

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
April 26 and 27, 2011
General Meeting**

Chair Richard DeNapoli called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, Florida, on this 26th day of April, 2011.

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

Division staff present at the meeting: Juana C. Watkins, Director; Patrick Cunningham, Jennifer Blakeman, Nicole McClaren, Robert Minarcin and Joseph Solla, Senior Attorneys; Lauren Roderick, Esquire, Government Analyst I; Jocelyn Pomales, Regulatory Specialist III; Janice Taylor, Government Analyst I; Warren Sanger, Investigator Specialist II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner McCoig moved; Commissioner Enzor seconded to approve the Minutes of the March 15 and 16, 2011, General Meeting, as written. Motion carried unanimously.

Director Watkins announced that Secretary Liem was unable to attend due to demands imposed upon him in Tallahassee as a result of the Legislative Session last week.

Ratification of Approval of Juana C. Watkins as Director of the Division of Real Estate

Commission Enzor moved to ratify the appointment of Juana C. Watkins as Director of the Division of Real Estate. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and reported that there have been five arrests in recent months for unlicensed activity.

Vice-Chair Guju asked what the back-log is for unlicensed activity cases. Director Watkins responded that as of February 2011 there are approximately 400 which include both complaints received but not

yet analyzed and cases that are under investigation. Vice-Chair Guju suggested that the department hire investigators under contract for a short period of time to address the back-log. Commissioner Enzor asked how many investigators would be needed to alleviate the back-log. Director Watkins stated that she would be happy to prepare an analysis to identify a specific number. Director Watkins addressed additional questions and comments from the Commission. Chair DeNapoli thanked Director Watkins for her report.

Monthly Exam Performance Summary Report

Director Watkins presented the Monthly Exam Performance Summary Report.

Escrow Disbursement Orders

Senior Attorney Joseph Solla presented 41 Escrow Disbursement Orders for the Commission's consideration. Commissioner Ruffier moved to accept the 41 Escrow Disbursement Orders. Vice-Chair Guju seconded the motion. The motion carried unanimously. Upon recommendation of the Legal Section, the Commission issued 41 Escrow Disbursement Orders.

Recovery Fund Claim Final Orders

Hostof, L.L.C v. Patricia Siewert – DBPR Case No. 2010059792 – Senior Attorney Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Enzor moved to approve the order granting the claim in the amount of \$11,000.00. Vice-Chair Guju seconded the motion. The motion carried unanimously.

Barbara and Joe Cavalea v. Lawrence R. Scrivens – DBPR Case No. 2011002372 – Senior Attorney Solla presented this matter to the Commission. Mr. Solla provided supplemental documents received from the Claimants in support of their claim. Mr. Solla advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Vice-Chair Guju moved to approve the order denying the claim. Commissioner McCoig seconded the motion. The motion carried unanimously.

Legal Final Order Docket

Agenda D, Tab A; Agenda B, Tab B; Agenda A, Tab P – Michael Jacob Piwko, BK 3062479, Case No. 2008049766 – Respondent's Emergency Motion for Relief From a Final Order

Mr. Piwko was present and represented by Humberto Rubio, Jr., Esquire, present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Solla represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved to vacate the Final Order filed September 30, 2010, based on the Respondent's voluntary suspension of license and continue the matter to allow Respondent to appeal to the Division of Administrative Hearings (DOAH) for a rehearing; and then in the event DOAH rejects the appeal the Commission will provide 30 days to allow Respondent to file Exceptions to the Recommended Order dated June 18, 2010; seconded by Commissioner Enzor, motion carried unanimously. The effective date of the Order Vacating the Final Order is today.

Tab V – Kevin David Berman, BK 694673, Case No. 2008043682 – Stipulated Settlement

Respondent was present and represented by Steven W. Johnson, Esquire, present. Commissioner Boring 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 Ruffier moved; seconded by Commissioner Furst to accept the Stipulated Settlement. Motion carried unanimously.

Penalty imposed: \$500.00 fine, \$363.00 costs, attend one 2-day FREC general meeting. **Violation:** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, when failed to immediately deposit Buyer's check into an escrow or trust account.

Action taken: Stipulated Settlement accepted.

Tab U – Bankers Realty Services, Inc., CQ 1012108, Case No. 2008051812 – Stipulated Settlement

Respondent Kevin Berman appeared on behalf of Bankers Realty Services, Inc. and was represented by Steven W. Johnson, Esquire, present. Commissioner Boring was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner McCoig to accept the Stipulated Settlement. Motion carried unanimously.

Penalty imposed: Reprimand, \$346.50 costs. **Violation:** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, when failed to immediately deposit Buyer's check into an escrow or trust account.

Action taken: Stipulated Settlement accepted.

Tab A – Luis Arevalo, SL 3196456; Case No. 2008046999 – Motion for Withdrawal of Attorney for Defendant

Respondent was not present. Charles Castellon, Esquire, was present. Chair DeNapoli was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Enzor; motion carried unanimously to grant the Motion for Withdrawal of Attorney for Defendant.

Action Taken: Attorney for Respondent withdrawn.

Tab X – David Marc Silver, SL 3177114, Case No. 2009065171 – Stipulated Settlement

Respondent was present and was represented by Daniel Villazon, Esquire, present. Commissioner Ruffier was recused due to participation on the probable cause panel.

Ms. McClaren represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved; seconded by Vice-Chair Guju to accept the Stipulated Settlement. Motion carried unanimously.

Penalty imposed: Reprimand, \$500.00 fine, \$165.00 investigative costs, attend one 2-day FREC general meeting within 12 months from the effective date of the Final Order, must pass the 28-hour reactivation course. **Violation:** Guilty of pleading nolo contendere, regardless of adjudication, to a felony of third degree.

Action taken: Stipulated Settlement accepted.

Tab B, C, D – Scott George Barr, BK 593361; Case Nos. 2010056763, 2010050655, 2010051831 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revoke.

Tab E – Jeffrey Anton Baumer, SL 3137695, Case No. 2009031473– Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Ms. McClaren represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner McCoig moved, seconded by Vice-Chair Guju; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$42.90 costs. **Violation:** Guilty of having violated Section 475.25(1)(e), Florida Statutes, when Respondent failed to successfully complete all terms and conditions of the Final Order issued in DBPR Case No. 2007044654.

Agenda B, Tab A; Agenda A, Tab F – Frances Marie Cropper, SL 643038, Case No. 2008046189 – Voluntary Surrender of Licensure for Permanent Revocation

Respondent was not 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. Commissioner Ruffier moved, seconded by Vice-Chair Guju to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab G – Cheryl Sue Durley, SL 494098, Case No. 2008021048 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revoke.

Agenda A, Tab H–M; Agenda C, Tab A–I – Terry Ray Hicks, BK 515447; Case Nos. 2011003094, 2011003159, 2011007692, 2011006494, 2011008583, 2011008753, 2011009071, 2011010040, 2011010457 – Voluntary Surrender of Licensure for Permanent Revocation

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

Ms. McClaren represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Commissioner McCoig to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab N – Thomas Martin Langston, SL 688554, Case No. 2009065668 – 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 Guju, Commissioner Boring and Commissioner Furst were recused due to participation on the probable cause panel.

Mr. Minarcin represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Enzor; motion carried unanimously to find the Respondent guilty as charged in the Amended Administrative Complaint. Commissioner Ruffier moved, seconded by Commissioner Enzor; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$702.90 costs. **Violation:** Guilty of having been adjudicated guilty of Making & Subscribing a False Tax Return in violation of Section 475.25(1)(f), Florida Statutes; guilty of having failed to inform the Commission with 30 days of being convicted of Making & Subscribing a False Tax Return in violation of Section 475.25(1)(p), Florida Statutes; guilty of having been convicted of Making & Subscribing a False Tax Return in violation of Section 455.227(1)(t), Florida Statutes.

Tab O – James Moxley, BK 3014412, Case No. 2008049679 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not 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 granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Boring; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Ruffier moved, seconded by Commissioner Furst; motion carried unanimously to impose the following sanctions:

Penalty imposed: Revoke, \$610.50 costs. **Violation:** Guilty of failure to return Complainant’s escrow deposit funds on demand in violation of Section 475.25(1)(d)1., Florida Statutes; guilty of committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or devise, culpable negligence, or breach of trust in any business transaction in violation of Section 425.25(1)(b), Florida Statutes.

Tab Q – Carol Jean Rosell, SL 3104628, Case No. 2008023784 – Respondent’s Request to Modify Final Order

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

Ms. McLaren represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved, seconded by Commissioner Ruffier to grant a 6 months extension to complete the Final Order requirements. The motion carried unanimously.

Action taken: Granted a six months extension.

Tab R – Timothy M. Shevlin, SL 3139546, Case No. 2008044414 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revoke, \$198.00 costs. **Violation:** Guilty of failure to comply with a lawful Final order issued by the FREC in Case No. 2007024160 in violation of Section 475.42(1)(c), Florida Statutes.

Tab S – Jannine Y. Valdes, SL 3202248, Case No. 2010056725 – Voluntary Surrender of Licensure for Permanent Revocation

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

Ms. McClaren represented the department and presented the case to the Commission. Commissioner McCoig moved, seconded by Commissioner Enzor to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab T – Yvette Gonzalez Valdes, SL 3194017, Case No. 2010055768 – Voluntary Surrender of Licensure for Permanent Revocation

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

Ms. McClaren represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Commissioner Boring to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Tab W – Robert George Hansen, SL 3103924, Case No. 2009006963 – Stipulated Settlement

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ruffier moved; seconded by Commissioner Furst to accept the Stipulated Settlement. Motion carried 5 to 1.

Penalty imposed: \$500.00 fine, \$650.00 costs, 2 years probation, attend one 2-day FREC general meeting, must pass the 28-hour reactivation course. **Violation:** Guilty of having failed to advertise property or services in a manner in which reasonable persons would know they are dealing with a real estate licensee; failed to include the licensed name of the brokerage firm; and having placed or caused to be placed an advertisement which fraudulent, false, deceptive, or misleading in form or content in violation of Rule 61J2-10.25, Florida Administrative Code, and Section 475.25(1)(c), Florida Statutes.

Action taken: Stipulated Settlement accepted.

Agenda B, Tab C – Jeffrey Rubin, SL 592541, Case No. 2010009548 – Voluntary Surrender of Licensure for Permanent Revocation

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

Ms. McClaren represented the department and presented the case to the Commission. Commissioner Ruffier moved, seconded by Commissioner Boring to accept the Affidavit for the Voluntary Surrender of License for Permanent Revocation; motion carried unanimously.

Penalty imposed: Revoke.

Agenda E, Tab A – Terry Taylor, SL 3219674, Case No. 2010087353 – Voluntary Surrender of Licensure for Permanent Revocation

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

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

Penalty imposed: Revoke.

Review and Consideration of the Real Estate Continuing Education Course

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

1. Florida Real Estate Broker Commission – New Course – Application No. 14258

Ms. Neiberger, Esquire, did not appear in support of the new course. Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Commissioner Enzor seconded the motion. The motion carried unanimously.

2. Generational Buy – New Course – Application No. 14114

Mr. Daniel Villazon, Esquire, appeared on behalf of Osceola County Association of Realtors in support of the new course. Commission entered into discussion. Commissioner Ruffier moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Commissioner Boring seconded the motion. The motion carried unanimously.

3. Green Building For Realty & Consumers – New Course – Application No. 14270

Mr. Paul Mashburn, Jr. appeared in support of the new course. Commission entered into discussion. Commissioner Enzor moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair Guju seconded the motion. The motion carried unanimously.

4. NAR's Green Designation Core Course – New Course – Application No. 14116 – Applicant withdrew the course.

Special Agenda

Complaints and Prosecution Timeline Concerns

Director Watkins provided the Commissioners with a report listing complaints received and explained how she plans to monitor the cases in order to reduce the time it takes to bring the cases before the Commission. Commissioner Guju requested that the report reflect past years so that they may try to

discern a trend and determine factors which may be affecting the trends. Director Watkins stated she would put a report together and provide it next month. Director Watkins addressed further questions and comments from the Commission.

Report on Applications Received by the DBPR

Director Watkins requested to discuss the Report on Applications Received by DBPR together with the Summary of Applicant Approvable Guidelines tomorrow. The Commission had no objections.

Consent Agenda A

The Commission considered 188 applicants from the Consent Agenda; Vice-Chair Guju moved; seconded by Commissioner Enzor to approve 146 applicants and require 42 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

| | | |
|----------------------|----------------------|-----------------------|
| Ackerman, Jo | Gizynski, Lilianna J | Obidov, Aziz I |
| Acosta, Isabel P | Hackworth, Earl K | Pederson, Chad E |
| Allen, Cari Ann | Hajek, Otto | Peek, Albert B Jr |
| Asfaw, Lulit | Hampton, La Tarsha J | Pellegrino, Allison |
| Augustin, Jennife | Helmholz, Karl W | Petersen, Karen K |
| Batdorf, Ryan | Hensel, James Kelly | Pickett, Curtis J |
| Bentivegna, Frank M | Hirsch, Tyler David | Porter, Anthony E |
| Bickford, Monica P | Hirzel, Leon F. Iv | Porter, Shannon M |
| Blanco, Andres | Hoffman, Joseph | Pozo, Marcelo |
| Borham, William | Hogan, John M III | Prather, Timothy A |
| Bragg, Arthur M | Huston, Clyde R Iv | Quinn, Frank |
| Broch, Johanna | Jackson, Alan A | Ravenel, Stephen D Jr |
| Brophy, Desmond | James, Linda L | Reeves, Elaine S |
| Brown, Immani A | Jefferson, Denna W | Retzloff, Stephen G |
| Buono, Rudy | Johnson, Christina K | Roberts, Joseph D |
| Butler, Robert G | Jones, Jeffrey E | Romaine, Rebecca L |
| Caracappa, David J | Julmis, Louis Jr | Rosellini, Donald C |
| Carlton, David R. | Kelly, Kevin J | Ruiz, Blanca E |
| Carnrick, Paul K | King, Kenneth O | Ruiz, Felix A |
| Carrozzi, Vincent S | Kostic, Joshua M | Rygaard, Lars S |
| Carvalho, Evandro Jr | Kramer, Isa R | Sabato, Shirley M |
| Carver, James G | Lacey, Michael P | Sack, Daniel V |
| Chambers, Shawn | Lafevers, King D L | Saintvil, Milot |
| Chicareli, Zaza J | Lee, James C | Samardge, Lance J |
| Crawford, Jeanette | Lemens, Julie A | Sawchuk, Vincent A |
| Cummings, John R | Levin, Artem | Shannon, Kyle M |
| Czarkowski, Tim | Lewis, Nikki M | Sotomayor, Regina |
| Damiani, Brenda L | Linares, Manuel J | Stewart, Catherine |
| Deaki, Kimberli K | Lindgren, Matthew C | Stewart, Richard M |
| Desjardins, Scott | Lorminey, Raymond | Suarez, Carlos G |
| Devinney, Joshua R | Macadam, David L Jr | Taggart, Gladys Y |
| Dominguez, Carissa M | Majeau, Alain | Tannetta, Michelle |
| Donald, Mohamed S | Mann, Danielle M | Tesseo, Kim C |
| Doyle, Patricia A | Martinez, Andrea | Testa, Pamela Jo |
| Duffy, Dawn E | Martinez, Guillermo | Thompson, Lindsay F |

Edens, Jeffrey A Jr
Ferguson, Paul F
Fillingim, Barbara T
Fleischman, Monica V
Fleming, Thomas
Flores, Robert
Foley, Cindy Lynn
Fellabaum, John A
Gale, Katherine J
Gallon, Renata T
Galloway, Damon S
Galton, Emory B
Ganier, Chase
Gibson, Seth

McAndrews, Elvis T
McCall, Misty
McGraw, Alex S
Momat, Timothy D
Morales, Ismael
Morales, Joseph A
Mullins, Jennifer L
Nakelski, Michael T
Neal, Michael M
Nesbitt, Shular
New, Kevin Dale
Newsome, Scott J
Nguyen, Phong T
Noalis, Robert J

Tronge, Pedro I
Veira, Fernando
Vlachos, Carol G
Walker, Douglas A
Wall, Stephen C
Ward, Corey S
Wendinger, Phillip R
White, Earlicia C
Wilder, Angelique M
Wilson, Ralph B III
Young, Joseph B
Zentmeyer, Marc

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

Anderson, Michael J
Baez, Brenda L
Brooks, Albert J
Burk, Mark A
Campbell, Deshante L
Chaplin, James D
Folson, Tanyia L
Gambrell, Amanda B
Gutierrez, Nicole M
Hagopian, Nancy S
Hart, Naima
Hernandez, Grace M
Hopper, Sara Rose
Hunter, Wendy R

Isgut, Isabel
Johnson, Chetwood F
Johnson, Mark A
Kalicharan, Gowkarran
Keck, Tina M
Marrero, Jesus A
Maurer, William I
McCone, Kenya E
Miranda, Eddy
Ohearn, Kyle J
Palmer, Johnathan
Pastor, Victor
Perez, Barbara M
Piedra, Jane

Pozzi, Juan A
Rodriguez, Richard
Scruggs, Jabari F
Shaikh, Mohammed S
Stoddard, Larry O Jr
Stevenson, Frank
Tagoe, Shehu
Theckston, Daryl A
Thomas, Kimberlee M
Wallace, Jessica L
Warner, Linda
Warren, James
Watkins, Jeffrey S
Williams, Brian C

There being no further business and no objection, the Chair adjourned the meeting at approximately 11:50 p.m.

April 27, 2011

Chair Richard DeNapoli reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 27th day of April, 2011.

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

Division staff present at the meeting: Juana C. Watkins, Director; James Harwood, Chief Attorney; Jennifer Blakeman, Senior Attorney; Denise Johnson, OMC II; Janice Taylor, Government Analyst I; Jeannie Adkinson, Regulatory Specialist III; Jocelyn Pomales, Regulatory Specialist III; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Ms. Denise Johnson, OMC II, presented 58 Summary of Applicants requesting to sit for the real estate examination.

Tab AF – Santiesteban, Jaime; present and represented by Attorney Robert K. Dwyer; present – Commissioner Ruffier moved; seconded by Commissioner Boring to approve the application for broker; motion carried unanimously.

Tab AM – Wilbanks, Robert; present and represented by Attorney Nancy Campiglia; present – Commissioner McCoig moved; seconded by Commissioner Furst to approve the application for broker; motion carried unanimously.

Tab L – Balaskiewicz, Kimberly S.; not present – Vice-Chair Guju moved; seconded by Commissioner Ruffier to deny the application for sales associate; motion carried unanimously.

Tab A – Barberena, Fernando A.; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve; motion failed 4 to 3; Commissioner Ruffier moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried 6 to 1.

Tab M – Boyette, Jennifer L.; present – Commissioner Furst moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried unanimously.

Tab N – Cairns, Michelle J.; present – Commissioner Enzor moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried 6 to 1.

Tab B – Corsel, Victoria; present – Commissioner Ruffier moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for broker and approve the application for broker; motion carried 6 to 1.

Tab O – DeJesus, Yudimar T.; present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 5 to 2.

Tab P – Dorcinvil, Kerven; not present – Commissioner Enzor moved; seconded by Vice-Chair Guju to deny the application for sales associate; motion carried unanimously.

Tab Q – Fish, Jeanne M.; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried 6 to 1.

Tab C – Flynn, Linda S.; not present – Application withdrawn.

Tab D – Gabris, Joseph A.; not present – Applicant requested a continuance to May and waived the 90-day requirement.

Tab R – Garber, Shannon T.; not present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried 6 to 1.

Tab S – Harris, Alexis D.; not present – Commissioner Ruffier moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab E – Helgemo, Cory R.; not present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for broker; motion carried unanimously.

Tab T – Hope, Joseph W. Jr.; not present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for broker; motion carried unanimously.

Tab U – Keene, Brandon C.; present – Vice-Chair Guju moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried 6 to 1.

Tab V – Kelly, Jean M.; present – Commissioner Furst moved; seconded by Commissioner Ruffier to approve the application for sales associate; motion carried 5 to 2.

Tab F – Kruse, Daniel T.; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to adopt the findings of fact and conclusions of law of the prior Intent to Deny and uphold the denial of application for sales associate; motion carried unanimously.

Tab G – Lauritsen, Gena; present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab W – Levy, Gail A.; present – Vice-Chair Guju moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab X – Lewis, Harold V.; present – Vice-Chair Guju moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab Y – Long, Robert A.; present – Commissioner Ruffier moved; seconded by Commissioner Furst to approve the application for sales associate; motion carried unanimously.

Tab Z – Mejia, Steve L.; not present – Vice-Chair Guju moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried 6 to 1.

Tab AA – Nguyen, Andrew N.; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried unanimously.

Tab AB – Pasquale, Alfred A.; present – Commissioner McCoig moved; seconded by Commissioner Enzor to deny the application for sales associate; motion carried unanimously.

Tab AC – Piazza, Peter J.; not present – Commissioner Ruffier moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab AD – Quezada, Alexander J.; present – Applicant withdrew application.

Tab H – Redondo, Jessica A. – Application continued until June 22, 2011.

Tab AE – Rose, Karrie J.; present – Applicant withdrew application.

Tab I – Sharma, Asheem; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried 6 to 1.

Tab J – Sims, Faith R.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion carried unanimously. The applicant withdrew the application and waived the 90-day requirement.

Tab K – Smith, Kerri N.; present – Commissioner Ruffier moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion carried unanimously.

Tab AG – Smith, Oliver D., not present – Commissioner Enzor moved; seconded by Vice-Chair Guju to approve the application for sales associate; motion carried unanimously.

Tab AH – Steinhauer, Carey F.; present – Commissioner McCoig moved; seconded by Commissioner Boring to approve the application for sales associate; motion carried unanimously.

Tab AI – Taft, Brooke L.; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve the application for sales associate; motion carried 4 to 3.

Tab AJ – Tay, Charles; not present – Commissioner Enzor moved; seconded by Commissioner Boring to deny the application for sales associate; motion carried unanimously.

Tab AK – Turner, Doctor David M.; present – Vice-Chair Guju moved; seconded by Commissioner McCoig to deny the application for sales associate; motion carried unanimously.

Tab AL – Whoolery, Lewis D.; not present – Vice-Chair Guju moved; seconded by Commissioner Furst to deny the application for sales associate; motion carried unanimously.

Tab W – Ninalowo-Vickers, Iduni; not present – Applicant requested a continuance until June 22, 2011 and waived the 90-day requirement. Commissioner Ruffier moved; seconded by Vice-Chair Guju to continue until June 2011; motion carried unanimously.

Special Agenda

SOA Approvable Guidelines

Director Watkins requested whether the Commissioners would prefer to table this issue to address this topic at the workshop. Commissioner McCoig moved to table this topic to the June FREC meeting; seconded by Commissioner Ruffier; motion carried unanimously.

Director's Remark

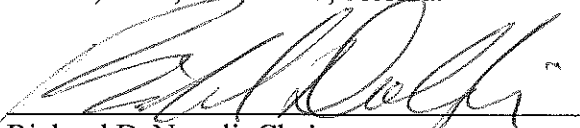
Director Watkins turned the floor over to Senior Attorney Cunningham to address an issue of concern for the Office of General Counsel. Mr. Cunningham stated that the Office of General Counsel is going to review approximately 400 cases for probable cause, which will mostly likely create the need for a special probable cause meeting and requested for volunteers to serve on the panel. Commissioner Ruffier stated that since he is in town he would not mind sitting on the special probable cause meeting. Mr. Cunningham addressed questions from the Commission.


Commission's Comments

Chair DeNapoli thanked everyone for a great meeting and congratulated Director Watkins on her new position. The Commissioners concurred.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 17 and 18, 2011, in Orlando, Florida.


Richard DeNapoli, Chair
Florida Real Estate Commission


Juana C. Watkins, Director
Florida Real Estate Commission