

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
November 15 and 16, 2011
General Meeting**

Chair Darla Furst called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 15th day of November, 2011.

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

Department and Division staff present at the meeting: Juana C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Christina Arzillo, Leigh Matchett and Joseph Solla, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; Johanne Knudson, Regulatory Specialist III; Janice Taylor, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner Enzor moved; seconded by Commissioner Guju to approve the Minutes of the October 18 and 19, 2011, General Meeting, as written. Motion passed without dissent.

Monthly Exam Performance Summary Report

Director Watkins presented the Monthly Exam Performance Summary Report and addressed questions from the Commission.

Report Regarding Budget

Director Watkins reported that the Recovery Fund Claim operating account has been replenished and therefore the department will not implement the recovery fund fee of \$3.50 per year for brokers and \$1.50 for sales associates. Director Watkins stated that she would provide an updated Recovery Fund Account Statement. The Director addressed questions and comments from the Commission.

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 29 Escrow Disbursement Orders and 2 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 29 Escrow Disbursement Orders and 2 Orders, as presented from Agenda A docket. Commissioner DeNapoli seconded the motion. Motion passed without dissent.

Agenda B; Tab A – Notice of Hearing re: Clark W. Toole and Coldwell Banker Residential Real Estate, Inc., Case No. 2011018804

Involved parties were not present. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the parties wish to settle the matter by arbitration and requested the Commission withdraw and vacate the Escrow Disbursement Order issued September 21, 2011 and dismiss the case. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to withdraw and vacate the Escrow Disbursement Order issued September 21, 2011 and dismiss the case. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Recovery Fund Claim Final Orders and Order

Mr. Solla provided a report relating to the claims against Mr. Langer reflecting a breakdown of the amounts paid and claimants who will not receive any funds as the funds have reached the statutory limit allowed each licensee. Mr. Solla addressed questions and comments from the Commission.

Tab A – John Germer v. Peter Langer (deceased), DBPR Case No. 2011031822

Claimant was present to present mitigation to support his claim for an additional \$480.00 not supported by the audit. Assistant General Counsel 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 Guju moved to approve the order granting the claim in the amount of \$2,570.00. Commissioner Enzor seconded the motion. The motion passed without dissent.

Tab B – Andrew Gildersleeve v. Peter Langer (deceased), DBPR Case No. 2011034927

Claimant was not present. Assistant General Counsel 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 DeNapoli moved to approve the order granting the claim in the amount of \$3,100.00. Commissioner Enzor seconded the motion. The motion passed without dissent.

Tab C – Ronald A. Sokol v. Peter Langer (deceased), DBPR Case No. 2011038981

Claimant was not present. Assistant General Counsel 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 \$1,025.00. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Tab D – Theresa Contardo v. Peter Langer (deceased), DBPR Case No. 2011041529

Claimant was not present. Assistant General Counsel 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 DeNapoli moved to approve the order granting the claim in the amount of \$3,508.00. Commissioner Enzor seconded the motion. The motion passed without dissent.

Tab E – Peter Zihlmann v. Peter Langer (deceased), DBPR Case No. 2011041531

Claimant was not present. Assistant General Counsel 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 DeNapoli moved to approve the order granting the claim in the amount of \$3,792.79. Vice-Chair Boring seconded the motion. The motion passed without dissent.

Tab F – Stewart Kay v. Peter Langer (deceased), DBPR Case No. 2011041540

Claimant was not present. Assistant General Counsel 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 DeNapoli moved to approve the order granting the claim in the amount of \$9,310.81. Vice-Chair Boring seconded the motion. The motion passed without dissent.

Tab G – Michael Capelli v. Peter Langer (deceased), DBPR Case No. 2011043919

Claimant was not present. Assistant General Counsel 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 \$344.99. Commissioner Boring seconded the motion. The motion passed without dissent.

