

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 15 and 16, 2015
General Meeting**

Chair Dick Fryer, 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 December, 2015.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Lee Chotas, Darla Furst and Thomas Luzier. Commissioners Enzor and Hornsleth were excused and not in attendance. Ms. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Sara Kimmig, Bureau Chief of Enforcement; Josh Kendrick, Chief Attorney; Megan Lloyd, Brande Miller, Jennie Schwartz, Crystal Stephens and James Whealdon, Assistant General Counsels; Appearing via teleconference: Al Cheneler, Daniel David, William Vogel and Maureen White, Assistant General Counsels; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Chair Fryer recognized Ms. Donna Willey, Vice-President of Professional Standards for the Orlando Regional Realtor Association and stated that Ms. Willey is the longest employed member of the Orlando Regional Realtor Association. Chair Fryer thanked Ms. Willey for attending the FREC meeting.

Director Watkins recognized Member Dave Dennis, Board of Certified Public Accounting who was present in the audience. Chair Fryer welcomed Board Member Dennis to the FREC meeting.

Approval of the Minutes

Commissioner Furst moved to approve the Minutes of the November 17 and 18, 2015, General Meeting, as written. Vice-Chair Fryer seconded the motion. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Application and License Count Reports

Licensing Supervisor Warren Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Agenda Schedule

Legal Case Activity Report

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

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 9 Escrow Disbursement Orders and 6 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Chotas moved to accept 9 Escrow Disbursement Orders and 6 Orders. Vice-Chair Boring seconded the motion; the motion passed without dissent.

Legal Appearance Docket

Tab G – Adam J. Horvit, SL 652196; Case No. 2015010779 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Steven W. Johnson, Esquire, present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Vice-Chair Boring was recused due to serving on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. Commissioner Furst moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Commissioner Chotas; motion passed without dissent to impose the following sanctions:

Penalty: Suspension for 6 months; investigative costs of \$556.05; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of Conspiracy to Commit Mail and Wire Fraud, a crime of moral turpitude; Section 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering a guilty plea to Conspiracy to Commit Mail and Wire Fraud, a felony.

Tab M – Alette Diaz Oliva, SL 640281; Case No. 200181619 – Respondent's Motion for Reconsideration

Respondent was present; Respondent was represented by Steven W. Johnson, Esquire, present. There was no probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. Mr. Johnson offered mitigation in support of the request. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Luzier to deny the request for reconsideration; motion passed without dissent.

Action Taken: Reconsideration request denied.

Tab H – Brian Christopher Koenig, BK 671863; Case No. 2013042335 – Petitioner’s Motion for Informal Hearing

Respondent was not present; Respondent was represented by Nancy P. Campiglia, Esquire, present. Commissioner Enzor and Commissioner Hornsleth served on the probable cause panel. Commissioner Enzor and Commissioner Hornsleth were excused and not in attendance.

Ms. Stephens represented the department and presented the case to the Commission. Ms. Campiglia requested a continuance. The Commission entered into discussion. Commissioner Furst moved; seconded by Vice-Chair Boring; motion passed without dissent to continue the case.

Action taken: Case continued.

Tab I – Brian Christopher Koenig, BK 671863; Case No. 2015027504 – Petitioner’s Motion for Informal Hearing

Respondent was not present; Respondent was represented by Nancy P. Campiglia, Esquire, present. Commissioner Enzor and Commissioner Hornsleth served on the probable cause panel. Commissioner Enzor and Commissioner Hornsleth were excused and not in attendance.

Ms. Stephens represented the department and presented the case to the Commission. Ms. Campiglia requested a continuance. The Commission entered into discussion. Commissioner Furst moved; seconded by Vice-Chair Boring; motion passed without dissent to continue the case.

Action taken: Case continued.

Tab L – Matthew Douglas Miller, SL 3283528; Case No. 2014050474 – Petitioner’s Motion for Informal Hearing

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

Ms. Miller represented the department and presented the case to the Commission. Mr. Villazon requested a continuance. The Commission entered into discussion. Commissioner Chotas moved; seconded by Commissioner Furst; motion passed without dissent to continue the case.

