

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 11 and 12, 2012
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 11th day of December, 2012.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Darla Furst and Poul Hornsleth. Commissioner Podolsky was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Joshua Kendrick, Leigh Matchett, Lauren Roderick, Jaime Royal 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; Jenny Schwartz, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the Minutes of the November 13 and 14, 2012, General Meeting, as written. The motion passed without dissent.

Unlicensed Activity Report

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

Report Regarding Enforcement Trends and Escrow Audits

Director Watkins was pleased to announce that Sara Kimmig has been appointed as Bureau Chief of Enforcement. Ms. Kimmig, Bureau Chief presented the report regarding Complaint Trends and Escrow Audit Summary. Director Watkins and Ms. Kimmig 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.

Financial Reports Ending June 30, 2012 and September 30, 2012

Director Watkins presented the Financial Reports ending June 30, 2012. Ms. Watkins provided a summary relating to the Appraisal Board Operating and Unlicensed Activity Accounts and the FREC Operating, Unlicensed Activity, Education and Research Foundation and Recovery Fund Accounts. The Commission expressed concerns relating to the allocation of funds. The Commissioners inquired whether the Appraisal Board has made a diligent effort to reduce expenses. Ms. Watkins responded that the Board has made an effort where possible, such as the Board is moving to an electronic agenda for the bi-monthly general meetings. Ms. Watkins addressed additional question and concerns from the Commission.

Director Watkins reported that the Recovery fund account balance is \$515,000.00 and we are near the critical \$500,000.00 threshold. Since September the Commission has voted to payout additional claims that once paid will reduce the fund below the \$500,000.00 threshold and if the account falls below the \$500,000.00 the licensees will automatically have to pay an additional fee. Director Watkins asked the Commission to approve transferring monies from the operating account to the recovery fund account so that the licensees will not be charged the additional fee. Ms. Watkins reported that this has occurred due to the fact that Commission is paying more claims than ever before and that fines are deposited into the recovery fund which has remained consistent. In 2008 the fund had \$2.8 million and in 2009 the Legislature swept the account leaving a \$700,000 balance. Therefore, since the claims have increased significantly and the fines have basically remained the same, funds needs to be transferred which requires approval of the Commission. Director Watkins reported that there is over \$600,000 expected to be paid out in the coming months. Commissioner Furst moved; Commissioner DeNapoli seconded to transfer \$1 million dollars from the operating account to the recovery fund account; the motion carried without dissent.

Director Watkins reported that Education Research Foundation account has approximately \$311,000.00 and requested the Commission's approve allocating \$150,000 for the Education Research Foundation account and move forward with the scholarship contract. Commissioner Furst moved; Commissioner DeNapoli seconded to allocate \$150,000.00 for the Education Research Foundation account; motion passed without dissent. Commissioner Furst stated she is in favor of continuing the scholarship program with Florida Realtors. Director Watkins stated that the department is currently reevaluating the scholarship contract currently in place with Florida Realtors. Mr. Dick Fryer, Vice-Chair, Florida Realtors Board of Trustees for the Real Estate Education Foundation, reported on the progress of the scholarship program and looks forward to continue working with the department. Ms. Watkins reported that a report is due to the Legislature by January 1, 2013, and that she will provide a copy of the report upon availability.

Report Regarding Legal Case Activity

Chief Attorney Cunningham presented the monthly report regarding legal case activity and addressed comments and questions from the Commission. The Commission thanked Mr. Cunningham for working on reducing the number of cases pending and addressing the Commission's concerns.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 11 Escrow Disbursement Orders and 2 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 11 Escrow Disbursement Orders and 2 Orders. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab B – Eduardo J. Calle, BK 3036676, Case No. 2010044953 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Daniel Villazon, Esquire, also present. Commissioner Podolsky served on the probable cause panel. Commissioner Podolsky was excused and was not in attendance.

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 carried unanimously to dismiss the Administrative Complaint; the motion passed 4 to 1.

Action Taken: Case dismissed.

