

**Charlie Liem**, Interim Secretary

**Charlie Crist**, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
November 17 and 18, 2009  
General Meeting**

Chair Roger Enzor called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, Florida, on this 17th day of November, 2009.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli, Poul Hornsleth, Ralph McCoig, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Director and Executive Director; Juana Watkins, Deputy Director; James P. Harwood, Chief Attorney; Brad Koshland, Bureau Chief of Enforcement; Patrick Cunningham, Joseph Solla, Senior Attorneys; JoEllen Peacock, Education Coordinator; Denise Johnson, OMC II; Jocelyn Pomales, Regulatory Specialist III; Erich Scherer, Unlicensed Activity; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

**Approval of the Minutes**

Commissioner McCoig moved; Vice-Chair DeNapoli seconded to approve the Minutes of the October 20 and 21, 2009, General Meeting, as amended. Motion carried unanimously.

**Unlicensed Activity Report**

Director O'Bryant presented the Unlicensed Activity Report and made an oral amendment to the report. Director O'Bryant addressed questions from the Commissioners.

**Petition for Declaratory Statement**

FREC Counsel Barnhart presented the Petition for Declaratory Statement regarding Section 475.01(1), *F.S.*, received from Clinton S. Rockwell, Esquire, on behalf of an anonymous party and requested the Commission address the Petition. Attorney Clinton R. Rockwell was not present. The Commission entered into discussion. Director O'Bryant stated that the petition must be clarified. The Commission received comments from the audience. Commissioner Hornsleth moved to deny the petition without prejudice and requested more detailed information. Commissioner McCoig seconded the motion. The motion carried unanimously.

## **Review and Consideration of the Real Estate Continuing Education Courses**

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

1. Real Estate Investing Through Pension/IRA Accounts – New Course – Application No. 11427

Commissioner Hornsleth moved to deny the continuing education course listed above as it does not comply with Section 475.182, F.S. Commissioner McCoig seconded the motion. The motion carried unanimously.

2. Bankruptcy: The Ultimate Loan Modification – New Course – Application No. 11428

Commissioner Ruffier moved to deny the continuing education course listed above as it does not comply with Section 475.182, F.S. Commissioner Hornsleth seconded the motion. The motion carried unanimously.

## **New Reporting Requirement for Criminal Convictions**

Director O'Bryant reported that effective October 1, 2009, House Bill 425 requires all licensees report to the department within 30 days after a licensee is convicted or found guilty of, or entered a plea of nolo contendere (no contest) or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report any conviction, finding of guilt, plea, or adjudication entered before October 1, 2009, by November 1, 2009; any licensee who fails to report that information may be subject to disciplinary action. This section of House Bill 425 became part of Section 455.227(1)(t), F.S. The department has created a form entitled Criminal Self-Reporting Document to assist individuals when reporting this information. Director O'Bryant further reported that the division has posted an alert providing this information on the division website. The Director addressed questions and comments from the Commissioners.

Mr. Randy Schwartz, Counsel for the Florida Association of Realtors, stated that the Commission may want to amend 475.25(1)(p), F.S. as well.

## **Rule Workshop Regarding Rule 61J2-24.001**

FREC Counsel Tom Barnhart presented Rule 61J2-24.001, F.A.C. for review. The Commission entered into discussion and received comments from the audience. Mr. Barnhart stated that the Joint Administrative Procedures Committee is requesting all boards to review the guidelines and propose a meaningful range of penalties for each violation. Mr. Barnhart asked the Commission to review each penalty and recommend a minimum and maximum for each offense. The Commissioners provided guidance regarding the range of penalties. Chair Enzor directed Mr. Barnhart to adjust the penalties to capture the general posture of the Commission and bring the rule back next month for review and consideration. Director O'Bryant stated that we will reschedule this for a workshop at the December FREC meeting.

## **Ratification of Suspended Licenses**

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of James Exline and Leonardo Ospina who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

### **Escrow Disbursement Orders**

Attorney Joseph Solla presented 45 Escrow Disbursement Orders and 3 Order for the Commission's consideration. Upon recommendation of the Legal Section, the Commission issued 45 Escrow Disbursement Orders and 3 Orders. Commissioner Hornsleth moved to approve the Legal Section recommendation. Commissioner DeNapoli seconded the motion. The motion carried unanimously.

### **Recovery Fund Claim Final Order**

Mark McCormick v. Bentley Realty of South Florida, Inc. – DBPR Case No. 2009056224. Senior Attorney Solla presented this matter to the Commission. Claimant Mark McCormick was present in support of the claim. The licensee was not present. 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. Commissioner Hornsleth moved to approve payment in the amount of \$50,000.00. Vice-Chair Enzor seconded the motion. The motion carried unanimously.

Paul Dolansky v. Arthur Edward Gore – DBPR Case No. 2009034548. Senior Attorney Solla presented this matter to the Commission. The claimant was not present. 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. Commissioner Hornsleth moved to approve payment in the amount of \$3,711.00. Commissioner DeNapoli seconded the motion. The motion carried unanimously.

### **Legal Final Order Docket**

#### **Tab X – Kristina Garr, SL 3194210, Case No. 2008005829 – Stipulated Settlement**

Ms. Garr was present and represented by Robert Hynds, Esquire. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. Commissioner Guju moved; seconded by Commissioner Ruffier to accept the Settlement Agreement. Motion passed 3 to 2.

**Penalty imposed:** \$500.00 fine, \$404.25 costs, 1 year probation, one 2-day FREC meeting.

**Violation:** Guilty of having operated as a broker while licensed as a sales associate in violation of Section 475.42(1)(b), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes; guilty of having operated as a broker under a trade name without causing the same to be noted in the records of the Commission and placed on his license or so operate as a member of a partnership or as a corporation or as an officer or manager thereof, without the partnership or corporation being the holder of a valid current registration in violation of Section 475.42(1)(k), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Action taken:** Settlement Agreement accepted.

#### **Tab C – Louis Harry Behr, BK 3012985, Case No. 2008044535 – Respondent's Informal**

Mr. Behr was not present. Commissioner Ruffier was recused due to participation on the probable cause panel. Mr. Daniel Villazon, Esquire, appeared to request to be relieved from

representing the Respondent. Commissioner McCoig moved, seconded by Commissioner Guju to relieve Mr. Villazon as counsel for the Respondent. The motion carried unanimously.

Mr. Solla 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 carried unanimously to find the Respondent guilty as charged. Commissioner Hornsleth moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revoke, \$85.80 costs. **Violation:** Guilty of having been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(1)(f), *Florida Statutes*.

**Tab O – Corey Smith, SL 3074055, Case No. 2008055204 – Petitioner’s Request for an Informal Hearing**

Mr. Smith was not present; Daniel Villazon, Esquire, appeared on her behalf. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Guju moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty of Count I. Commissioner Guju moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Reprimand, costs in case no. 2008055204 and previous case no. 2006011688 to be paid within 6 months of the filing of the Final Order. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(1)(e), Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Tab Y – Craig M. Grasso, RZ 1002465, Case No. 2008039698 – Stipulated Settlement**

Mr. Grasso was not present; Daniel Villazon, Esquire, appeared on his behalf. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to accept the Settlement Agreement. Motion carried unanimously.

**Penalty imposed:** \$500.00 fine, \$181.50 costs, six months probation, attend one 2-day FREC meeting. **Violation:** Guilty of failure to comply with the continuing education requirements of Rule 61J2-3.011, Florida Administrative Code and is, therefore, in violation of Section 475.25 (1)(e), Florida Statutes.

**Action taken:** Settlement Agreement accepted

**Tab P – Christopher A. Sneed, SL 689860, Case No. 2008033867 – Petitioner’s Request for an Informal Hearing**

Mr. Sneed was present and represented by Steven W. Johnson, Esquire. Mr. Michael Guju was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commissioners granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner McCoig; motion carried unanimously to find the Respondent guilty as charged. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revocation. **Violation:** Guilty of having had a registration suspended, revoked, or otherwise acted against in any jurisdiction in violation of Section 475.25(1)(s), Florida Statutes.

**Tab W – Mavis Regina Alместica, SL 3194210, Case No. 2008005829 – Stipulated Settlement**

Ms. Alместica was present and represented by James Shepherd, Esquire, not present. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to accept the Settlement Agreement. Motion carried unanimously.

**Penalty imposed:** Fined \$500, \$320.10 costs, attend two 2-day FREC general meetings. **Violation:** Guilty of having obstructed or hindered in any lawful duty by any person acting under the authority of Chapter 475, Florida Statutes and, therefore, in violation of Section 475.25(1)(e), Florida Statutes, guilty of failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J-14.012(1), Florida Administrative Code and Section 475.5015, Florida Statutes, and, therefore, in violation of Section 475.25(1)(e), the Florida Statutes.

**Action taken:** Settlement Agreement accepted.

**Tab AA – Jay G. Pivnick, SL 3051317, Case No. 2008034705 – Settlement Agreement**

Mr. Pivnick was not present; Gary Nagle, Esquire, appeared on his behalf. Commissioner Ruffier was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig to accept the Settlement Agreement. Motion passed 4 to 1.

**Penalty imposed:** 30-day suspension, \$1,000 fine, \$610.50 costs within 6 months, must attend two 2-day FREC general meetings within 1 year from the filing date of the Final Order. **Violation:** Guilty of failure to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated in violation of Section 475.25(1)(d)2., Florida Statutes.

**Action taken:** Settlement Agreement accepted.

**Tab D – Vincente Borelly, SL 3032868, Case No. 2008017286 – Petitioner’s Motion for an Informal Hearing**

Mr. Borelly was present and was not represented by counsel. Commissioner Guju 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. Vice-Chair DeNapoli moved, seconded by Commissioner McCoig; motion carried unanimously to terminate the informal hearing and transfer the case to the Division of Administrative Hearings (DOAH).

**Action taken:** Informal withdrawn; case referred to DOAH.

**Tab U – Joy M. Floyd, BL 457238, Case No. 2008041298 – Respondent’s Request for Reconsideration**

Ms. Floyd was present and was not represented by counsel. Commissioner Guju was recused due to participation on the probable cause panel. Chair Enzor recused himself due to participation on the probable cause panel for multiple related cases.

Mr. Harwood represented the department and presented the case to the Commission. The Commission granted the reconsideration and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner Hornsleth; motion carried 3 to 1 to dismiss Count I, III, IV and find the Respondent guilty of Count II. Commissioner Ruffier moved, seconded by Commissioner Hornsleth; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Reprimand, \$160.00 costs, six months probation, attend two 2-day FREC general meetings. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes.

**Tab E, F, G, H – Joy M. Floyd, BL 457238, Case Nos. 2008046137, 2008048874, 2008050509, 2008056358, 2008060614 – Petitioner’s Request for an Informal Hearing**

Ms. Floyd was present and was not represented by counsel. Chair Enzor was recused due to participation on the probable cause panel. Commissioner Guju recused himself due to participation on the probable cause panel for case no. 2008039113.

Mr. Harwood represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Ruffier moved, seconded by Commissioner McCoig; motion carried unanimously to dismiss Counts I-VI and find Respondent guilty of VII for case nos. 2008046137 and 2008048874; dismiss Count I-II and find guilty of Count III for case no. 2008050509; dismiss Counts I-II and find guilty of Count III in case no. 2008060614; dismiss all counts for case no. 2008056358. Commissioner Ruffier moved, seconded by Commissioner Hornsleth; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Reprimand, \$759.00 costs within twelve months of the date of the Final Order, ten years probation during which time the Respondent shall not handle escrow funds. Dismiss case no. 2008056358 in its entirety. **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 personal property such as money, fund, deposit, check, draft,

abstract of title, mortgage, conveyance, lease, or other document or thing of value, including a share of a real estate commission if a civil judgment relating to the practice of the licensee's profession has been obtained against the licensee and said judgment has not been satisfied in accordance with the terms of the judgment within a reasonable time, or any secret or illegal profit, or any divisible share or portion thereof, which has come into the licensee's hands and which is not the licensee's property or which the licensee is not in law or equity entitled to retain under the circumstances, in violation of Section 475.25(1)(d)1., Florida Statutes.

**Tab K – James Robert Jordan, BK 559918, Case No. 2009009343 – Respondent's Motion for an Informal Hearing**

James Robert Jordan was present and not represented by counsel. Chair Enzor was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission granted the Informal Hearing and entered into discussion. Commissioner McCoig moved, seconded by Commissioner Guju; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** \$500 fine, \$1,197.90 costs, 1year probation. **Violation:** Guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes.

**Tab M – Jock V. Rankin, BK 604424, Case No. 2009027910 – Petitioner's Motion for an Informal Hearing**

Mr. Rankin was present and was not represented by counsel. Commissioner Hornsleth 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 Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner Ruffier; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** 12 months to pay \$1,000 fine imposed in case no. 2004042680, \$231.00 costs in case no. 2009027910. **Violation:** Guilty of having violated a lawful order of the Florida Real Estate Commission in violation of Section 475.42(l)(e), Florida Statutes and, therefore, in violation of Section 475.25(l)(e), Florida Statutes.

**Tab R – Serge Wainer, SL 672110, Case No. 2009028130 – Petitioner's Motion for an Informal Hearing**

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

Mr. Harwood 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 Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner McCoig moved, seconded by Commissioner Guju; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** \$500.00 fine, \$178.20 costs, one year probation, attend one 2-day FREC meeting. **Violation:** Guilty of having had a registration suspended, revoked, or otherwise acted against in any jurisdiction in violation of Section 475.25(1)(s), Florida Statutes.

**Tab V – Jay R. Stoelting, SL 701092, Case No. 2004009801 – Respondent’s Request for Reconsideration**

Mr. Stoelting was not present and was not represented by counsel. Ms. Ruth Stoelting appeared on behalf of Respondent. Commissioner Guju was recused due to participation on the probable cause panel.

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Guju moved, seconded by Commissioner McCoig; motion carried unanimously to deny Respondent’s request for reconsideration.

**Action taken:** Reconsideration request denied.

**Tab A – Sheri R. Barry, BK 375978, Case No. 2009021587 – Respondent’s Motion for an Informal Hearing**

Ms. Barry was not present and not represented by counsel. Commissioner Hornsleth 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 McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revocation, \$273.90 costs. **Violation:** Guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(l)(f), Florida Statutes; guilty of being confined in a state or federal prison thereby being in violation of Section 475.25(1)(n), Florida Statutes.

**Tab B – Warren Barry, BK 184405, Case No. 2009021585 – Respondent’s Motion for an Informal Hearing**

Mr. Barry was not present and not represented by counsel. Commissioner Hornsleth 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 McCoig moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Guju moved, seconded by Commissioner McCoig; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** Revocation, \$247.50 costs. **Violation:** Guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime which involves moral turpitude or fraudulent or dishonest dealing in violation of Section 475.25(l)(f), Florida Statutes; guilty of being confined in a state or federal prison thereby being in violation of Section 475.25(1)(n), Florida Statutes.

**Tab I – Rebecca C. Grissom, SL 3056487, Case No. 2009002052 – Voluntary Surrender of Licensure for Permanent Revocation**

Ms. Grissom was not present. Commissioner Ruffier was recused due to participation on the probable cause panel.

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

**Penalty imposed:** Revoked.

**Tab L – Arlene S. Munoz, BK 3040601, Case No. 2005041544 – Respondent’s Request for an Extension of Time**

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to grant a 6-month extension from the filing date of the Order to pay fines and costs.

**Action Taken:** Extension granted.

**Tab N – Alex Menahem Roth, SL 629779, Case No. 2008027808 – Petitioner’s Motion for an Informal Hearing**

Mr. Roth was not present and not represented by counsel. Commissioner Guju 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 Hornsleth moved, seconded by Vice-Chair DeNapoli; motion carried unanimously to find the Respondent guilty as charged. Commissioner Hornsleth moved, seconded by Vice-Chair DeNapoli Ruffier; motion carried unanimously to impose the following sanctions:

**Penalty imposed:** 6-month suspension, \$1,000.00 fine, \$498.30 costs, 6 months probation, and attend two 2-day FREC general meetings. **Violation:** 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 violation of Section 475.25(1)(b), Florida Statutes; guilty of failure to account or deliver funds in violation of Section 475.25(1)(d)1., Florida Statutes.

**Tab T – Jack Fecko, SL 643084, Case No. 2008024237 – Respondent’s Request for an Extension of Time**

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

Mr. Harwood represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair DeNapoli moved, seconded by Commissioner

McCoig; motion carried unanimously to grant a 6-month extension from the filing date of the Order to complete the provisions of the Final Order.

**Action Taken:** Extension granted.

**Tab AB – Lorraine E. White, BK 681901, Case No. 2007046829 – Stipulated Settlement**

Neither Ms. White nor her counsel Mr. Varner was present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. Commissioner Ruffier moved; seconded by Vice-Chair DeNapoli to accept the Settlement Agreement. Motion carried unanimously.

**Penalty imposed:** Fined \$500, \$1,400.00 costs, 6 months probation, attend one 2-day FREC general meeting, attend a four-hour escrow management course. **Violation:** Guilty of failure to preserve and make available to the Petitioner, all books, records, and supporting documents and failed to keep an accurate account of all trust fund transactions in violation of Rule 61J2-14.012(1), Florida Administrative Code and, therefore, in violation of Section 475.25(1)(e), Florida Statutes, guilty of failure to prepare the required written monthly escrow statement-reconciliations in violation of Rule 61J2-14.012(2) and (3), Florida Administrative Code and is, therefore, in violation of Section 475.25(1)(e), Florida Statutes.

**Action taken:** Settlement Agreement accepted.

**The following cases were withdrawn from the docket and not presented to the Commission for discussion:**

Tab J – Lucina D. Guerrero  
Tab Q – Barbara J. Sprowls  
Tab S – Nereida Camacho  
Tab Z – Mary Joy

**Consent Agenda**

The Commission considered 45 applicants from the Consent Agenda; Commissioner DeNapoli moved; seconded by Commissioner Guju to approve 29 applicants and require 16 applicants to be placed on the Summary of Applicant Agenda; motion carried unanimously.

The following applicants were approved:

Abrams, Alan Scott	Arias, Charles A. II	Bauer, John
Bickel, Jonathan L.	Blanck, Kenneth	Bowie, Ryan
Bradford, Denise M.	Crihfield, Andrew K.	DaBau, Frederick
DeAngelis, Daniel F.	DeMarco, Thomas F.	Dimaggio, Juliette
Ellison, Vickie	Erdman, Ira H.	Hawker, Cliff F. III
Holmes, Steven C.	Hughes, Matthew A.	Johnson, Kelly L.
Jones, Michael Scott	Joubert, Todd M.	Knabe, Steven R.
Mayo, Valorie K.	Moncado, Orlando	Monday, Tiffany
Nolan, Anja P.	Razzak, Hassan M.	Roll, Derek Thomas
Ulibarri, Javier	Whitaker, Brian	

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

Arjona, Jose R.	Baxley, Wendle Olin	Brookins, Denetrya S.
Burdett, Todd C.	Butler, Michelle R.	Ferron, Michael C.
Griedel, Carrie L.	Giese, Jason	Gonzalez, Robert
Grolemund, Erick	Harris, Keswick J.	Meachum, Samantha
Monroe, Grant D.	Starling, J. Wesley	Ware, Raymond
Weingertner, Raymond F.		

The Commission received comments from the audience.

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:45 p.m.

### **November 18, 2009**

Chair Roger Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:50 a.m., in Orlando, on this 18th day of November, 2009.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Richard DeNapoli, Poul Hornsleth, Ralph McCoig, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O'Bryant Jr., Director; Juana Watkins, Deputy Director, James P. Harwood, Chief Attorney, Bradford Koshland, Bureau Chief of Enforcement, Denise Johnson, OMC II; Jeannie Adkinson, Regulatory Specialist III; Erich Scherer, Unlicensed Activity; Lori Crawford, Regulatory Supervisor/Consultant; American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

### **Summary of Applicants**

Denise Johnson, OMC II, presented 50 Summary of Applicants requesting to sit for the real estate examination.

Tab AD – Orozco, Carlos R. Jr. – present – Represented by Attorney Daniel Villazon; Commissioner Guju moved to approve, seconded by Commissioner Ruffier; motion carried unanimously.

Tab A – Acquafresca, Nicholas M. – present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab B – Ardila, Johnathan F. – present – Commissioner McCoig moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab C – Ayala Acosta, Wilbert; not present – Commissioner Ruffier moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab D – Bachus, Leigh A.; not present – Application withdrawn and waived 90-day requirement.

Tab E – Bingaman, Kevin Ray; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab F – Bingham, Donald B.; present – Commissioner Ruffier moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab G – Brodsky, Elaine J.; present – Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to approve; motion carried unanimously.

Tab H – Bustamonte, Mark A.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; vote 3 to 3. No action taken.

Tab I – Butler, Pricilla A.; not present – Commissioner McCoig moved; seconded by Vice-Chair DeNapoli to deny; motion carried unanimously.

Tab J – Cain, Vanessa F.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab K – Coto, Leticia; not present – Commissioner McCoig moved; seconded by Commissioner Hornsleth to deny; motion carried unanimously.

Tab L – Cuevas, Denis; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny; motion passed 5 to 1.

Tab M – Escarda, Ana M.; not present – Commissioner Hornsleth moved; seconded by Commissioner McCoig to approve; motion carried unanimously.

Tab N – Estell, Robert W. Jr.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab O – Estrada, Joseph J.; present – Commissioner McCoig moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously

Tab P – Harris, Michele G.; present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab Q – Herbst, Michelle R.; present – Commissioner Ruffier moved; seconded by Commissioner McCoig to approve; motion carried unanimously

Tab R – Howe, Jennifer A.; not present – Commissioner Hornsleth moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab S – Huynh, Tom H.; present – Commissioner McCoig moved; seconded by Commissioner Ruffier to deny; motion carried unanimously.

Tab T – Jackson, Larian A.; present – Commissioner McCoig moved; seconded by Commissioner Guju to deny; motion carried unanimously.

Tab U – Kemp, Jazzmine; present – Application withdrawn and waived 90-day requirement.

Tab V – Komskis, Rebecca L.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab W – McGraw, Guy P.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab X – Miller, Scott; present – Commissioner Hornsleth moved; seconded by Vice-Chair DeNapoli to approve; motion carried unanimously.

Tab Y – Miranda-Hazoury, Hector; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion passed 5 to 1.

Tab Z – Moreno, Erasmo W.; present – Commissioner Guju moved; seconded by Commissioner Hornsleth to deny; motion carried unanimously.

Tab AA – Mummah, Roger E. Jr.; present – Vice-Chair Enzor moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AB – Nichols, Jeana M.; present – Commissioner Guju moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab AC – Orlando, Joseph C.; present – Commissioner Guju moved; seconded by Vice-Chair DeNapoli to deny; motion carried unanimously.

Tab AE – Pettit, Carl R.; not present – Vice-Chair DeNapoli moved; seconded by Commissioner Guju to approve; motion passed 4 to 2.

Tab AF – Pinera, Dixidela; not present – Commissioner Hornsleth moved; seconded by Commissioner Ruffier to approve; motion passed 4 to 2.

Tab AG – Randa, Susie C.; present – Application withdrawn and waived 90-day requirement.

Tab AH – Roberts, Crystofer J.; present – Commissioner Ruffier moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab AI – Rodriguez, Christian; present – Vice-Chair DeNapoli moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab AJ – Rousseau, Suzette M.; present – Commissioner Ruffier moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AK – Smith, Christy S.; present – Commissioner Ruffier moved; seconded by Vice-Chair Enzor to approve; motion carried unanimously.

Tab AL – Smith, Rodney C.; present – Commissioner Hornsleth moved; seconded by Commissioner Guju to approve; motion carried unanimously.

Tab AM – Thaggard, Dwight E.; present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve; motion carried unanimously.

Tab AN – Truce, Nicole N.; present – Commissioner Hornsleth moved; seconded by Commissioner Ruffier to approve; motion carried unanimously.

Tab AO – Turner, Timothy D.; not present – Commissioner Ruffier moved; seconded by Commissioner Hornsleth to approve; motion carried unanimously.

Tab AP – Vickers, James; present – Commissioner Guju moved; seconded by Vice-Chair Enzor to approve; motion carried unanimously.

**Director**

Director O’Bryant reported that the department is in the final stages in completing the EZ apply project and the new forms are available online.

Director O’Bryant reminded the Commissioners that next month will be an intensive rule discussion meeting.

**Commission Remarks**

Chair Enzor wanted to thank the Commissioners for putting their faith in him as Chair. Commissioners commended Chair Enzor and Vice-Chair DeNapoli for conducting a smooth meeting.

**Public Comments**

Commissioners received comments from the audience.

**Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 15 and 16, 2009, in Orlando, Florida.

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Roger Enzor, Chair  
Florida Real Estate Commission

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Thomas W. O’Bryant, Jr.,  
Executive Director  
Florida Real Estate Commission