Action taken: Case continued.

Tab S – Dat Nguyen, SL 3066719; Case No. 2015022865 – Settlement Stipulation

Respondent was present; Respondent was represented by Christopher O’Keefe, Esquire, not present. Commissioner Enzor served on the probable cause. Commissioner Enzor was excused and not present. Vice-Chair Boring was recused due to serving on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Luzier to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$750.00; investigative costs of \$272.25; complete a 3-hour core law course; attend 2 complete FREC meetings. **Violation(s):** Section 475.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading nolo contendere to and being adjudicated guilty of Battery.

Action taken: Settlement Stipulation accepted.

Tab R – Peter Anthony Foster, Jr., SL 3241040; Case No. 2015015924 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Vice-Chair Boring was recused due to serving on the probable cause panel.

Mr. Whealdon represented the department and presented the case to the Commission. Commissioner Furst moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Commissioner Luzier; motion passed 3 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$200.00; investigative costs of \$150.00; attend 2 complete FREC meetings; probation for 1 year. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with the Final Order issued under the provisions of Chapters 455 or 475.

Tab O – Albert Jeffrey Sanchez, SL 662684; Case No. 2014048700 – Petitioner’s Motion for Informal Hearing

Respondent was present; Respondent was represented by Mark R. Lippman, Esquire, present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Commissioner Luzier was recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair Boring moved; seconded by Commissioner Furst; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Boring moved; seconded by Commissioner Furst; motion passed 3 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$500.00; investigative costs of \$445.83; attend 1 complete FREC meeting; probation for 6 months. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when he was convicted of conspiracy to commit wire fraud, a crime involving fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission of his conspiracy to commit wire fraud conviction within 30 days of the conviction.

Tab U – Ivonne Hoffman, SL3317383; Case No. 2015008497 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor and Commissioner Hornsleth served on the probable cause panel. Commissioner Enzor and Commissioner Hornsleth were excused and not in attendance.

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

Action taken: Administrative fine of \$1,000.00; investigative costs of \$181.50; attend 2 complete FREC meetings; probation for 1 year. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2014), when Respondent entered a plea of nolo contendere to one count of Possession of More than 20 Grams of Cannabis, a third degree felony.

Tab E – Marie Elizabeth Hager, BK 614551; Case No. 2014051852 – Petitioner’s Motion for Informal Hearing

Respondent was present; Respondent was represented by Justin Infurna, Esquire, not present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

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

Penalty: Administrative fine of \$2,000.00; investigative costs of \$288.75; complete a 4-hour escrow management course; attend 2 complete FREC meetings; probation for 1 year. **Violation(s):** Rule 61J2-14.010(2), Florida Administrative Code, by maintaining more than \$5,000 of brokerage funds in Action Rental’s Security Deposit Account and Rental Distribution Account and by failing to correct the escrow errors within thirty days from the date that the last reconciliation statement was performed; Rule 61J2-14.012(2), Florida Administrative Code, when Respondent failed to include the date used to reconcile the balances on the November 2014 monthly reconciliation statement for the Rental Distribution Account, by failing to include the date used to reconcile the balances on the December 2014 monthly reconciliation statement for the Security Deposit Account, by failing to include the name of the bank and the account number for the January 2015 monthly reconciliation statement for the Security Deposit Account, by failing to sign and date the January 2015 monthly reconciliation statement for the Rental Distribution Account and by failing to include the date used to reconcile the balances on the January 2015 monthly reconciliation statement for the Rental Distribution Account; Rule 61J2-14.012(3), Florida Administrative Code, by failing to provide a description or explanation for the differences and/or any corrective action taken in reference to shortages and overages of funds in the Security Deposit Account and the Rental Distribution Account on the monthly reconciliation statements for November 2014, December 2014, January 2015 and February 2015.

Tab A – Thomas J. Assad, BK 3295779; Case No. 2015012239 – Respondent’s Request for Informal Hearing

Case continued.

Tab B – John Earles, IV, BK 3045494; Case No. 2011053266 – Petitioner’s Motion for Informal Hearing

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

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

Penalty: Revocation. **Violation(s):** 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 it required by law or, in the absence of a fixed time, upon demand of the person entitled to such account and delivery, any personal property such as money, fund, deposit, check, draft; Section 475.25(1)(b), Florida Statutes, by failing to return Complainant’s escrow deposits or to handle the escrow deposits properly.

Tab C – John Earles, IV, BK 3045494; Case No. 2011061023 – Petitioner’s Third Motion for Informal Hearing

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

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

Penalty: Revocation. **Violation(s):** 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 it required by law or, in the absence of a fixed time, upon demand of the person entitled to such account and delivery, any personal property such as money, fund, deposit, check, draft; Section 475.25(1)(b), Florida Statutes, by failing to return Complainant’s escrow deposits or to handle the escrow deposits properly; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, by placing all funds into an interest bearing demand bank account and failing to place the money received by 30A Resorts into an escrow account.

Tab D – John Lai Ellis, SL 3139997; Case No. 2014042775 – Respondent’s Request for Informal Hearing

Case withdrawn.

Tab F – Home Gallery Real Estate, Inc., CQ 1042629; Case No. 2014041226 – Petitioner’s Motion for Informal Hearing

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

Ms. Lloyd 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 Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Commissioner Luzier; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver the Prospective Tenants’ deposits to the Prospective Tenants or to the Owner.

Tab J – Robert James Ligotti, SL 3277314; Case No. 2014035386 – Petitioner’s Motion for Informal Hearing

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not in attendance.

Ms. Lloyd 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 Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Commissioner Luzier; the motion passed without dissent to impose the following sanctions:

Penalty: Suspension for 1 year; administrative fine of \$1,000.00; complete an ethics course; probation for 1 year. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by sending a copy of the lease without the pet addendum to Subject Property’s Homeowners Association in or to conceal the Tenant had a prohibited pet; by

encouraging Tenant to conceal from the Subject property's Homeowner's Association that she had a prohibited pet.

Tab K – Rosemary McCoy, BK 601021; Case No. 2013021762 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor and Commissioner Hornsleth served on the probable cause panel. Commissioner Enzor and Commissioner Hornsleth were excused and not in attendance.

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

Action taken: Revocation; investigative costs of \$387.75. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty and being adjudicated guilty of violating racketeering laws, scheme to defraud and grand theft.

Tab N – Joanne Marie Raiano Kennedy, SL 520698; Case No. 2014049209 – Petitioner's Motion for Informal Hearing

Case continued.

Tab P – Daniel Wolkoff LLC, SL 3168503; Case No. 2014042328 – Petitioner's Motion for Informal Hearing

Case continued.

Tab Q – Marty M. Zabib, SL 3286831; Case No. 2014039705 – Petitioner's Motion for Informal Hearing

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not in attendance.

Mr. Whealdon 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 Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved; seconded by Commissioner Luzier; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(d)1, 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, or deposit; Section 475.25(1)(b), Florida Statutes, by failing to either facilitate the transfer of Subject Property's title or return Subject Funds to Buyer.

Tab T – Todd A. Lauer, BK 515097; Case No. 2015025109 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was not represented by counsel. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance. Vice-Chair Boring was recused due to serving on probable cause.

Mr. Whealdon represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Commissioner Luzier to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

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

General Session continued

Special Agenda

Communication received from Alba Toro requesting reinstatement of Null & Void license

Ms. Toro was present in support of her request. The Commission entered into discussion. Chair Fryer stated that Chapter 475, Florida Statutes does not allow the Commission to reinstate a null and void license. The Commission denied the request.

Consent Agenda A

The Commission considered 127 applicants from the Consent Agenda A; Vice-Chair Boring moved; seconded by Commissioner Furst to approve 83 applicants and require 44 applicants to be placed on the Summary of Applicant Agenda; the motion passed 4 to 1.

The following applicants were approved:

Adams, Christopher Matthew	Grout, Richard	Rambarran, Kris
Ahmetovic-Dedic, Dzemila	Gruszka, Dagmara	Randall Marion, Ester Renee
Alvarez, Yon	Halladay, Justin	Ranney, Andrew James
Arauma, Freddy	Hemmans, William W. III	Reffkin, Joseph Richard
Arreola, Hector	Hendey, Justin	Rodriguez, Mauricio
Arrington, Jeremy	Hughes, Anthony Michael	Rogers, Eric Shawn Sr.
Austin, Michael	Hurm, Pleshette	Romo, Maykol Jorge
Behrends, Kent Richard	Jaca, Daniel	Rosario De Los Santos, Ramon E.
Bentley, Lenore Irene	Jenkins, Kesha	Ross, Jeremy
Bovea, Edward David	Johnson, Brian Joseph	Rossler, Gregory Alan
Brito, Nicolas	Kanaris, Gene William	Sabin, Tracy Darwin
Chambers, Neal Glen	Kelley, Joseph III	Santiago, Priscilla Ana
Chandler, Danny Earl Jr.	Kernohan, James Richard	Santoro, Robert
Chau, Dung	Kirchhofer Ievleva, Irina	Santy, Jonathan Scott
Christian, Shelia	Korpacz, Steven	Saunderson, Mark
Clark, Christopher	Lehn, Karla	Schreier, Michael Randall
Clark, Elisabetta	Lesmeister, Jennifer Anne	Schroeck, Jami
Cox, Melanie	Lewis, Jacquelyn	Shively, Joseph Duane
Daiello, Mark Thomas	Lincoln, Patrick John	Slaalien, Roger Dare Jr.
Davis, Geena	Lozano, Graciela	Souto, Jose
Duvall Kennedy, Bridget M.	Martin, Toni	Sultan, Enrique Raymond
Echeverry, Julio	Martinez, Mitchel Fernandez	Tombrink, Miles Edward
Eddis, Gerald Christopher Jr.	McDermott, Martin Edward	Trevino, Arnaldo O.
Erlandson, Dean Richard	Miller, Jennifer Lisa	Vining, Stephen Chris
Fetter Salazar, Nicolas	Morel, Luisiam	Walley, Kristine Marie
Gifford, Terry V.	Murdico, Jennifer	Whitney, Kyle Hermann
Gjeloshaj, Roberta	Orta, Ramiro	Young, Bryan Robert

Glaize, Monique Andrea

Portolatin, Mario

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

Akeley, Kimberley
Barrios, Ricardo J.
Biskie, Brandon
Bloodworth, Acasi Ayanna
Buhlman, Brian Alan
Burchfield, Joseph Giles
Checa, Nicolas
Cordero, Douglas Javier
Cowitt, Stuart S.
Crespo, Michael Salvatore
Delatorre, Clemente Jose Jr.
Dussan, Martha L.
Fandino, Juanita
Fuentes, Jina Jocasta
Grant, April

Griffin, Matthew Jude
Hotop, Tim
Ismail, Hamdy
Jimenez, Mauricio
Krauel, Stephanie Dawn
Leonardo, Alexandre G.
Matias, Stas
Mickens, Katina Latoshion
Mijares, Carlos De Jesus
Mosseri, David
Neal, Javari
Nunez, Tabata Juliana
Ortiz, Adolfo Jr.
Ortiz, Rodrigo Andres
Plunkett, Quince George

Rom, Lidia Katarina
Rosario, Elian
Rowan, Richard David
Saddler, Zacharias
Singer, Todd Mitchell
Smith, Jessica
Strange, Harold Eric
Taveras, Elvis
Van Noppen, Maxwell James
Vargas, Barbara
Wahdan, Ehab
Wideman, Michael
Wood, Dale C.
Yoham, William Edward III

Review and Consideration of the Real Estate Education Courses

Tab D – *Track your Escrow and Business Goals with Quickbooks, PC Edition* – New Course (4 hours Specialty; Distance) – Application No. 23402 – Adiany B. Goffredo

Ms. Goffredo was present. The Commission entered into discussion. Commissioner Furst moved to approve the course; Commissioner Luzier seconded the motion. The motion passed without dissent.