Tab H – Elizabeth A. O’Kane v. Peter Langer (deceased), DBPR Case No. 2011043926

Claimant was not present. Assistant General Counsel 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 \$2,400.00. Commissioner Boring seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab H – Alexander Lvovsky, SL 3191638, Case No. 2010058882 – Settlement Stipulation

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

Mr. Cunningham represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Enzor moved; seconded by Commissioner Guju to accept the Stipulated Settlement as amended. The motion passed without dissent.

Action Taken: \$1,000.00 fine and \$264.00 costs, attend two 2-day FREC general meetings. **Violation:** Guilty of having entering a plea to a crime involving moral turpitude.

Tab I – Carter Wheeler, SL 3175420, Case No. 2008036933 – Settlement Stipulation

Respondent was present and represented by Heather Rutecki, Esquire. 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. The Commission entered into discussion. Commissioner Guju moved; seconded by Commissioner Boring to accept the Stipulated Settlement. The motion passed 4to 2.

Action Taken: \$500.00 fine and \$429.00 costs, 6 months probation, attend one 2-day FREC general meeting. **Violation:** Respondent violated Sections 475.278 and 475.25(1)(e), Florida Statutes, when Respondent failed to disclose facts that materially affected the value of the Subject property which were not readily observable to the buyer; respondent violated Section 475.25(1)(b), Florida Statutes, when Respondent failed to disclose, concealed or misrepresented facts that affect the value of the Subject property which were not really observable to the buyer.

Tab D – Jincy R. Hodges, SL 354537, Case No. 2010035313 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and not represented by counsel. Commissioner Furst 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 informal hearing and entered into discussion. Commissioner DeNapoli moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner DeNapoli moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: \$570.90 investigative costs, 1 year probation. **Violation:** Guilty of violating Section 455.227(1)(t), Florida Statutes, when once convicted or entered a plea of nolo contendere to a crime failed to report this conviction to the Florida Real Estate Commission.

Tab A – Nelson Ara, SL 3177938, Case No. 2008033962 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$1,000.00 fine, \$932.25 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, by entering a plea to 2 counts of First Degree Grand Theft .

Tab B – Svetlana A. Batchaeva, SL 3208928, Case No. 2008046757 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Furst 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 informal hearing and entered into discussion. Commissioner Enzor moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty of Count I as

charged in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$940.50 investigative costs. **Violation:** Guilty of operating as a licensed real estate sales associate while her license was in an inactive status in violation of Section 475.42(1)(a), Florida Statutes, and, therefore in violation of Section 475.25(1)(e), Florida Statutes; guilty of misrepresenting to the Seller or Seller's agent that the Buyer had already deposited \$3,000.00 in escrow at the time of the initial offer in violation of Section 475.25(1)(b), Florida Statutes.

Tab C – Jeremy Adam Chassen, SL 3094398, Case No. 2008049355 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Action Taken: \$250.00 fine, \$247.00 investigative costs, 6 months probation, attend two 2-day FREC meetings. **Violation:** Guilty of failure to comply with a Final Order issued by the FREC in violation of Section 475.42(1)(e), Florida Statutes.

Tab E – Joseph Paul Sindaco, BK 351703, Case No. 2011010042 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Action Taken: Revocation, \$2,000.00 fine, \$387.75 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, when he entered a plea being adjudicated guilty of a crime in any jurisdiction; guilty of failure to inform the Commission in writing within 30 days after pleading nolo contendere to four counts of misdemeanor Stalking in violation of Section 455.227(1)(t), Florida Statutes.

Tab F – Robin Marie Speronis, BK 3175966, Case No. 2010025848 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Furst 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 informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the

Administrative Complaint. Commissioner Guju moved, seconded by Commissioner Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$4,500.00 fine, \$1023.00 investigative costs. **Violation:** Guilty of failure to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any person property such as money, fund deposit, check, draft in violation of Section 475.25(1)(d)1, Florida Statutes.

Tab G – Dawn V. St. Hillaire, SL 3026220, Case No. 2008051718 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Action Taken: Revocation, \$1,023.00 investigative costs. **Violation:** Guilty of 4 counts of dishonest dealing by trick, scheme or device, culpable negligence, or breach of trust in any business transaction in violation of Section 475.25(1)(b), Florida Statutes.

Tab J – Jennifer Wilmoth, BK 3226732, Case No. 2010060120 – Settlement Stipulation

Respondent was present and represented by Heather Rutecki, Esquire. 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. The Commission entered into discussion. Commissioner Enzor moved; seconded by Commissioner DeNapoli to accept the Stipulated Settlement as amended. The motion passed 5 to 1.

Action Taken: \$2,000.00 fine and \$490.05 costs, 6 months probation, attend one 2-day FREC general meetings. **Violation:** Respondent violated Section 475.25(1)(m), Florida Statutes, when she failed to disclose, on her application for licensure, her plea of guilty in Indiana case number 29D05-005-DF-2987; respondent has failed to comply with the requirements of Rule 61J2-2.027, Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

Tab K – Denny Hughes, BK 3036209, Case No. 2009039733– 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 Enzor moved, seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$264.00 investigative costs. **Violation:** Guilty of violating Section 475.25(1)(o), Florida Statutes, when Respondent was found guilty of a course of conduct which shows that he is negligent, dishonest or untruthful, that the money, property transactions and rights of investors or those with whom he may sustain a confidential relation, may not safely be entrusted to him; guilty of violating Section 475.25(1)(s), Florida Statutes, when the FREC revoked Respondent's license number 3036209 for violating Sections 475.25(1)(b), 475.25(1)(d)1 and 472.278(2)(a)5, Florida Statutes.

Tab L – Denny Hughes, BK 3036209, Case No. 209056705– 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 DeNapoli moved, seconded by Commissioner Enzor; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner DeNapoli moved, seconded by Commissioner Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$924.00 investigative costs. **Violation:** Guilty of violating Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft; Guilty of violating Section 475.5015, Florida Statute and, therefore, Section 475.25(1)(e), Florida Statutes, by failing to return Complainant's escrow deposits.

Legal Appearance Docket B

Tab A – Luke Ferguson, SL 585835, Case No. 2008023641 – Voluntary Relinquishment of License

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

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

Action Taken: Commission accepted the Voluntary Relinquishment of License.

Tab B – Martha R. Gonzalez, SL 3177939, Case No. 2009002080 – Petitioner's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner Furst 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 informal hearing and entered into discussion. Commissioner Enzor moved, seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Enzor moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, \$1,000.00 fine, \$894.00 investigative costs. **Violation:** Respondent violated Section 475.25(1)(f), Florida Statutes, by entering a plea to two counts of First Degree Grand Theft.

Tab C – Yehuda Gargir, SL 663617, Case No. 2009060861 – Settlement Stipulation

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

Ms. Matchett 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 as amended. The motion passed 5 to 1.

Action Taken: \$1,000.00 fine and \$429.00 costs within 3 months from the Effective Date of the Final Order, attend one 2-day FREC general meeting. **Violation:** Respondent violated Section 475.25(1)(d), Florida Statutes.

General Session continued

Petition for Declaratory Statement

Petition for Declaratory Statement of Sections 475.01 through 475.5018 and 120.74, received from Bob L. Harris, Esquire on behalf of Felicia Ballard and Apartment Stop – DS 2011-075

Mr. Barnhart presented the matter to the Commission. Mr. Harris, Esquire was not present. Mr. Brian Ballard and Ms. Felicia Ballard appeared in support of the petition and presented mitigation. The Commission entered into discussion. Commissioner Guju moved to deny the Petition for Declaratory Statement. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Review and Consideration of the Real Estate Continuing Education Courses

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

1. FHA/VA How to Use These Programs to Help Our Buyers & Sellers – New Course – Application No. 15381

Applicant Patti Ketcham appeared in support of the new course. The Commission entered into discussion. Commissioner Enzor moved to approve the continuing education course listed above as it does meet the requirements of Section 475.182, Florida Statutes; Vice-Chair Boring seconded the motion. The motion passed without dissent.

2. Real Estate Finance – New Course – Application No. 15501

There were no appearances in support of the new course. The Commission entered into discussion. Commissioner Hornsleth moved to deny the continuing education course listed above as it does not meet the requirements of Section 475.182, Florida Statutes; Vice-Chair Boring seconded the motion. The motion passed without dissent.

Ratification of Suspended License

Director Watkins requested the Commission ratify reinstatement of the real estate license of James H. Batmasian who has met all requirements for reinstatement. Commissioner Enzor moved; Commissioner DeNapoli seconded to ratify the department's action. The motion passed without dissent.

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:45 p.m.

November 16, 2011

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of November, 2011.

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

Department and Division staff present at the meeting: Juana C. Watkins, Director; Denise Johnson, Deputy Director; Mark Letarte, Bureau Chief of Enforcement; Patrick Cunningham, Chief Attorney; Christina Arzillo and Leigh Matchett, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; Johanne Knudson, Regulatory Specialist III; Janice Taylor, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Special Agenda B

Tab A – Nancy Hagopian – Applicant's Petition for Evidentiary Hearing Asserting Disputed Issues of Material Facts, and if denied, FREC Counsel's Request for and Informal Hearing – Applicant was not present; applicant was represented by Nancy Campiglia, Esquire, present. Mr. Barnhart, FREC Counsel, presented the matter to the Commission. Ms. Campiglia offered mitigation in support of the Applicant's Petition for Evidentiary Hearing Asserting Disputed Issues of Material Facts. The Commission entered into discussion. Commissioner DeNapoli moved to deny Petitioner's Request for a Formal Hearing; Ms. Campiglia withdrew the petition. Commissioner DeNapoli moved for informal hearing to be scheduled for December 14, 2011. Vice-Chair Boring seconded; the motion passed without dissent.

Summary of Applicants

OMC II Jocelyn Pomales presented 60 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Brogger, Neil W., present and represented by Nancy Campiglia, Esquire, present – informal hearing – Commissioner Guju moved; seconded by Vice-Chair Boring to vacate the prior Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; motion passed without dissent.

Tab D – Julie Poli, not present; represented by Attorney Nancy Campiglia, present – Commissioner Enzor moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed with one in dissent.

Tab E – Rasnick, Kenneth, present; represented by Attorney Nancy Campiglia, present – Commissioner Guju moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed five to one.

Tab X – Loscalzo, Lori M., present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed five to one.

Tab AA – McClellan, Craig W., not present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab AE – Oldro, Kathleen, not present; represented by Daniel Villazon, Esquire, present – Commissioner Enzor moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AJ – Pollack, Steven B., present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab AL – Spaulding, Steven M., present; represented by Daniel Villazon, Esquire, present – Commissioner Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed four to two.

Tab AR – Torres, Oswaldo, not present; represented by Daniel Villazon, Esquire, present – Application withdrawn and waived the 90-day requirement.

Tab AS – Vargas, Cesar A., not present; represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab B – Holmes, Tiwana D.; present – Application withdrawn and waived the 90-day requirement.

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

Tab F – Aguiar, Gregory, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab G – Anderson, Jennifer B., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed four to one. Commissioner Guju was not present in the room at the time of the vote.

Tab H – Beck, Brian W., not present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to deny the application for broker; the motion passed without dissent.

Tab I – Berrios, Heather, not present – Commissioner Enzor moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed five to one.

Tab J – Boctor, Amir G., present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed five to one.

Tab K – Carvajal, David F., present – Commissioner Enzor moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab L – Casey, Michael H., present – Commissioner Enzor moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed without dissent.

Tab N – Deal, Jack, not present – Commissioner Enzor moved; seconded by Vice-Chair Boring to deny the application for broker; the motion passed without dissent.

Tab M – Collins, Anastasia, present – Vice-Chair Boring moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed four to two.

Tab O – Duncan, Kraig D., present – Applicant requested a continuance and waived the 90-day requirement. Commissioner Enzor moved; seconded by Vice-Chair Boring to grant a continuance; the motion passed without dissent.

Tab P – Eckenrode, George W., present – Application withdrawn and waived the 90-day requirement.

Tab Q – Gonzalez, Jose E., not present – Commissioner Guju moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab R – Hall, David M., present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed five to one.

Tab S – Hoffman, Maria C., not present – Commissioner Guju moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab T – Jones, Kimberly D., not present – Commissioner Guju moved; seconded by Commissioner Enzor to deny the application for sales associate; the motion passed without dissent.

Tab U – Kindt, Jason, not present – Commissioner Guju moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab V – Lincoln, Dana E., present – Commissioner Guju moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab W – Lomonosov, Julia, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for broker; the motion passed without dissent.

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

Tab Z – McCarthy, James J., present – Commissioner Guju moved; seconded by Commissioner Enzor to approve the application for broker; the motion passed without dissent.

Tab AB – McNally, Michael D., present – Commissioner Hornsleth moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed five to one.

Tab AC – Naite, Virgen M., present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed five to one.

Tab AD – Niles, Ivan G., present – Commissioner Guju moved; seconded by Commissioner Enzor to approve the application for sales associate; the motion passed without dissent.

Tab AF – Oliver, Asia K., not present – Commissioner Enzor moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab AG – Pafort, Carol A., present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve the application for sales associate; the motion passed four to two.

Tab AH – Petty, Michael D., not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny the application for sales associate; the motion passed without dissent.

Tab AI – Phillips, Thomas L., not present – Commissioner Enzor moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AK– Ruiz, Josefina, not present – Application withdrawn.

Tab AM – Stevens, George P., present – Commissioner Guju moved; seconded by Vice-Chair Boring t to approve the application for sales associate; the motion passed without dissent.

Tab AN – Tapia, Ana L., present – Commissioner Hornsleth moved; seconded by Commissioner Enzor to approve the application for broker; the motion passed without dissent.

Tab AO – Taylor, Robert B., present – Vice-Chair Boring moved; seconded by Commissioner Guju to approve the application for broker; the motion passed without dissent.

Tab AP – Thompson, Gerald F., present – Commissioner Enzor moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AQ – Tome Moreno, Augustin, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AT – Wilke, Adam, not present – Applicant requested a continuance and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Commissioner Enzor to grant a continuance; the motion passed without dissent.

Consent Agenda B

The Commission considered 1 applicant from the Consent Agenda B; Commissioner DeNapoli moved; seconded by Vice-Chair Boring to approve 1 applicant; motion carried without dissent.

The following applicant was approved:

Richards, Raynard D

Consent Agenda A

The Commission considered 107 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commissioner Guju to approve 75 applicants and require 32 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abel, Sharon A	Giniger, Sam	Persan, Lisa
Allard, Linda K	Heygate, Andy J	Pierce, Dale I
Ataoglu, Sinan	Hood, Eric	Polanco, Eric
Beecher, James D Jr	Hooten, Beverly D	Powell, Ryan T
Begin, Ryan N	Iannucci, Sean A	Pulido, Yulia
Beliveau, Suzanne M	Jimenez, Nicole M	Ramsay, Cynthia A
Bloch, Barbara H	Johnson, Dawn M	Redmon, Jessica A
Bouvette, Joseph C	Jones, Mitchell	Reese, Wren M
Branton, Gregg	Kim, Grace	Remy, Pierre G
Brill, Angela N	Lamm, Jeffrey M	Richardson, Dion A
Bryan, Thomas J	Laureano, Astrid	Roberts, Richard A
Burrell, Raymond K	Ly, Pa Kou Chi	Rosario, Joseph
Cespedes, David R	Mathews, Larisse C	Ross, John M
Cespedes, Mauricio	Mazzaferro, Misty G	Schweikert, Laura L
Cirola, Stewart	McGuigan, James J III	Scott, Matthew
Corcoran, Patricia C	Medlin, James F	Snyder, Robert E
Dacunha, Patrick	Mesa, Mercy	Tamburino, Kathleen
Dancey, Gregory D	Moffet, Benjamin L	Terry, Sasha M
Dauteuil, Emilia	Montye, Deborah L	Thurman, John A
De Pina, Guillermo E	Nadar, Penny	Toney, Claudette
Espinosa, Judith	Nelson, Daniel C	Tuggle, Logan
Fischer, Jordan M	Obradovich, Lisa	Tyrrell, James J III
Fischer, Patrick J	Palacia, Sabina	Varney, Crystal K
Galkina Gonzalez, Tatiana	Parry, James R	Wiringer, Stephen A
Gil, Juan J	Perry, Sanjuan L	Wise, Matthew R

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

Barnett, Brian A	Fis, Rafael R	Littke, Robert L
Bradfield, Carson	Garces, Luis H	Lopez, Angelica
Brittain, Drew	Garcia, Antonio I	Lorenzo, Orlando J
Campana, Carlos	Gordan, Blair S	Mejias, Fernando Jr
Choroco, Carlos	Graf, Michael W	Morris, Wayne P
Christie, Steven I	Green, Ronnise M	Murdick, Thomas E
Cleveland, Bret	Huffman, Zachary	Paine, Glen G
Consoli, Louis A IV	Jazayri, Melissa	Richburg, Kelton L
Cunniff, Elizabeth C	Jones, Rudibo G	Rotondo, Steven J
Dalouche, Orlando Jr	Koulias, John S	Rottjer, Jennifer L
Elbaz, Justin A	Lack, Jonathan D	

Director's Remarks

Director Watkins announced the reappointment of Commissioner Enzor and the appointment of Commissioner Hornsleth and stated that it has always been a pleasure working with both Commissioners and looks forward to working with them in the future.

Director Watkins commended Chair Furst on a very well run first meeting as Chair and stated that she has received a number of comments that Chair Furst has done a fantastic job to which she concurs.

Director Watkins reported that the video equipment will be installed this month for video streaming of the public meetings and inquired of FREC Counsel Barnhart whether the meeting notices will require this information. Mr. Barnhart responded that the notice should reflect that the meetings will be accessible via video streaming. Chair Furst stated perhaps the notice should provide a disclaimer that in no way does this qualify for CE credit as she has had licensees inquire whether they would be able to receive CE credit via the video streaming.

Director Watkins presented a line-graph of enforcement trends per the Commission's request. Chair Furst requested the division provide a report reflecting the number of real estate investigators and the number of attorneys the division employed beginning October 2009 to present as well as for the real estate attorneys for this time period so that this issue can be brought to the Legislators attention. Director Watkins stated that the Commission would have a report for the December meeting. Director Watkins and Bureau Chief LeTarte addressed comments and questions from the Commission. Director Watkins stated that she would discuss this issue with the department and Mr. Barnhart.

Unlicensed Activity Report

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

Commission's Comments

Commissioner Enzor wanted to thank Director Watkins and Bureau Chief LeTarte for the fact that the division is making proactive moves in conducting investigations and not waiting for complaints to be filed. Commissioner Enzor stated that he would like to have more investigators so we can have this go a step further and do this on a regular basis. Chair Furst stated that spoke with leadership from Florida Realtors to perhaps put this issue on the agenda for the Florida Realtors Mid-Winter Conference in January.

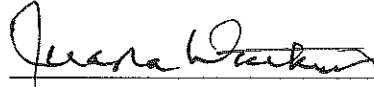
Commissioner DeNapoli inquired about the issue discussed last month regarding possibly requiring brokers to designate a person to take over responsibilities in the event of the qualifying broker's demise. Director Watkins stated that she would conduct some research and requested to address this topic in January.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 13 and 14, 2011, in Orlando, Florida.



Darla Furst, Chair
Florida Real Estate Commission



Juana C. Watkins, Director
Florida Real Estate Commission