Minutes of
THE FLORIDA REAL ESTATE COMMISSION
January 15 and 16, 2013
General Meeting

Chair Chip Boring called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 15th day of January, 2013.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Christina Arzillo, Joshua Kendrick, Leigh Matchett, Lauren Roderick, Jaime Royal and Joseph Solla, Assistant General Counsels; (Ms. Arzillo, Mr. Kendrick, Ms. Matchett and Ms. Royal, appeared via video conference); Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the Minutes of the December 11 and 12, 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 presented the report regarding Complaint Trends and Escrow Audit Summary. Director Watkins and Ms. Kimmig addressed questions and comments from the Commission. Vice-Chair Enzor stated he was pleased to see the significant increase of audits the department is conducting.

The Commission discussed the issue of deposits not held by a broker in an escrow account or by a title company or attorney and what the department’s recourse was. Mr. Solla provided comments relating to the issue. The Commission also received comments from Mr. Dick Fryer, IFREC and Linda Crawford, Dearborn. Director Watkins addressed the Commission’s questions and concerns.
Monthly Exam Performance Summary Report

Director Watkins presented the monthly and annual Exam Performance Summary Reports and addressed comments from the Commission.

Rules Report

FREC Counsel Barnhart reported on the status of pending rules.

Report Regarding Legal Case Activity

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 20 Escrow Disbursement Orders and 4 Orders for the Commission’s consideration. Commissioner Hornsleth moved to accept the 20 Escrow Disbursement Orders and 4 Orders. Commissioner Furst seconded the motion. The motion passed without dissent.

Recovery Fund Claims

Tab A – Mary Riley v. Joseph Salkowski, DBPR Case No. 2011034795

There were no appearances by either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of $12,500.00. Commissioner Furst seconded the motion. The motion passed without dissent.

Tab B – Scott Taylor v. Karen Yeary, DBPR Case No. 2011027193

There were no appearances by either party. Assistant General Counsel Solla presented this matter to the Commission. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of $1,250.00. Commissioner DeNepoli seconded the motion. The motion passed without dissent.

Legal Final Order Docket

Tab M – Sara Del Rocio Davalos, SL 3052470, Case No. 2011005450 – Settlement Stipulation

Respondent was present and represented by Daniel Villazon, Esquire, also present. No current members were recused due to participation on the probable cause panel.

Ms. Arzillo represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed without dissent.

Minutes prepared by L. Crawford
**Penalty imposed:** Suspension 60 days; $1,000.00 fine; investigative costs; shall attend a 45-hour post licensure course and an ethics course; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when Respondent fraudulently signed a Contract for Sale in the name of Buyers or concealed from Buyers that Respondent signed the Contract for Sale in the name of Buyers.

**Action taken:** Settlement Stipulation accepted.

**Tab O – Dean Alan Isenberg, SL 705446, Case No. 2010000852 – Settlement Stipulation**

Respondent was not present and was represented by Daniel Villazon, Esquire, present. Chair Boring and Commissioner Hornsleth were recused due to participation on the probable cause panel.

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Furst to accept the Stipulated Settlement dismissing Count II of the Administrative Complaint. The motion passed without dissent.

**Penalty imposed:** $500.00 fine; investigative costs; shall attend a 45-hour post licensure course and an ethics course; shall attend one 2-day FREC general meeting. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent entered a plea of nolo contendere to four counts of misdemeanor Stalking.

**Action taken:** Settlement Stipulation accepted.

**Tab Q – Mary D’Nette Allen, SL 3183760, Case No. 2010015024 – Respondent’s Petition to Set Aside Final Order**

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion passed without dissent to continue the matter until February 19, 2013.

**Action Taken:** Case continued.

**Tab J – Christina Nichole Stevens, SL 3223029, Case No. 2012000265 – Respondent’s Request for an Informal Hearing**

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

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

**Action Taken:** $500.00; investigative costs; must complete an ethics course; attend one 2-day FREC meeting. **Violation(s):** Sections 475.25(1)(f) and (1)(p), Florida Statutes (2011).
Tab E – Marla P. Garcia, BK 3101824, Case No. 2011018111 – Respondent’s Request for an Informal Hearing

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

**Action Taken:** $1,000.00; investigative costs; attend one 2-day FREC meeting; 12 months probation.

**Violation:** Section 455.227(1)(j), Florida Statutes, by assisting an unlicensed individual engage in the licensed profession of real estate.

Tab P – Tami M. McDowell, SL 3192466, Case No. 2010030813 – Settlement Stipulation

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

Ms. Matchett represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to accept the Stipulated Settlement. The motion passed 4 to 1.

**Penalty imposed:** Suspension for 90 days; investigative costs; shall complete an ethics course; shall attend two 2-day FREC general meetings. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of nolo contendere and being adjudicated guilty of Grand Theft, Depositing items with the intent to defraud and Petit Theft; Sections 455.227(1)(t) and 475.25(1)(p), Florida Statutes, by failing to inform the Commission in writing within 30 days after pleading nolo contendere and being adjudicated guilty of Grand Theft, Depositing items with the intent to defraud and Petit Theft in case number 2009CF1378A and being adjudicated guilty of Passing Worthless Bank Checks in case number 2009DR1619A.

**Action taken:** Settlement Stipulation accepted.

Tab U – Clifford L. Esterson, SL 25322, Case No. 2010023307 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor; motion passed without dissent to grant an extension until July 31, 2013, to comply with the terms of the Final Order filed April 23, 2009, Case No. 2008036959 and Final Order filed March 13, 2011, Case No. 2008020297. Therefore, the Administrative Complaint in case number 2010023307 is now moot and the case is dismissed.

**Action taken:** Extension granted to comply with previous Final Orders and Case No. 2010023307 is dismissed.
**General Session continued**

**Special Agenda**

Director Watkins presented correspondence received from Michael R. Rocha, Esquire, requesting the Florida Real Estate Commission allow the licensed real estate sales associates employed by an “owner/developer” would qualify as the 24-month experience requirement to become a licensed real estate broker under Section 475.17(2)(b)1, Florida Statutes. The consensus of several Commissioners was that employment by an owner/developer would not qualify toward the 24-month experience requirement.

**Legal Docket continued**

**Tab A – Elizabeth Baldwin, SL 544431, Case No. 2012012848 – Respondent’s Request for an Informal Hearing**

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

Ms. Matchett represented the department and presented the case to the Commission. The Respondent requested a continuance. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Furst to continue the matter until February 19, 2013. The motion passed without dissent.

**Action Taken:** Case continued until February 19, 2013.

**Tabs B and C – Terrence L. Boatman, SL 3131371, Case Nos. 2012040247 and 2012028868 – Voluntary Relinquishment of License**

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

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

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

**Tab F – Richard C. Koskey, SL 3154794, Case No. 2010055888 – Respondent’s Request for an Informal Hearing**

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

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

**Action Taken:** Suspension for 5 years; $1,000.00; investigative costs; attend two 2-day FREC meetings; 28-hour reactivation course; 5 years probation. **Violation:** Sections 455.227(1)(f) and 475.25(1)(s), Florida Statutes, when Respondent was disbarred as an attorney in the State of Florida.

Minutes prepared by L. Crawford
Tab G – Matthew J. Robinson, SL 3134287, Case No. 2012030648 – Respondent’s Request for an Informal Hearing

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent 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:

Action Taken: Revocation; investigative costs. Violation: Section 475.25(1)(f), Florida Statutes (2011), when Respondent pled no contest to unarmed burglary of an unoccupied structure; grand theft greater than $300.00 but less than $5,000.00; and possession of burglary tools with intent to use.

Tabs H and I – John D. Schmidt – BK 3055460, Case Nos. 2010051179 and 2011047985 – Voluntary Relinquishment of License

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

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab K – Joshua S. Unger, SL 3116319, Case No. 2012018027 – Petitioner’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

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

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

Penalty imposed: Revocation; investigative costs. Violation(s): Section 455.277(1)(t), Florida Statutes (2011), and therefore Section 475.25(1)(a), Florida Statutes (2011), when he failed to timely self-report to Petitioner of having been found guilty of driving under the influence, a misdemeanor.

Tab L – James G. Kops; SL 552731, Case No. 2010014226 – Respondent’s Request for Reconsideration

Respondent was not present and not represented by counsel. Vice-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 entered into discussion. Commissioner Podolsky moved; seconded by Commissioner DeNapoli to deny the Respondent’s Request for Reconsideration; motion passed without dissent.

**Action Taken:** Reconsideration denied.

**Tab N – Yvonne Hawley, BK 658388, Case No. 2008049800 – Settlement Stipulation**

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

Mr. Cunningham represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Enzer moved; seconded by Commissioner Podolsky to accept the Stipulated Settlement. The motion passed without dissent.

**Penalty imposed:** Suspension for 1 year; $250.00 fine; investigative costs. **Violation(s):** Section 455.275, Florida Statutes, and Rule 61J2-10.038, Florida Administrative Code, when Respondent failed to notify the DBPR of her current mailing address within 10 days after the change of address; Section 475.180(2)(b), Florida Statutes, when Respondent failed to notify the FREC within 60 days of her change in residency; Section 475.42(1)(i), Florida Statutes, when Respondent failed to preserve the business records of her brokerage for a time period of five years from the date of receipt of any money or the execution by any party of any listing agreement.