General Business continued

Rules Discussion

Rules Report

FREC Counsel Clark stated the rules report is strictly informational and offered to address any questions or comments the Commission may have.

Petition for Declaratory Statement received from Jordan J. Bunch, Esquire – DS 2015-142

Director Watkins presented the petition received from Jordon J. Bunch. Mr. Bunch was not present. FREC Counsel Clark recommended that the Commission issue a Final Order Denying Petition for Declaratory Statement. The Commission entered into discussion. Commissioner Furst moved; Commissioner Luzier seconded the motion to deny issuing a Declaratory Statement. The motion passed without dissent.

Petition for Variance/Waiver received from David R. Fletcher – VW 2015-291

Director Watkins stated that Mr. Fletcher withdrew his petition.

Petition for Variance/Waiver received from Dana Beth Edelman – VW 2015-294

Director Watkins presented the petition received from Dana Beth Edelman requesting the Commission waive the renewal late fee due to hardship. Ms. Edelman was not present. The Commission entered into discussion. Commissioner Furst moved; Commissioner Luzier seconded the motion to grant the waiver. The motion passed 4 to 1.

Public Comments

The Commissioners received a comment from a member of the audience.

Director Watkins reported that the education rules will be set for discussion the first of 2016. The Commission thanked Ms. Watkins for her comments.

Recess

There being no objection, the Chair recessed the meeting at approximately 2:00 p.m. until 8:30 a.m. tomorrow.

December 16, 2015

Chair Fryer reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of December, 2015.

The following Commission members were in attendance: Chair Dick Fryer, Vice-Chair Chip Boring, Lee Chotas, Darla Furst and Thomas Luzier. Commissioners Enzor and Hornsleth were excused and not in attendance. Ms. Rachel Clark, Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Josh Kendrick, Chief Attorney; Megan Lloyd, Brande Miller, Jennie Schwartz, Crystal Stephens and James Whealdon, Assistant General Counsels; Susan Bailey, Administrative Assistant II; Warren Sanger, Licensing Supervisor; Mike Davis, Regulatory Specialist III; Jeannie Adkinson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Licensing Supervisor Warren Sanger presented 56 Summary of Applicants requesting to sit for the real estate examination.

Tab J – Robert L. Bolton, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab AO – Rebecca Suzanne Price, present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab Y – Steven King, present; was represented by Steven W. Johnson, Esquire, present – Commissioner Furst moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab AM– Richard Pettibone, present; was represented by Steven W. Johnson, Esquire, present – Applicant withdrew the application.

Tab N – Arianna Fernandez, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AC – Naoufal Lehouara, present – Commissioner Chotas moved; seconded by Vice-Chair Boring to approve the application for sales associate with conditions; the motion passed without dissent.

Tab M – Terry Dowding, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab U – Shannon Johnson, not present; was represented by Nancy P. Campiglia, Esquire, present – Application removed. No action taken.

Tab V – Sharmela Johnson, not present; was represented by Nancy P. Campiglia, Esquire, present – Commission Furst moved; seconded by Vice-Chair Boring to approve the application for broker; the motion passed without dissent.

Tab AE – Yenimay Lozano, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Chotas moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab AR – Joris C. Reyes, present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for broker; the motion passed without dissent.

Tab B – Kimberly Adams, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab A – Mellas Kenton, present – informal – Commissioner Furst moved; seconded by Vice-Chair Boring to vacate the Notice of Intent to Deny and approve the application for sales associate; the motion passed 4 to 1.

Tab C – Franklin Aponte, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab D – Iolani Marie Blankenship, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab E – Lance Addison Burge, present – Commissioner Chotas moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab G – Kimberly Marie Coarse, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab H – Scott Anthony Correia, present – Applicant withdrew the application. Chair Fryer stepped out of the meeting and was not present for the vote.

Tab I – Richard Court, present – Commissioner Chotas moved; seconded by Vice-Chair Boring to approve the application for sales associate; tie vote 3 to 3. No action taken. Chair Fryer stepped out of the meeting and was not present for the vote.

Tab K – Ray Wayne Davis, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Tab L – Jovany Delgado, present – Commissioner Chotas moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab O – Vontez Fletcher, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab P – Denise Ann Gartner, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab Q – Pamela Harris, present – Vice-Chair Boring moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 3 to 2.

Tab R – Joyce Heitman, present – Applicant withdrew the application.

Tab S – Jesse Hess, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab T – Iron Hogg, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 3 to 2.

Tab X – Justin Michael Keller, present – Commissioner Luzier moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab Z – Sylvester King, present – Commissioner Chotas moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab AB – Jonathon Maxwell Lasseter, present – Commissioner Furst moved; seconded by Commissioner Chotas to approve the application for sales associate with conditions; the motion passed 4 to 1.

Tab AF – Rosilyn McCants, present – Vice-Chair Boring moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without 3 to 2.

Tab AH – Jancer Mendez, present – Commissioner Luzier moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AK – Olufunsho Oshunleti, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab AN – Ashley Powers, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AP – Mark Patrick Quick, present – Commissioner Chotas moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AQ – Marc Ressler, present – Commissioner Luzier moved; seconded by Commissioner Furst to approve the application for sales associate with conditions; the motion passed without dissent.

Tab AT – Stephen Roberts, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab AW – Christian Someillan, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab AZ – Michael Taher, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed 4 to 1.

Tab BA – Lucas William Theisen, present – Vice-Chair Boring moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab BB – Izabella Vaz, present – Commissioner Furst moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab BC – Derrick Wiggins, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 1.

Tab AG – Justin McGraw, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Agenda B

Tab A – Ashley Lloyd Billings, present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Agenda A

Tab AY – Stephanie A. Smith, present – Commissioner Furst moved; seconded by Vice-Chair Boring to approve the application for sales associate; the motion passed without dissent.

Commissioner Luzier was excused for the remainder of the meeting.

Tab F – Brenda Chevres, not present – Commissioner Furst moved; seconded by Vice-Chair Boring to deny the application for sales associate; the motion passed without dissent.

Tab W – Lucmon Joseph, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AA – Lawrence Yale Krakow, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AD – Thomas Lewis, not present – Vice-Chair Boring moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab AI – Robin Mitchell, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AJ – Joseph Mottola, not present – Vice-Chair Boring moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab AL – John Patrick O’Sullivan, not present – Application withdrew the application.

Tab AS – Brittney Rice, not present – Vice-Chair Boring moved; seconded by Commissioner Furst to deny the application for sales associate; the motion passed without dissent.

Tab AU – Jacob Aaron Shelton, not present – Vice-Chair Boring moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AV – Bradley Shimkanin, present – Vice-Chair Boring moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 3 to 1.

Tab AX – Laura N. Sotomayor, not present – Applicant requested a continuance and waived the 90-day requirement.

Director’s Comments

Director Watkins addressed the topic of licensure by default. The Commission thanked Director Watkins for her comments.

Director Watkins stated that the Division needs guidance from the Commission relating to the scope of work for the scholarship program. Deputy Director stated the contract is due to renew July 1, 2016, and that she would provide a draft of the scope for the next term at a future meeting for the Commission’s input.

Chair’s Remarks

The Commission wished everyone a Merry Christmas, Happy Holidays and a Happy New Year.

Public Comments

The Commission offered but did not receive any comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:45 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 19 and 20, 2016, in Orlando, Florida.



Dick Eryer, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission