

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
April 16 and 17, 2013
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 16th day of April, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Darla Furst, Poul Hornsleth and Josh Podolsky. 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; Patrick Cunningham, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Christina Arzillo, Josh Kendrick, Leigh Matchett (via video conference), Lauren Roderick and Joseph Solla, Assistant General Counsels; Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Special Agenda

Letter from Hallie Benjamin, CoreLogic – Reporting Sinkholes

Ms. Hallie Benjamin of CoreLogic provided a presentation suggesting that the Commission create a law for Florida real estate licensees to include sinkhole research as a part of the real estate transaction. Ms. Benjamin informed the Commission that CoreLogic provides a sinkhole report for a nominal charge. Ms. Benjamin addressed comments and questions from the Commission. Ms. Margy Grant, General Counsel for the Florida Realtors, and Dick Fryer of IFREC, provided comments. The Commission thanked Ms. Benjamin for her presentation.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the Minutes of the March 19 and 20, 2013, General Meeting, as written. The motion passed without dissent.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and addressed questions from the Commission.

Rules Report

FREC Counsel Barnhart reported on the status of pending rules. Mr. Barnhart also reported that he and Director Watkins will be reviewing the rules for the purpose of the statutorily required rule review. Counsel Barnhart and Ms. Watkins addressed questions and comments from the Commission.

Report Regarding Enforcement Trends and Escrow Audits

Director Watkins presented the report regarding Complaint Trends and Escrow Audit Summary. Ms. Watkins addressed questions and comments from the Commission.

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report and addressed comments from the Commission. The Commission entered into discussion. Mr. Dick Fryer of IFREC and Ms. Linda Crawford of Dearborn provided comments.

Legal Agenda Schedule

Report Regarding Legal Case Activity

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

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 18 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Mr. Solla stated that Tab M has been removed. Commissioner Hornsleth moved to accept the 18 Escrow Disbursement Orders and 3 Orders. Commissioner Furst seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab A – Ana Diaz-Ferrer, SL 3202727, Case No. 2010049055 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and represented by Nancy Campiglia, Esquire. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. Ms. Campiglia presented a Motion for Continuance. Commissioner Furst moved; seconded by Commissioner Hornsleth; motion passed without dissent to continue the matter until May 14, 2013.

Action Taken: Case continued until May 14, 2013.

Tab C – Valentina Haun a/k/a Valentina Brown, BK 3046561, Case No. 2011059481 – Respondent's Request for an Informal Hearing

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

Ms. Arzillo represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved; seconded by Vice-Chair Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: \$1,000.00; investigative costs; must complete a 4-hour escrow management course; 6 months probation. **Violation:** Section 475.25 (1)(d)1, Florida Statutes, when Respondent failed to account or deliver to Complainant, upon demand, the funds wired to Respondent by Complainant for the purchase of Subject Property, as required by law; Rule 61J2-14.010, Florida Administrative Code, by failing to immediately place Deposit, which was delivered to Respondent by Complainant, an interested party in the purchase of Subject Property, in escrow with a bank or trust; Section 475.25(1)(k), Florida Statutes, by failing to immediately place, upon receipt, Deposit, which was entrusted to Respondent, as a broker, by Complainant, dealing with Respondent, in escrow with a bank or trust; Rule 61J2-14.011, Florida Administrative Code, by retaining Deposit, without a written agreement with Complainant; therefore, having no right to said deposit.

Tab K – Joshua S. Unger, LLC, SL 3116319, Case No. 2012018027 – Respondent’s Request for Reconsideration

Respondent was not present. Respondent was represented by Steven W. Johnson, Esquire, present. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Kendrick represented the Department and presented the case to the Commission. Mr. Johnson presented a Motion for Reconsideration and presented mitigation. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Hornsleth to grant the reconsideration request and vacate the previous Final Order filed February 7, 2013; the motion passed without dissent. Mr. Johnson requested a continuance until May 2013. The matter is continued until May 14, 2013.

Action Taken: Final Order vacated; case continued until May 2013.

Tab D – Theresia Marie Helton, BK 3077530 and 3248280, Case No. 2011018510 – Petitioner’s Request for Reconsideration; Respondent’s Response to Petitioner’s Request

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

Ms. Arzillo represented the Department and presented the case to the Commission. Mr. Villazon filed a response to Ms. Arzillo’s request for reconsideration. The Commission entered into discussion. Commissioner Hornsleth moved to deny the Petitioner’s Request for Reconsideration; seconded by Commissioner DeNapoli; motion passed 3 to 1.

Action Taken: Reconsideration request denied.

Tab G – Andy Mendez, SL 3180244, Case No. 2012037848 – Respondent’s Request for an Informal Hearing

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

Ms. Roderick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair Enzor moved; seconded by

Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Suspension for 10 years; 10 years probation concurrent with suspension; \$1,000.00 fine; investigative costs; must complete a 3-hour ethics course; attend four 2-day FREC meetings. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of conspiracy to commit mail fraud, a crime of moral turpitude or fraudulent or dishonest dealing, in the United States District Court, Southern District of Florida.

Tab O – Jose Pepe Cazas, P.A., SL 651092, Case No. 2011016863 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present. Respondent was represented by Daniel Villazon, Esquire, present. No current members were recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. Mr. Villazon presented a Motion to Allow Witness to Appear Telephonically. Commissioner DeNapoli moved to grant the telephonic appearance; seconded by Commission Furst; the motion passed without dissent. The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Hornsleth; motion passed 3 to 2 to impose the following sanctions:

Action Taken: Suspension for 3 years; \$1,000.00; investigative costs. **Violation:** Section 475.25(1)(f), Florida Statutes, when Respondent plead guilty to a crime involving moral turpitude or fraudulent or dishonest dealing in the United States District Court, Southern District of Florida; Section 475.25(1)(p), Florida Statutes (2010), when Respondent failed to inform the commission in writing within 30 days after pleading guilty to a felony; Section 455.227(1)(t), Florida Statutes (2011), when Respondent failed to report in writing to the board within thirty days of the effective date of Section 455.227(1)(t), Florida Statutes (2011), of Respondent’s guilty plea in a crime in a jurisdiction.

Tab B – Joseph E. Godfrey, SL 664616, Case No. 2011000793 – Amended Settlement Stipulation

Respondent was present. Respondent was not represented by counsel. Commissioner Richard DeNapoli was recused do to participation on the probable cause panel.

Ms. Matchett, Assistant General Counsel, represented the department and presented the case to the Commission. The Respondent agreed to move forward with the Stipulation offered by the department. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement as Amended. The motion passed without dissent.

Penalty Imposed: \$1,000.00 fine; investigative costs; must complete a 4-hour escrow management course; 3 months probation. **Violation(s):** Section 475.42(1)(a), Florida Statutes, by depositing the Escoto’s \$1,000 escrow deposit without the direction or supervision of a broker while licensed as a sales associate; Section 475.42(1)(a), Florida Statutes, by depositing the Escoto’s \$1,000 escrow deposit into an account for Vision Realty when he was employed as a sales associate for Boynton Realty, Inc.

Tab E – Clayton John, SL 3186951, Case No. 2009063846 – Respondent’s Request for an Informal Hearing

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

Mr. Kendrick 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 Vice-Chair Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2010), when Respondent pled guilty to one felony count of Loan and Application Fraud.

Tab F – Chad Collin LaRoche, SL 3245726, Case No. 2012010286 – Respondent’s Request for an Informal Hearing

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25 (1)(s), Florida Statutes, when Respondent’s certified pool/spa contractor, license number CPC 1457399, was revoked for violating 489.129(1)(o) and 489.129(1)(j) of Florida Statutes.

Tab I – Jere L. Shahid, BL 583537, Case No. 2011036664 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Mr. Kendrick 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 Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs. **Violation:** Section 475.25(1)(d)1., Florida Statutes, when upon expiration of the tenancy, Respondent failed to release Landlord and Tenant’s deposits; Section 475.25(1)(k), Florida Statutes, when Respondent deposited check #2826 into a non-escrow account; Section 475.25(1)(b), Florida Statutes, when Respondent committed misrepresentation, dishonest dealings, culpable negligence and breach of trust in a business transaction.

Tab L – Kenneth MacKenzie Marwick, SL 3230297, Case No. 2012007401 – Respondent’s Petition for Entry of Final Order

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

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

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading nolo contendere and being adjudicated guilty of grand theft; Section 475.25(1)(n), Florida Statutes, when he was incarcerated at Desoto Annex in Arcadia, Florida.

Tab M – R. M. Sandrie, a/k/a Rose Marie Sandrie, BK 609358, Case No. 2012023721 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present and was not represented by counsel. There was no probable cause panel.

Ms. Roderick represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Furst to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab N – David O’Myles Campbell, SL 534209, Case No. 2011057403 – Settlement Stipulation

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

Mr. Kendrick, Assistant General Counsel, represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$500.00; investigative costs. **Violation(s):** Section 455.225(1)(t) and 475.25(1)(e), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading nolo contendere to DUI Alcohol or Drugs.

Action taken: Settlement Stipulation accepted.

Tab P – Joshua S. Cummings, SL 3086765, Case No. 2012049331 – Voluntary Relinquishment of License

Respondent was not present and was not represented by counsel. Commissioner Podolsky participated on the probable cause panel. Commissioner Podolsky was excused and not present.

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Enzor to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab Q – Julio Davier Manso, SL 3226557, Case No. 2011022195 – Settlement Stipulation

Respondent was not present. Respondent was represented by Scott Boardman, Esquire, not present. Commissioner Podolsky participated on the probable cause panel. Commissioner Podolsky was excused and not present.

Mr. Kendrick, Assistant General Counsel, represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$500.00; investigative costs; must attend one 2-day FREC general meeting. **Violation(s):** Section 455.225(1)(t) and 475.25(1)(e) Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading nolo contendere to unlawful real-estate appraiser violation.

Action taken: Settlement Stipulation accepted.

Tab R – C. André Johnson, BK 3002614, Case No. 2012008601 – Petitioner’s Motion for Finding of Waiver and Entry of Final Order

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(k), Florida Statutes (2011); failed to comply with Section 475.5015, Florida Statutes (2011), and therefore Respondent violated Section 475.25(1)(e), Florida Statutes (2011).

Tab S – Charles Ray Pennington, BK 3010751, Case No. 2011000378 – Petitioner’s Motion for Finding of Waiver and Entry of Final Order

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating a lawful order issued under the provisions of Chapter 455 or 475.

Tab T – Gregory B. Shuman, SL 3075816, Case No. 2010023570 – Petitioner’s Motion for Finding of Waiver and Entry of Final Order

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating a lawful order issued under the provisions of Chapter 455 or 475.

Tab U – Barbara Jane Stamm, BK 3131702, Case No. 2012020812 – Petitioner’s Motion for Finding of Waiver and Entry of Final Order

Respondent was not present and represented by James P. Harwood, Esquire, not present. Commissioner Furst was recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. Ms. Arzillo stated that Mr. Harwood is requesting a continuance until May, 2013. Commissioner DeNapoli moved; seconded by Vice-Chair Enzor; motion passed without dissent to continue the matter until May 14, 2013.

Action Taken: Case continued until May 14, 2013.

Cases Continued or Withdrawn

- Tab A – Anna Diaz-Ferrer, Case No. 2010049055
- Tab H – Neal Rubin, Case No. 2011041186
- Tab J – Robert Smith, III, Case No. 2009049533
- Tab U – Barbara Jane Stamm, Case No. 2012020812

General Session continued

Review and Consideration of the Real Estate Continuing Education Courses

Director Watkins presented the following continuing education courses for the Commission’s consideration:

Florida Real Estate Assistants – New Course (15-hour SPL) – Application No. 18039 – David Collins, Energy Express Seminars, LLC

Mr. Collins was not present, however, provided correspondence in support of the sales post-licensure course. The Commission entered into discussion. Commissioner Furst moved to deny the course listed above as it does not meet the requirements set forth in Section 475.17(3)(a), Florida Statutes; Commissioner DeNapoli seconded the motion; the motion passed 4 to 1.

Top 10 Title Defects - Cured – New Course (7-hour CE) – Application No. 18045 – Cassie Gruber, National Business Institute

Ms. Gruber was not present. The Commission entered into discussion. Commissioner Hornsleth moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner Furst seconded the motion. The motion passed without dissent.

Florida Post-Licensing: Finance and Economics – New Course (15-hour CE) – Application No. 18085 – Richard A. Giumenta, The CE Shop, Inc.

Mr. Giumenta was not present. The Commission entered into discussion. Commissioner Furst moved to approve the continuing education course listed above as it does meet the requirements set forth in Section 475.182(1), Florida Statutes; Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Sign Here: Contract Law on E-Signatures – New Course (3-hour CE) – Application No. 18090 – Richard A. Giumenta, The CE Shop, Inc.

Mr. Guimenta was not present. The Commission entered into discussion. Commissioner Furst moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Special Agenda

Director Watkins presented correspondence from Young Brockhouse, Illinois Division of Professional Regulation, Real Estate Section, inquiring whether the Commission would be open to a mutual agreement for real estate licensees. Director Watkins provided a brief summary of the department's process to initiate a mutual agreement with another state. The Commissioner entered into discussion. Commissioner Furst moved to direct the Bureau of Education and Testing initiate the process for mutual recognition with Illinois; Vice-Chair Enzor seconded the motion; the motion carried unanimously.

Director Watkins reported that the division is currently reviewing all mutual agreements and will be bringing those before the Commission for review and consideration. Director Watkins addressed questions and comments from the Commission and the audience.

Public Comments

Mr. Dick Fryer, Vice-Chair of the Florida Realtors Education Foundation, stated that he wanted to thank the department for the \$155,000 thousand for the Scholarship program on behalf of the Florida Realtors Education Foundation. Mr. Fryer added that the Foundation does appreciate it and they will do their best to ensure that deserving students receive scholarships so they can continue to pursue their college degrees. Mr. Fryer reported the Foundation now has a requirement that 3 individuals review every application. Director Watkins stated that to ensure the long-term continuity of the program the department is trying to negotiate a 3-year contract. The Commission thanked Mr. Fryer for his report.

Legislative Updates

Director Watkins provided a Legislative update relating to the following bills:

House Bill 481 – Director Watkins reported that this bill is only being presented for the Commission's information. Ms. Watkins stated that this bill would have defined the term landlord broadly, however, there has been no activity and does not appear to be moving forward.

House Bill 667 and corresponding Senate Bill 852 – Director Watkins reported that much of the language in these 2 bills is designed to address the Frank Dodd changes relating to Part II of Chapter 475. However, Ms. Watkins directed the Commission to page 2 of HB 667, Section I, which reflects a modification relating to Chapter 475, Part I which provides more authority to the Commission relating to licensees obtaining multiple licenses pursuant to Section 475.17(1)(a), Florida Statutes. It also provides that a final order of discipline rendered against a broker applies to the primary license as well as any multiple licenses held by that broker at the time the final order becomes effective. Ms. Watkins further reported that these bills are still pending. Director Watkins stated that Sections II, III, IV and V, address the appraiser changes under Dodd/Frank and that Section VI states that all of the changes in the previous Sections will take affect upon becoming law.

Consent Agendas

Agenda A

The Commission considered 161 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission Furst to approve 135 applicants and require 26 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alexander, Tal	Giddens, Maurice	Persaud, Chatram
Andersen, Jean	Green, Adam	Pillerova, Nadezda
Ball, Shannon	Greenslade, Lesley	Pope, Elbert III
Barroso, Jorge Jr.	Grimes, Chase	Potts, Gregory
Beaubien, Alexander	Gyarmathy, Deborah	Poulsen, Viena
Becker, Philip	Hale, Owen	Powers, Leroy
Beghtel, Gene	Hancock, Gregory	Proden, Robert
Belvilus, Luther Jr.	Hardin, Vikki	Ramsey, Phocian
Blanton, Belinda	Harrington, Melissa	Ramsey, Sue
Bobo, Rifqa	Heckler, Amy	Rivas, Jonathan
Boling, Jerry	Hernandez, Yamile	Rizo, Gersson
Broley, Ryan	Hicks, Angela	Rodriguez, Allen
Caceres, Christian	Hill, Phillip	Rosa, Rochely
Campbell, Sabrina	Johnson, Lydia	Santorio, Gregory
Camposano, Nona	Jones, Jesse	Sawyer, Elaine
Catalano, Jeffrey	Kasar, Oguzhan	Schlitt, Craig
Chatterton, Carla	Kelley, Christian	Schwartz, Dianne
Cherri, Jeff	Kennedy, Thomas Jr.	Segar, Steven
Ciardi, Derek	Keys, Jennifer	Serrame, Christina
Colon, Geraldo 20	King, Holly	Shapiro, Amir
Cook, Richard	Koursiotis, Michael	Shoemaker, John
Cook, Travis	Lamoureaux, Kimberly	Simmons, Rebekah
Coop, Michael	Lange, Steven	Sims, Tracy
Dasilva, Zelita	Llano, Angel	Spolar, Daniel
Day, Marcia	Locicero, Joseph PA	St. Hilaire, Sheba
De Ona, Pedro	Lopez, Caeleb	Steelman, Christopher
Diaz, Marizela	Mackey, Christopher	Stewart, Brandy
Dimaggio, Jessica	Maggard, David	Taipalus, Julie
Dinsbeer, David	Marinelarena, Edgar	Thoresen, Daniel
Ditomasso, Nicholas	Martin, Jacquelyn	Tracy, John
Do, Tu	Massey, Gideon III	Trebbi, William III
Drew, Scott	McLemore, William	Ward, Allen
Dubois, Wayne	Miller, Jeanine	Welcome, Anthony

Duffy, Kerilee
Ellis, Edward
Ferenczi, Edward
Finan, Olga
Foley, Aaron
Freislinger, Marc
Fry, Kimberly
Ganesh, Travis
Garateix, Maria
Garcia, Elvis
Gaulden, Darrell
Gaumer, Tina

Miller, Linda
Mobley, Martin
Mojica, Joseph
Moore, Joseph
Moratillo, Hugo
Murray, Alyssa
Naranjo, Sergio
Nazari, Mohammad
Ocampo, Orlando
Palmer, J L
Parnell, Ann
Perkins, Connor

Wells, Nikasha
Wiesner, Annice
Wittenburg, Peter
Woodward, Scott
Wright, Linda
Wyse, Mary
Zafra, Israel
Zaltman, Andrew
Zamudio, Enrique
Zayas, Alfredo
Zecchini, Alfredo

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

Abujobarah, Ramyleo
Allen, William
Andrickson, Clarissa
Bray, Jason
Cox, William
Desmond, James
Foz Sheils, Priscilla
Garber, Patrick
Garofalo, David

Hall, Jeffrey
Haywood, Jasmyne
Hetsler, Robert Jr.
Johnson, Claude
Kiss, Alexander
Lopez, Alfonso IV
Pelly, Christopher
Perez, Joel
Raxach, John

Reina, Guillermo
Robie, William
Rojas, Margarita
Schaaf, Diane
Seward, Sean
Shaw, April
Vargas, Steven
Varsha, Jaime
Vough, Kyle

Agenda B

The Commission considered 23 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Furst to approve 19 applicants and require 4 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant was approved:

Ambroise, Kenisha
Buchman Kiolo, Patricia
Burch, Brodus
Canady, Bill Jr.
Cannon, Kimberly
Devine, Tomas III
Koroskoski, Toni

Malloy, Daniel
Malvini, Cecily
Martin, Thomas
McElroy, Erin
Newcom, Heather
Nixon, Heather

Pena, Jose
Peters, Natascha
Petrakis, Peter
Pezzino, Giovanni
Rivera, Jorge
Santiago, Christopher

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

Brugger, Kelley
Lee, Thomas

Madrigal, Catherine

Nunnally, Kathy

Agenda C

The Commission considered 37 applicants from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commissioner Furst to approve 33 applicants and require 4 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant was approved:

Avila Escobar, Eddy	Holt, Randy	Musa De Morais, Patricia
Balaz, Richard	Humet, Joseph	Norvilus, Frandy
Bedoya, Guillermo	Killgore, Robert	Panchal, Hemant
Bertucci, Nancy	Kremin, Andrii	Pevitts, William
Bleier, Jessica	Laegel, Donald	Pinillos, Yaira
De La Vega, Angel	Lawrence, Jonnay	Roy, Rene
Diamond, Steven	Lincoln, Dana	Santos, Melissa
Dorn, Andrea	Llanos, Richard	Todd, Benjamin
Folkers, Chelsea	Lopez, Arelys	Vara, Stephanie
Gonzalez, Jose	McArdle, Jon	Walker, Tony
Hendrick, Karen	Merryman, John	Whitman, Edward

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

Dominguez, Ernesto	Lee, Sherrie Ann	Stanton, Zuly
Gloria, Vionaldo		

There being no further business and no objection, the Chair recessed the meeting at approximately 4:45 p.m. until 8:30 a.m. tomorrow.

April 17, 2013

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of April, 2013.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Darla Furst, Poul Hornsleth and Josh Podolsky. 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; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 46 Summary of Applicants requesting to sit for the real estate examination.

Tab K – Edward S. Drescher, present; was represented by Nancy Campiglia, Esquire, also present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5 to 1.

Tab Z – Wendy Lockhart, P.A., present; represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab AD – Calvin S. Morse, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Agenda B, Tab A – Michael Petrevski, not present; represented by Daniel Villazon, Esquire, present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously entered and approve the application for broker; the motion passed without dissent.

Tab E – Richard Bauer, present; was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab L – Cathy M. Eagle, present; represented by Raemi Eagle-Glenn, Esquire, also present – Applicant withdrew the application and waived the 90-day requirement.

Tab A – Susan C. Keeney, present – Applicant withdrew the application and waived the 90-day requirement.

Tab C – Henry Baerga, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for broker; the motion passed without dissent.

Tab D – Yashica Bain, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab F – William J. Butler, present – Applicant withdrew the application and waived the 90-day requirement.

Tab G – Christie Cesery, present – Applicant withdrew the application and waived the 90-day requirement.

Tab H – Jere A. Crabtree, present – Commissioner DeNapoli moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab I – Andrew Crites, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab N – Juan A. Estrada, Jr., present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab O – Philip J. Falzarano, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AE – Bibi S. Pasha, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab P – Beth A. Florian, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Q – Cesar E. Franco, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab T – Andres M. Giacomotti, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AP – Elissa Wallace, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the vote was 3 to 3. No action taken.

Tab W – Dean W. Infantolino, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab X – Michael T. Leszczynski, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 2.

Tab Y – Andrew Letorneau, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for broker; the motion passed without dissent.

Tab AA – Steven F. McHenry, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the vote was 3 to 3. No action taken.

Tab AB – Danilo J. Mendoza, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AC – Donald W. Mitchell, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AI – Beatrice P. Salom, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AK – Abraham Shwartzbach, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AN – Beverly Thibodeau, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AQ – David B. Wilson, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

Tab AS – Anthony Zurzolo Jr., present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for sales associate; the motion passed 5 to 1.

Tab S – Stephen Friese, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab B – Cornelius C. Martin III, not present – Applicant continued the application to May 2013. The applicant waived the 90-day requirement.

Tab J – Daniel V. Dennis, not present – Applicant withdrew the application.

Tab M – Scott R. English, not present – Commissioner Hornsleth moved; seconded by Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab R – Christopher French, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab U – Jenna L. Heiss, not present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab V – Lisa B. Hypes, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AF – Ronald D. Petersen, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AG – Daniel Ramirez, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 2.

Tab AH – Joel H. Rosillo, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AJ – Richard A. Sarta, II, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 5 to 1.

Tab AL – Troy T. Taylor, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AM – Eric W. Theune, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 2.

Tab AO – Jason G. Uncapher, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AR – Jacob Zapata, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Director's Comments

Renewals

Director Watkins reported that the department just completed the March 31, 2013, renewal and provided the license counts relating to the total number of licensees and renewals.

Instructor Seminars

Director Watkins provided the date for this year's Real Estate and Appraiser Instructor Continuing Education Seminars which are as follows:

July 11, 2013 – Tallahassee at Tallahassee Community College
August 8, 2013 – Palm Beach Gardens at Palm Beach State College
August 29, 2013 – Lake Mary/Sanford at Seminole State College
September 11, 2013 – Clearwater at Pinellas Realtor Building

Exam Information

Director Watkins reported that Mr. Gus Ashoo, Bureau Chief of Education and Testing (BET), responded to the Commission's inquiry relating to the number of applicants completing the pre-licensure education in-

class verses online. Ms. Watkins stated that Mr. Ashoo reported that a survey went into production on April 4, 2013, which asks whether or not someone took their education in-class or online. Mr. Ashoo further reported that BET has started collecting this data which they will be collecting for a measurable period of time and will report back to the division and the Commission upon conclusion.

Application Approval Guidelines

Director Watkins presented a report regarding application process changes and chart reflecting the numbers of applications the department received monthly beginning February 2009 through March 2013. Ms. Watkins stated that in order to address the significant increase in the number of applications, there are 4 areas that the Commission may want to discuss. Ms. Watkins also presented a list of the current approvable guidelines and a list of the proposed approvable guidelines. Ms. Watkins addressed questions and comments from the Commission.

The Commission entered into discussion. Commissioner Hornsleth moved to amend the guidelines for department approval as discussed for a trial period of 6 months; seconded by Commissioner Podolsky; the motion carried unanimously. The Commission requested the division provide a report in 6 months reflecting the results of the changes.

Public Comments

The Commission received a comment from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 14 and 15, 2013, in Orlando, Florida.



Chip Borng, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission