she has seen in some listing agreements which provide the broker the right to place a lien on the property to ensure payment of services rendered and discuss how that relates to Section 475.42(j), Florida Statutes. The Commission entered into discussion. Ms. Marcia Tabak, Attorney for Florida Realtors, offered comments. Chair Furst thanked everyone for their comments.

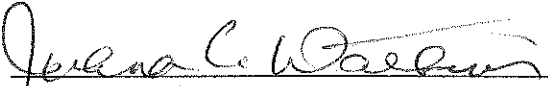
Chair Furst reported that she had the opportunity to hear Director Watkins speak at the Florida Realtor Conference.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:49 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for February 21 and 22, 2012, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana C. Watkins, Director
Florida Real Estate Commission