Tab N – Carrie M. Baty, SL 3183624, Case No. 2010056524 – Settlement Stipulation

Respondent was not present and represented by Daniel Villazon, Esquire, also present. No current members were excused 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. Commissioner Hornsleth moved; seconded by Chair Boring to deny the Stipulated Settlement. The motion passed 3 to 2.

Action taken: Settlement Stipulation denied.

Tab Q – Deborah M. Jordan, BK 686004, Case No. 2011050913 – Settlement Stipulation

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

Penalty imposed: \$500.00 fine; investigative costs; shall complete an escrow management course; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when she failed to place the tenant’s security deposit into an escrow or trust account.

Action taken: Settlement Stipulation accepted.

Tab R – Wray Alison Kunkle, BK 582784, Case No. 2012018762– Settlement Stipulation

Respondent was not present and was represented by Randy Schwartz, Esquire. Commissioner Podolsky served on the probable cause panel. Commissioner Podolsky was excused and was not in attendance.

Ms. Matchett 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: \$3,000.00 fine; investigative costs; shall complete a 28-hour reactivation course.

Violation(s): Section 475.25(1)(b), Florida Statutes, by being culpably negligent in depositing the \$280,000 escrow check into the operating account for Barclay Realty; Rule 61J2-14.012(2), Florida Administrative code, therefore violating Section 475.25(1)(e), Florida Statutes, when he admitted he failed to perform monthly reconciliations of his brokerage escrow accounts; Rule 61J2-14.010(1), Florida Administrative Code, therefore violating Section 475.25(1)(e), Florida Statutes, when he failed to immediately deposit the \$280,000 check into an escrow account for Barclay Realty.

Action taken: Settlement Stipulation accepted.

Tab P – Barrie Goldman, SL 3217458, Case No. 2011013766 – Settlement Stipulation

Respondent was not present and represented by Nancy Campiglia, Esquire, present. Chair Boring 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. Commissioner Furst moved; seconded by Commissioner DeNapoli to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Suspended 3 years; \$5,000.00 fine; investigative costs; shall attend five 2-day FREC general meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by 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 when he engaged in an organized scheme to convert funds; Section 475.42(1)(d), Florida Statutes, by accepting deposits in a name other than that of his employer.

Action taken: Settlement Stipulation accepted.

Tab M – Thomas Wolf, SL 685565, Case No. 2012034240 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was not represented by counsel. Commissioner 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 informal 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: Investigative costs; 3-hour ethics course. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading nolo contendere to Battery Domestic Violence.

Tab S – Cory Austin Levy, SL 3212872, Case No. 2011013762 – Settlement Stipulation

Respondent was not present and represented by Herbert Cohen, Esquire, not present. Chair Boring was excused 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. Commissioner Hornsleth moved; seconded by Commissioner Furst to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Suspended 3 years; \$5,000.00 fine; investigative costs; shall attend five 2-day FREC general meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by 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 when he engaged in an organized scheme to convert funds; Section 475.42(1)(d), Florida Statutes, by accepting deposits in a name other than that of his employer.

Action taken: Settlement Stipulation accepted.

Tab K – Timothy C. Tritchler, BK 3120032 and 364281, Case No. 2010044797 – Petitioner’s Motion for Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and not represented by counsel. Commissioner Hornsleth 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. Respondent disputed material facts contained within the Administrative Complaint. The matter was referred to the Division of Administrative Hearings (DOAH).

Action Taken: Case referred to DOAH.

Tab C – Esten C. Colley, Jr., BK 203289, Case No. 2012014158 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

Penalty imposed: \$500.00 fine; investigative costs; 4-hour escrow management course; 3 months probation. **Violation(s):** Rule 61J2-14.012(1), Florida Administrative Code, and therefore, Section 475.25(1)(e), Florida Statutes, by failing to keep an accurate account of each deposit transaction for Homecenter Realty’s bank accounts; Rule 61J2-14.012(2), Florida Administrative Code, and therefore Section 475.25(1)(e), Florida Statutes, by failing to review the monthly reconciliation statements for Homecenter Realty’s bank accounts.

Tabs D and E – Rodrigo Cunha, BK 318275, BK 3242213 and BK 3246509, Case Nos. 2012005417; 2012005422 – Voluntary Relinquishment of License

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

Mr. Kendrick 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 Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab G – Rotha A. Laurel, BK 621270, Case No. 2012017489 – Voluntary Relinquishment of License

Respondent was not present and 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 Hornsleth moved, seconded by Commissioner DeNapoli to accept the Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab H – Rainey R. Mays, BK 3204113, Case No. 2012035802 – Voluntary Relinquishment of License

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

Mr. Kendrick 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 Voluntary Relinquishment of License. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab I – Damaris L. Medina, BK 3018669, Case No. 2011009757 – Petitioner’s Motion for Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revocation; \$4,500.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2010), by failing to return Buyer’s deposit upon demand, and therefore, guilty of dishonest dealing, breach of trust, and/or fraud; Section 475.25(1)(d)1., (Florida Statutes 2010), by failing to return Buyer’s deposit; the above cited rule by failing to register a current mailing address within 10 days of Respondent’s change of mailing address.

Tab J – Damaris L. Medina, BK 3018669, Case No. 2011033827 – Petitioner’s Motion for Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present and not represented by counsel. Commissioner DeNapoli 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 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; \$5,500.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, when Respondent failed to timely deliver the \$12,000.00 escrow deposit and failed to employ any of the escape procedures of Section 475.25(1)(d)1, Florida Statutes; Section 475.25(1)(b), Florida Statutes, having been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; Section 475.25(1)(k), Florida Statutes by failing to immediately place the \$12,000.00 escrow deposit into an insured escrow or trust account; Section 475.42(1)(i), Florida Statutes by obstructing or hindering the investigation by failing to provide the requested transaction file for Property, monthly statements for FLR escrow accounts, and monthly reconciliation records for FLR following multiple requests from the Division of Real Estate.

Tab L – Jonathan Tsarfati, BK 3118724, Case No. 2011056603 – Voluntary Relinquishment of License

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

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab T – Kelly William Byers, SL 3155992, Case No. 2011032111 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Royal 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. **Violation(s):** Section 475.42(1)(a), Florida Statutes, when Respondent procured a tenant for Complainant, collected a security deposit and first month’s rent from that tenant, and received compensation for his real estate service while his license was in inactive status.

Tab U – Howard N. Pitt, SL 3125625, Case No. 2011031387 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Royal 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 Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation. **Violation:** Section 455.227(1)(k), Florida Statutes, by failing to comply with the Default Final Order, and thus violated Section 475.25(1)(e), Florida Statutes.

Tab V – Enrique Suarez, BK 126121, Case No. 2010035392 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Royal 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 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: \$250.00 fine, 6 months probation. **Violation(s):** Section 475.42(1)(e), Florida Statutes, by failing to comply with the terms of the Final Order entered in BPR-2008-030762.

Tab W – Enrique Suarez, BK 126121, Case No. 2011010826 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Ms. Royal represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Enzor moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner DeNapoli; motion passed 3 to 1:

Penalty imposed: Revocation. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent committed misrepresentation, concealment, dishonest dealings or breach of trust; Section 475.42(1)(o), Florida Statutes, when Respondent disseminated false or misleading information for the purpose of inducing another person to purchase, lease, or rent Subject Property.

Cases Continued or Withdrawn

Tab A – Elizabeth Baldwin, Case No. 2012012848

Tab F – Effort Realty, Inc., Case No. 2010042875

Tab O – Richard Diaz, Case No. 2012007705

General Session

Rules Discussion

Rule 61J2-5.018 – Vacancies of Office

Director Watkins presented this rule for discussion and stated that in researching how to best address the situation of when the broker of record dies the general consensus is that there is no statutory authority to implement any provision in rule and that it would require a statutory change. Chair Boring stated that he received communication from Margy Grant, Chief Counsel for the Florida Realtors, requesting this discussion be postponed to give them the opportunity to bring this issue up to the Business Issues Subcommittee for discussion of possible statutory changes. Mr. Dick Fryer also provided comments. The Commission postponed further discussion until the February 2013 FREC meeting.

Rules Report

FREC Counsel Barnhart provided a Rules Report for the Commission's review.

Mr. Barnhart requested the Commission open Rule 61J2-1.011 for rule development. Vice-Chair Enzor moved; seconded by Commissioner Furst to open Rule 61J2-1.011 for rule development. The motion passed without dissent.

Special Agenda

FREC Counsel Barnhart provided a copy of Cambas v. FREC, 6 So. 3d 668, (5th DCA 2009), which addressed the issue wherein the Respondent alleged that he should have received a formal hearing in lieu of an informal hearing and that his offenses were not crimes of moral turpitude requiring a suspension. Mr. Barnhart stated the Fifth District Court of Appeal upheld the FREC's decision and wanted to provide this information for the Commission's future reference.

Consent Agenda

The Commission considered 152 applicants from the Consent Agenda; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 129 applicants and require 23 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Acevedo, Francisco
Aleman, Luis
Alexander, Kimberly
Allen, Sheryl
Anderson, Randall
Austin, Jack
Bellino, David
Betsinger, Matthew
Bond, Aaron
Bozeman, John, Jr.
Brown, Dallas
Brown, Steve
Bruner, Leilani
Cabot, Andrew

George, Edwin
Goodman, Bernard
Goodwin, William
Gutierrez, Kerry
Haage, Kenzie
Harris, Robert
Hasenbeck, Clarence
Hasty, John
Hennessy, Ronda
Hensley, Douglas
Hernandez, Jose
Hicks, Sally
Hofferber, Bryan
Izzo, Elizabeth

Owen, Mark
Pearl, Jonathan
Perociel, Deepak
Rafimanes, Leyla
Rak, Glenna
Rivera, Michele
Robinson, Holly
Rowland, Kenneth
Salgado, Adrian
Salva, Pedro, Jr.
Santa Cruz Pacheco, Julio
Satkoff, Hallie
Schelble, Joseph
Schneider, Glenn

Caldwell, Ricky
Candlish, Kevin
Capo, Brian
Carlino, Steven
Carnicero, Monica
Casey, Michael
Castellanos, Heather
Cataldi, Carla
Cidel, Jean
Clarke, Daniel
Clausen, Stephen
Cocke, James, Sr.
Cohen, Tracy
Collura, Richard
Cornwell, Jason
Decklever, Brett
Diceglie, James
Dunn, Patrick
Eckert, Staci
Eid, Tamer
Emmons, Michael
Falls, Stacey
Fishburne, Martin
Fuehrer, Jennifer
Fundora, Yanarys
Gagliardi, Robert
Gallagher, Joseph
Garrett, Frank
Geeding, Mark

Jettie, Mark
Johnson, Alexander
Judd, Nancy
Junjulas, Peter
Junker, Ramona
Kaplan, Barry
Koledova, Elena
Lacayo, Monica
Lacourt, Jamie
Lambert, Christopher
Landaverdi, Marlene
Lee, Daniel
Limberger, Cody
Linenko, Michelle
Manrique, Bill
Martinez, Robert
Matar, Marc
McAlister, Mandi
McNear, Matthew
McNeely, Jami
Miller, Harold
Miller, Julie
Mills, Reese
Mondazze, Eugenia
Moyano, Luis
Mrwik, Matthew
Nosser, Elizabeth
Occhipinto, Connie
Ospino, Judith

Sellers, Cynthia
Sellers, Robert
Semidey, Saul
Sharples, Richard
Shaw, Jeffrey
Shearouse, William
Smith Cortijo, Allison
Spoerl, Scott
Stagg, Felix
Stone, Michael
Strong, Susan
Tapp, Kristi
Thomas, Jeremy
Torres, Ivan
Tucker, Andre
Vanderhoof, Eric
Veitia, Raul
Vera, Eduardo
Wachter, Donna
Walker, David
Ward, Frank
Warren, Abraham
Weaver, Sarah
Welsh, Grant
Willey, Mike
Williams, Dwight
Winpisinger, Joseph
Woodward, Eric
Zachary, Jordan

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

Bauer, Richard
Beatty, Jason
Bosek, Vojtech
Chanthaboury, Souksvanh
Chriqui, Jonathan
Cortes, Gilbert
Crocker, Alyssa
Cruz, Leon

Culver, Leesa
Elkayam, Eyal
Fiorio, Anthony
Gonzalez, Michael
Grining, Cynthia
Huth, Andrew
Johnson, Selma
Jones, Gena

Leferink, Marcel
Louis, Winston
McClain, Scott
Richardson, William
Villani, Christopher
Struck, William
Sena, Alexander

There being no further business and no objection, the Chair recessed the meeting at approximately 2:45 p.m. until 8:30 a.m. tomorrow.

December 12, 2012

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 12th day of December, 2012.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Roger Enzor, Darla Furst, Richard DeNapoli and Poul Hornsleth. Commissioner Podolsky was not present and was excused. 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; Josh Kendrick, Assistant General Counsel; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Jenny Schwartz, Government Analyst I; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 34 Summary of Applicants requesting to sit for the real estate examination.

Tab I – Joel De Jesus Ocasio, present with interpreter – Applicant withdrew the application and waived the 90-day requirement.

Tab AE – Iris M. Sosa Diaz, present with interpreter – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve the application for broker; the motion passed 4 to 1.

Tab B – Brian T. Allen, present, represented by Michael Owen, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to adopt the Finding of Fact and Conclusions of Law and uphold the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab L – Roberto A. Fernandez, not present, represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AA – John W. Pahl, present, represented by Kenneth Lancaster, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Y – Edda C. Perez, present, represented by Nancy Campiglia, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AC – Maivi M. Rodriguez, present, represented by Nancy Campiglia, Esquire, also present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Furst moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; the motion passed 3 to 2.

Tab A – Nicholas Abate, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to deny the application for broker; the motion passed without dissent.

Tab E – Eric R. Bumgarner, present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab K – Tiffany D. Edwards, present – Applicant withdrew the application and waived the 90-day requirement.

Tab O – Joseph A. Gavagni, present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to vacate the Final Order upon the grounds of substantial mitigating factors and that the original penalty was overly severe given that he was not present at the time and give him the opportunity to apply for a real estate sales associate license. The motion failed 4 to 1. Vice-Chair Enzor moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed 4 to 1.

Tab P – John J. Hogarth, present – Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab Q – Dezera M. Lanzarotto, present – Vice-Chair Enzor moved; seconded by Commissioner DeNapoli to deny the application for sales associate; tie vote, no action taken.

Tab S – Olive Roxanne Lewis, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab T – Autumn P. Manning, present – Vice-Chair Enzor moved; seconded by Commissioner Furst to deny the application for sales associate; motion failed 2 to 3. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab U – Sean R. E. McCann, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab V – Clifford S. Mees, present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion passed 4 to 1.

Tab W – Michael Parker, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab X – Chase P. Patterson, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Z – Vishal A. Persaud, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AD – Mohammad A. Shoeibi, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AF – Ravi Vaidya, present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AG – Christopher B. Waite, present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab N – Denise Frias, present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate and approve the application; the motion passed without dissent.

Tab C – Marcus G. Barrios, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab D – Margaret L. Brooks, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab F – Theodore J. Castro, not present – Applicant continued the application until January and waived the 90-day requirement.

Tab G – Scott R. Curtin, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab H – Grace Dana, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab J – Jennifer Echevarria, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab M – Sean Fleming, not present – Commissioner Hornsleth moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab R – Alan E. Leon, not present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to deny the application for sales associate; the motion passed without dissent.

Tab AB – Thomas K. Roderick, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AH – Brian R. Watkins, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Financial Reports Ending June 30, 2012 and September 30, 2012

Mr. Larry Hurley appeared via teleconference and addressed the Commission's questions regarding the financial reports. The Commission thanked Mr. Hurley for his presentation.

Director's Comments

Director Watkins reported that the lines of communication are open between the division and Florida Realtors and that they communicate with them when needed and often.

Commission Remarks

The Commissioners wished each and everyone a safe and happy Holiday.

Public Comments

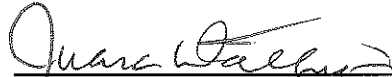
The Commission received comments from a member of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 15 and 16, 2013, in Orlando, Florida.



Chip Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission