Minutes of
THE FLORIDA REAL ESTATE COMMISSION
March 21 and 22, 2017
General Meeting

Chair Chip Boring, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 21st day of March, 2017.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Thomas Luzier, Patricia Fitzgerald, Dick Fryer and Poul Hornsleth. Mr. 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: Denise Johnson, Deputy Director; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Neil Lawson, Joseph Whealdon, Maureen White, Assistant General Counsels; Appearing via teleconference: Alicia Bhambhani, Dan David, Brande Miller, Crystal Stephens, William Vogel, Assistant General Counsels; Jocelyn Pomailes, Education Coordinator; Janice Lugo, Regulatory Consultant; Susan Bailey, Administrative Assistant III; Mike Davis, Regulatory Specialist III. American Court Reporting, Inc. (407) 896-1813 provided court services.

March 21, 2017

Chair Boring took a moment to acknowledge the passing of Commissioner Roger Enzor last week who had been with the Commission serving two terms as well as serving as Chair. He will be sorely missed by his community and more importantly by what his contributions were to the industry, to the Commission and to the members of the Florida Realtors.

Approval of the Minutes

Commissioner Fryer moved to approve the Minutes of the February 21 and 22, 2017. Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

Bureau Chief Sara Kimmig presented the report regarding Enforcement Trends and Escrow Audits Summary and addressed questions and comments from the Commission.

Unlicensed Activity Report

Bureau Chief Kimmig presented the Unlicensed Activity Report and addressed questions and comments from the Commission.

Financial Reports

The Financial Reports were deferred until tomorrow.

Monthly Exam Performance Summary Report

Executive Director Crawford presented the monthly Exam Performance Summary Reports and addressed questions and comments from the Commission.
Application and License Count Reports

Regulatory Consultant Lugo presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Case Activity Report

Chief Attorney Kendrick presented the monthly report regarding legal case activity and addressed questions and comments from the Commission.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Whealdon presented 4 Escrow Disbursement Orders and 1 Order for the Commission's consideration. The Commission entered into discussion. After discussion, Vice-Chair moved to amend the Escrow Disbursement Order relating to Case No. 2016059121. Vice-Chair Luzier moved to accept 4 Escrow Disbursement Orders (amending Case No. 2016059121) and 1 Order. Commissioner Fitzgerald seconded the motion; the motion passed without dissent.

Recovery Fund Claims

Tab A – James and Joanne Caney v. Andrea Belkova, DBPR Case No. 2016-014388

Mr. David presented the above matters by consent. The Licensee was present. There were no appearances on behalf of the Claimants. Mr. David advised that the Claimants do not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to approve the Final Order Denying the Recovery Fund Claim. Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab B – Paul and Alison Benton v. David Michael Lawson, DBPR Case No. 2016-042032

Mr. David presented the above matters by consent. There were no appearances on behalf of the Claimants or the Licensee. Mr. David advised that the Claimants do not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to approve the Final Order Denying the Recovery Fund Claim. Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab C – Adriana Molina v. Curt Francis, DBPR Case No. 2015-039401

Ms. White presented the above matters by consent. There were no appearances on behalf of the Claimants or the Licensee. Ms. White advised that the Claimants do not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the Final Order Denying the Recovery Fund Claim. Commissioner Fryer seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab A – Robert W. Fernandez, BK 3083115 and 33210148; Case No. 2016012394 – Respondent’s Request for Informal Hearing

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Mr. Lawson represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find Respondent guilty; Commissioner Fryer seconded the motion; the
motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent motion passed without dissent to impose the following sanctions:

**Penalty imposed:** Administrative fine of $1,000; investigative costs of $181.50; attend one complete FREC general meeting, probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading guilty best interest to one count of Possession of Drug Paraphernalia and pleading guilty to a lesser offense and being adjudged guilty of one count of Reckless Driving.

**Tab I – María Natalia Casanas Ongania, SL 3285346; Case No. 2016002296 – Settlement Stipulation**

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Hornsleth to accept the Settlement Stipulation.

**Penalty:** Administrative fine of $600; investigative costs of $304.75; attend one complete FREC general meeting. **Violation(s):** Section 475.25(1)(c), Florida Statutes, by advertising property in a fraudulent, false, deceptive, or misleading manner.

**Action taken:** Settlement Stipulation accepted.

**Tab L – Robin Eugene Owens, BK 3022831; Case No. 2015032422 – Stipulation Settlement**

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Vogel represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved to accept the settlement stipulation, seconded by Vice-Chair Luzier; motion passed without dissent.

**Penalty:** Administrative fine of $5,000.00; investigative costs of $574.20; complete a 3-hour core law course; complete a 4-hour escrow management course; attend 1 complete FREC general meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2012), by failing to account for or deliver the rental payments to Owner, and the security deposits to Owner or the tenants upon demand; Section 475.23, Florida Statutes (2012), when he failed to timely notify the Commission of the change to his business address; Section 475.25(1)(e), Florida Statutes (2012), when he violated Rule 61J2-14.012, Florida Administrative Code (2012), by failing to make the required monthly statement-reconciliations for his accounts; Section 475.25(1)(e), Florida Statutes (2012), when he violated Rule 61J2-10.038(1), Florida Administrative Code (2012), by registering a post office box as his mailing address with Petitioner.

**Action taken:** Settlement Stipulation accepted.

**Special Agenda**

**Communication from Daniel Villazon, Esquire**

The Commission addressed an email received from Mr. Villazon suggesting scheduling applicants represented by an attorney be scheduled for the afternoon on Tuesdays. Deputy Director Johnson conveyed some of the difficulties relating to Mr. Villazon’s suggestion, however, added that the staff is always mindful of the number of applicants and will adjust the agenda when necessary.

**Tab J – Cesar Estrada, SL 3196151; Case No. 2015041082 – Stipulation Settlement**

Respondent was present; Respondent was represented by Desiree Sanchez, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.
Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved to accept a modified Settlement Stipulation. Vice-Chair Luzier seconded the motion. The motion passed without dissent.

**Penalty:** Administrative fine of $2,500; investigative costs of $313.50; complete a 3 hour core law course; attend 2 complete FREC general meetings. **Violation(s):** Section 475.42(1)(b), Florida Statutes, by operating as a sales associate or broker for EMG when he was registered under KW; Section 455.227(1)(j), Florida Statutes, by 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.

**Action taken:** Settlement Stipulation modified and accepted.

**Tab F – Tara Alyssa Savio, SL 3248866; Case No. 2015053672 – Respondent’s Request for Informal Hearing**

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Fryer was recused due to participation on the probable cause panel.

Ms. White represented the department and presented the case to the Commission. After discussion, Vice-Chair Luzier moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Fitzgerald seconded; the motion passed without dissent. Vice-Chair Luzier moved; seconded by Commissioner Fitzgerald; the motion passed 3-1 to impose the following sanctions:

**Penalty imposed:** Administrative fine of $1,500.00; investigative costs of $750.00; complete a 3 hour core law course; attend 2 complete FREC general meetings; probation for 12 months. **Violation(s):** Section 475.42 (1)(b), Florida Statutes (2015), and thereby violating Section 475.25(1)(e), Florida Statutes (2015), by being a licensed sales associate and operating as a broker, by facilitating a lease transaction for Subject Property for the purpose of collecting or receiving compensation or valuable consideration, without having an ownership interest in Subject Property; Section 475.42 (1)(d), Florida Statutes (2015), thereby violating Section 475.25(1)(e), Florida Statutes (2015), by receiving the Lessee’s electronic funds transfer into a SunTrust Bank personal account, which is registered in Respondent’s personal name, on or about July 10, 2015; Section 475.25 (1)(b), Florida Statutes (2015), by facilitating a lease transaction without being under the direction, control, or management of a broker; by receiving the Lessee’s electronic funds transfer into a SunTrust Bank personal account, which is registered in Respondent’s personal name, on or about July 10, 2015.

**Tab C – Brandon Piegari, SL 3281809; Case No. 2015049594 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was represented by Steven Johnson, Esquire. Chair Boring was recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. Mr. Johnson requested a continuance on behalf of the Respondent. The Commission entered into discussion. Commissioner Fryer moved to continue the case, seconded by Commissioner Fitzgerald; motion passed without dissent.

**Action Taken:** Case Continued until April 2017.

**Tab E – Armando Ruiz, BK 677889; Case No. 2016002637 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was represented by Mycki Ratzan, Esquire, present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Ms. Miller represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved, seconded by Commissioner Hornsleth; motion passed without dissent to find
the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

**Penalty:** Suspension for 2 years; administrative fine of $1,000.00; investigative costs of $924.00; attend 1 complete FREC general meeting; probation for 24 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report his guilty plea to one count of Conspiracy to Possess with Intent to Distribute 1,000 or More Marijuana Plants to the Division of Real Estate within 30 days of the entry of his guilty plea; Section 475.25(1)(f), Florida Statutes, by being adjudicated guilty of a crime of moral turpitude (one count of Conspiracy to Possess with Intent to Distribute 1,000 or More Marijuana Plants).

**Tab B – Micheline Caron, SL 3279392; Case No. 2015034275 – Respondent’s Request for Reconsideration**

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

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to modify the Final Order; Commissioner Hornsleth seconded; the motion passed without dissent:

**Action Taken:** Final Order amended extending the due date to comply with the requirements entered in this case and Respondent does not have to attend the FREC meeting as previously ordered.

**Tab G – Victoria P. Phillips, BK 3090042; Case No. 2016015285 – Respondent’s Request for Informal Hearing**

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

Mr. Lawson represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Fitzgerald seconded; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; motion passed without dissent to impose the following sanctions:

**Penalty:** Must complete sanctions imposed in Case No. 2013001936 which include; administrative fine of $5,000.00 no later than March 21, 2018; investigative costs of $1,485 immediately. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the Final Order by failing to successfully pay the $5,000 fine and $1,485.00 in costs within 12 months.

**Tab D – Andres Quintanilla, BK 3117419; Case No. 2015034875 – Respondent’s Request for Informal Hearing**

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

Ms. White represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Fryer seconded the motion; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $288.75. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of the felony of attempting to affect commerce by extortion under color of law.

**Tab H – Brian Neil Greenspoon, SL 3224177; Case No. 2016028863 – Settlement Stipulation**

Case continued.
Tabs M, N and O – Alistair W. Powell, SL 3333485; Case Nos. 2016034596, 2016028444, 2016034890 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was represented by Todd B. Allen, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fryer to find Respondent to accept the Settlement Agreement to Relinquish License for Permanent Revocation; the motion passed without dissent.

Action taken: Accept Voluntary Relinquishment of License for Permanent Revocation.

Tab P – Robert Baro Spencer, SL 3071330; Case No. 2015029516 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fryer to find Respondent to accept the Settlement Agreement to Relinquish License for Permanent Revocation; the motion passed without dissent.

Action taken: Accept Voluntary Relinquishment of License for Permanent Revocation.

Tabs Q, R, S – The VIR Group, LLC, CQ 1049362; Case Nos. 2016036831, 2016037427, 2016031563 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was represented by Todd B. Allen, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Hornsleth to find Respondent to accept the Settlement Agreement to Relinquish License for Permanent Revocation; the motion passed without dissent.

Action taken: Accept Voluntary Relinquishment of License for Permanent Revocation.

Tab T – Francisco Gutierrez, SL 663080; Case No. 2016008986 – Motion for Waiver and Entry of Final Order

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

Mr. Vogel represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Fryer moved; seconded by Vice-Chair Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Vice-Chair Luzier; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of $511.50. Violation(s): Section 475.25(1)(d)1., Florida Statutes (2015), by failing to account for or deliver the deposits to Complainant upon demand; Section 475.42(1)(b), Florida Statutes (2015), when he operated as a broker; Section 475.42(1)(d), Florida Statutes (2015), when he collected a fee and/or deposits in his name and not in the name of his employer and without his employer’s consent.

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Prepared by L. Crawford
Tab U – Francisco Gutierrez, SL 663080; Case No. 2016028031 – Motion for Waiver and Entry of Final Order

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

Mr. Vogel represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Fryer moved; seconded by Vice-Chair Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Vice-Chair Luzier; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $349.80. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2014), by failing to account for or deliver the deposits to Owner upon demand. Section 475.42(1)(b), Florida Statutes (2014), when he operated as a broker. Section 475.42(1)(d), Florida Statutes (2014), when he collected security and pet deposits in his name and not in the name of his employer.

**Agenda B, Tab A – A W Powell, LLC, CQ 1041421; Case No. 2016037189 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Respondent was represented by Todd B. Allen, Esquire, not present. No current members were recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fryert to find Respondent to accept the Settlement Agreement to Relinquish License for Permanent Revocation; the motion passed without dissent.

**Action taken:** Accept Voluntary Relinquishment of License for Permanent Revocation.

**Tab K – Erik J. Ginsberg, SL 3011288; Case No. 2015046017 – Stipulation Settlement (heard on March 22, 2017)**

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Chair Boring and Commissioner Fitzgerald were recused due to participation on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved to accept the Settlement Stipulation. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Penalty:** Administrative fine of $500.00; investigative costs of $33.00; complete a 3 hour core law course; attend 1 complete FREC general meeting. **Violation(s):** Section 475.25(1)(c), Florida Statutes, by advertising property in a fraudulent, false, deceptive, or misleading manner.

**Action taken:** Settlement Stipulation accepted.

**Special Agenda**

Applicant Joseph Gavagni – **Motion to Deny Request for Formal Administrative Hearing and, if Granted, Motion to Hold an Informal Hearing Before FREC** – Application No. 4432525

FREC Counsel Tom Barnhart presented this matter to the Commission. Ms. Nancy Campiglia appeared on behalf of the Applicant. Mr. Barnhart explained that there is another matter with similar circumstances pending before the Division of Administrative Hearings (DOAH). The parties discussed continuing this matter pending the outcome of the similar case before DOAH. After discussion, Commissioner Hornsleth moved to continue this matter to a time agreeable to both attorneys following the guidance from the DOAH Judge relating to the similar matter; Commissioner Fitzgerald seconded the motion; the motion passed without dissent.
Ms. Campiglia requested an opportunity to express on the record the loss to the industry due to the passing of Commissioner Enzor. She added that he was truly an asset to the industry not only as a broker but also as a Commissioner. The Commission thanked Ms. Campiglia for her comments.

**General Session continued**

**Review and Consideration of the Real Estate Education Courses**

**Tab G** – *Divorce Elder Real Estate for Consumer Protection* – Reconsideration of Course Denial (12 hours, classroom) – Application No. 28152 – Collaborative Continuing Education Council, Inc.

Ms. Murray appeared in support of the application. The Commission entered into discussion. Commissioner Fryer moved to vacate notice of intent to deny and approve the course for 8 hours; Commissioner Hornsleth seconded the motion. The motion passed 4-1.

**Tab A** – *How to Make Millions Listing Marketing and Selling Commercial Real Estate* – New Course (14 hours, classroom) – Application No. 29311 – Commercial Investment Real Estate Academy LLC

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 11 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab B** – *Real Estate Ethics* – New Course (3 hour, distance) – Application No. 29065 – PHJ Holdings Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

**Tab C** – *Run Your Real Estate Business on Google & the Cloud* – New Course (4 hours, classroom) – Application No. 28932 – Technology Institute

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab D** – *Run Your Real Estate Business on Google & the Cloud* – New Course (3 hours, classroom) – Application No. 28933 – Technology Institute

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab E** – *Environmental Issues* – New Course (3 hours, distance) – Application No. 28969 – Real Estate Training Institute, a Division of Certified Training

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab F** – *Taxes* – New Course (3 hours, distance) – Application No. 28970 – Real Estate Training Institute, a Division of Certified Training

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.
Petition for Declaratory Statement received from BrokerNation Real Estate, Inc. – DS 2016-090

FREC Counsel Barnhart presented a Petition for Declaratory Statement together with a supplement received from the Petitioner for the Commission's review and consideration. Petitioner was not present. The Commission received a comment from Marcia Tabak, Deputy General Counsel, Florida Realtors. The Commission entered into discussion. Commissioner Fryer moved; Commissioner Fitzgerald seconded the motion to issue a Final Order Granting Petition for Declaratory Statement. The motion passed 5-1.

**Rule Discussion**

**Rules Report**

FREC Counsel Barnhart reported on the status of the rules currently open for discussion, workshop or rulemaking and addressed questions and comments from the Commission.

Commissioner Fryer inquired about the status of the Department forms rules. Chief Attorney Kendrick provided an update.

**Setting Workshop for Rule 61J2-10.025 – Advertising**

Executive Director Crawford requested the Commission to set a date for a workshop for Rule 61J2-10.025. The Commission directed the staff to schedule the workshop for the May 2017 FREC meeting.

**Special Agenda**

**Legislative Updates**

Executive Director Crawford presented legislative updates relating to House Bill 615; Senate Bill 582, Senate Bill and House Bill 927 for the Commission's review. Ms. Crawford addressed questions and comments.

**Consideration of Mutual Agreement with Rhode Island**

Executive Director Crawford presented he evaluations submitted by the Rhode Island Department of Business Regulation relating to its request for mutual recognition with Florida and reported that the Bureau of Education and Testing (BET) recommends proceeding with a written agreement. The Commissioner approved moving forward with the process.

Deputy Director Johnson informed the Commissioners that the Department has recently received a request from Louisiana for mutual recognition. Ms. Johnson inquired if the Commission would consider entering into an agreement upon a favorable evaluation. The Commission responded affirmatively. Ms. Johnson stated she would direct the Bureau of Education and Testing to initiate the process.

**Consent Agenda A**

The Commission considered 37 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 25 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

- Dennis Arroyo Jr.
- Josmey Rosemary Artiles
- Sheila Jean Baxley
- Diejuste Calixte
- Chase Anthony Champlin
- Johnnie Charles Cope

- Ethan Todd Gordon
- Nahum Guerrero Sr.
- Zareh Gregorian Hadden
- Chris Hickson
- Robert Michael Katz
- Adam H. Lancaster

- Jimmy Montes
- Andrea Marie Riberic
- Juan O. Rodriguez
- Kyle Rydberg
- Jeffery Allen Struck
- Marzena Tsekhanovsky
Minnie Frazier  Angel Luis Lopez  Victorio Verdi  
Hugo Alejandro Gonzalez  Massiel Carolina Mirabal  Joshua Scott Williams  
Brittany Young

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

Donald Edward Collier  Poorva Robert Mehta  Andrew Rochon  
Samuel Ronald Guerrier  Manolete Keon Pierce  Eric Damien Schaubel  
Stephen Michael Hermosillo  Jorge Reyes  Katelyn Vargo  
Emanuel Jordan  Laconius Marquis Richardson  Malico Watson  

Consent Agenda B

The Commission considered 27 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 15 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Katelyn Beckett  Adam Leal  Cuong Viet Nguyen  
Dean Dewayne Brown  Anthony A. Lockhart  Rohini Philip  
David Cohen  Ryan Alan Magnano  Kimberly Kaye Rampp  
Darrell Peter Herbert  Inacio Marques  Randy Michael Stripling  
Andy Persaud Jaikaran  James Maxwell  David Velez

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

Daniel Mitchel Bardman  Andrea Roxana Mencia  Rayma Rodriguez  
James Edward Boyle  Jacob Anthony Neely  Amy Jean Rosenthal  
Samuel D Harris III  Edwin Haroldo Pacheco  Pharoah Sauderson  
Nicholas Martin  Haudiel Rivera  Sonya Leigh Taylor

General Session continued

Public Comments

FREC Counsel Barnhart addressed questions and comments from the Commission relating to team advertising.

Recess

There being no objection, the Chair recessed the meeting at approximately 12:30 p.m. until 8:30 a.m. tomorrow.

March 22, 2017

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 22nd day of March, 2017.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Luzier, Dick Fryer, Patti Ketcham and Poul Hornsleth. Commissioner Fitzgerald was excused and not present. Mr. 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 Watkins, Director; Denise Johnson, Deputy Director; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Joseph Whealdon, Assistant
Commissioner Ketcham was present, however, abstained from voting during the Summary of Applicants Agenda due to the recency of her appointment to the Commission.

Summary of Applicants

Regulatory Consultant Janice Lugo presented 64 Summary of Applicants requesting to sit for the real estate examination.

1. Tab C – John Bryson Kerr, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

2. Tab N – Walter Brown, III, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

3. Tab BB – Nicole Romo, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate with conditions; the motion passed without dissent.

4. Tab AS – Robert Melo, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Chair Boring to approve the application for sales associate; the motion passed 3-1.

5. Tab AT – Steven Wayne Morrow, present; was represented by Steven Johnson, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

6. Tab F – James Amidei, present; was represented by Steven Johnson, Esquire, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

7. Tab L – Barbara Bond, present; was represented by Marycruz Aguiar, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

8. Tab BA – Suzette Redwood, present; Marycruz Aguiar, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the vote was 2-2; no action taken.

9. Tab Q – Timothy Wayne Cannon, present; Nancy Campiglia, Esquire, present – Commissioner Hornsleth moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

10. Tab P – Mark Alan Burk, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Chair Boring to approve the application for sales associate; the motion passed without dissent.

11. Tab AD – Jessica Gonzalez, present; Kristy Harrington, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

12. Tab B – Amelina Naomi Clark, present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for sales associate; tie vote 2 to 2. No action taken.
13. Tab E – Gjergj Xhemali, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

14. Tab G – Diane Arnold, present – Applicant withdrew the application.

15. Tab H – Sarah Danae Blaszczyszyn, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

16. Tab I – Brittany Blonder, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

17. Tab J – Michael Anthony Blum, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

18. Tab K – William Watkins Boatner, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

19. Tab O – Micaela Bruns, present – Commissioner Hornsleth moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

20. Tab T – Kimberly Cruz, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the motion passed 3-1.

21. Tab U – Bryan Czajkowski, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

22. Tab V – Jennifer Renee Daniell, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

23. Tab W – Shady David, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

24. Tab X – Cameron Lee Dempsey, present – Applicant withdrew the application.

25. Tab Y – Ace Dugan, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

26. Tab Z – Valerie J. Falco, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

27. Tab AA – Joan Mervin Fequiere, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

28. Tab AB – David Allen Geier, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 3-1.

29. Tab AE – Daniel William Gorman, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

30. Tab AG – Xavier Ham, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

31. Tab AI – Larmeka Chantel James, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

32. Tab AM – Timothy Scott Langston, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for instructor; the motion passed without dissent.

33. Tab AP – Nathane Diana Lewis, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
34. Tab AQ – Robert Kartik Mehta, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for instructor; the motion passed without dissent.

35. Tab AR – Guillemo Marin Meleiros, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

36. Tab AU – Austin Taylor Musgrove, present – Commissioner Hornsleth moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

37. Tab AV – Andrew Francis Pacifico, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

38. Tab BC – Caprice Anne Rudock, present – Commissioner Hornsleth moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

39. Tab BD – Adonna C. Smith, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

40. Tab BE – Polynne Soares, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

41. Tab BF – Brenda M. Starr Ribero, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for broker; the motion passed without dissent.

42. Tab BH – Taisha Trotman, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

43. Tab BI – Sherri Wyatt Welch, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

44. Tab BL – Lisa Clark Yeaple, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

45. Agenda B, Tab A – Kfir Levy, present, informal – Commissioner Fryer moved; seconded by Commissioner Hornsleth to vacate notice of intent to deny and approve the application for sales associate; the motion passed without dissent.

46. Tab A – Michael Anthony Almonte, not present – Applicant requested a continuance and waived the 90-day requirement.

47. Tab D – Michelle Jalene Parker, not present – Applicant requested a continuance and waived the 90-day requirement.

48. Tab R – Joseph E. Conti, not present – Applicant requested a continuance and waived the 90-day requirement.

49. Tab M – Darwin Alexander Briceno, not present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; tie vote 2-2. No action taken.

50. Tab S – Jennifer Craighead, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.

51. Tab AC – Karla Giorgio, not present – Applicant requested a continuance and waived the 90-day requirement.

52. Tab AF – Stephanie Grimes, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate with conditions; the motion passed 3-1.
53. Tab AH – Avanel April Hart, not present – Applicant requested a continuance and waived the 90-day requirement.

54. Tab AJ – Susan Angela Johnson, not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

55. Tab AK – Nicholas Daniel Laino, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.

56. Tab AL – Nancy Landi, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for broker with conditions; the motion passed without dissent.

57. Tab AN – Nalan Thi Le, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

58. Tab AO – Rory Lekites, not present – Applicant requested a continuance and waived the 90-day requirement.

59. Tab AW – Robert Pellow, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.

60. Tab AX – Michael Powell, not present – Applicant requested a continuance and waived the 90-day requirement.

61. Tab AY – Fern Yvette Poyser, not present – Applicant requested a continuance and waived the 90-day requirement.

62. Tab BG – Dederek Teate Jr., not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

63. Tab BJ – Yassin Yahyaoui, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.

64. Tab BK – Stuart Barry Yanofsky, not present – Applicant requested a continuance and waived the 90-day requirement.

**General Session continued**

**Financial Reports**

Director Watkins presented the Financial Reports ending December 31, 2016. Director Watkins addressed questions and comments from the Commission. Ms. Watkins also reported that the Appraisal Board Subcommittee completed its compliance review of Florida’s appraisal program and for the first time ever there were no compliance issues. Ms. Watkins stated that the excellent rating could not have been done without the Commission’s help and expressed her sincere appreciation for financial assistance.

**Chair Comments**

Vice-Chair Luzier inquired about a possible workshop with Florida Realtors. Director Watkins responded that we will schedule that as a part of the biennial rule review. Mr. Barnhart suggested May for the biennial rule review as well as discussing the advertising rule. Mr. Barnhart also requested specifically addressing Notices of non-compliance and requested Mr. Kendrick review the rule to provide any feedback of possible amendments or deletions if any.

Director Watkins requested the Commission have a moment of silence at the beginning of the April meeting in honor of Commissioner Roger Enzor.
Public Comments
The Commission offered but did not receive any comments from members of the audience.

Adjournment
There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for April 18 and 19, 2017, in Orlando, Florida.

Claude "Chip" Boring, Chair
Florida Real Estate Commission

Lori Crawford, Executive Director
Florida Real Estate Commission