**Action taken:** Settlement Stipulation accepted.

**Tab R – Anthony L. Arone, SL 505204, Case No. 2009031497 – Respondent’s Motion for Finding of Waiver and Enter a Final Order**

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

**Penalty imposed:** Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order issued under the provision of Chapter 455 or 475, Florida Statutes.

**Tab S – Jeffrey Richard Bauer, BK 3065716, Case No. 2011040660 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order**

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

Mr. Cunningham represented the department and presented the case to the Commission. Mr. Cunningham notified the Commission of a scrivener’s error contained in the Administrative Complaint relating to the statute reference, which should have read Section 455.227(1)(t), Florida Statutes. The Commission granted the waiver hearing and entered into discussion. Commissioner Podolsky moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint.
as orally amended. Commissioner Furst moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

**Penalty imposed:** $1,000.00; investigative costs; attend one 2-day FREC meeting; 6 months probation. 
**Violation(s):** Section 455.227(1)(l), Florida Statutes, when Respondent failed to notify the Commission in writing of his nolo contendere plea within 30 days.

**Tab T – Michael Carleton, SL 3068971, Case No. 2011049896 – 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.

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

**Penalty imposed:** Suspension for 1 year; $1,500.00; investigative costs; attend two 2-day FREC meetings; 1 year probation. **Violation(s):** Section 475.25(1)(k), Florida Statutes by failing to place an escrow deposit with his registered employer; Section 475.25(1)(b), Florida Statutes, by dishonest dealings and or breach of trust in Respondent’s business transaction with Mr. Smith by collecting an escrow deposit but not properly depositing or accounting for the escrow deposit received, failing to return the escrow deposit to Mr. Smith upon demand, and by failing without legal justification to return the escrow deposit in a timely manner; Section 475.42(1)(h), Florida Statutes, by obstructing or hindering an investigation by failing to provide the Department with documentation confirming if and when owed escrow monies were returned to the person entitled to escrow deposit.

**Tab V – Kimberly Ann Fleak, SL 691841, Case No. 2011038615 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order**

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the 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(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to comply with a lawful order issued under the provision of Chapter 455 or 475, Florida Statutes.

**Tab W – Samantha F. Persaud, SL 3111214, Case No. 2011035526 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order**

Respondent was not present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.
Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

**Penalty imposed:** Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled nolo contendere to one count of grand theft in the second degree, because it directly relates to the activities of a licensed broker or sales associate or is a crime involving moral turpitude; Section 475.25(1)(p), Florida Statutes, when Respondent failed to timely notify Petitioner of her plea of nolo contendere to a felony.

**Tab X – Mark Richmond, BK 654194, Case No. 2011036211 – 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 Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

**Penalty imposed:** $1,000.00; investigative costs; attend two 2-day FREC meetings; 6 months probation. **Violation(s):** Section 455.227(1)(f), Florida Statutes, by failing to inform the Commission in writing within 30 days after being adjudged guilty of DUI, thereby violating Section 475.25(1)(e), Florida Statutes.

**Tab Y – Mary Ann Verdi, BK 3008396, Case No. 2010008480 – 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 Podolsky moved, seconded by Vice-Chair Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

**Penalty imposed:** Revocation; investigative costs. **Violation(s):** Section 475.42(1)(a), Florida Statutes when Respondent, without a valid license, negotiated a sale and purchase contract for the Subject Property.

**Cases Continued or Withdrawn**

Tab A – Elizabeth Baldwin, Case No. 2012012848
Tab D – Daniel Corbin, Case No. 2011032967
Tab Q – Mary D’Nette Allen, Case No. 2010015024
General Session

Review and Consideration of the Real Estate Continuing Education Courses

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

ASFMRA 84rd Annual convention – Day 1 – New Course (Broker post-licensure) – Application No. 17467 – Deanna Ilk, American Society of Farm Managers and Rural Appraisers, Inc.

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

ASFMRA 84rd Annual convention – Day 2 – New Course (Broker post-licensure) – Application No. 17467 – Deanna Ilk, American Society of Farm Managers and Rural Appraisers, Inc.

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

The Commission received comments from Mr. Richard Fryer, IFREC, stated that the statute both sales and broker posts have to be in 15-hour modules and in his opinion the Commission should not have to review the courses that do not meet the criteria of the statute. The Commission gave the authority to the department not to bring before them courses which do not meet the minimum criteria required by statute.

Consent Agendas

Agenda A

The Commission considered 164 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 122 applicants and require 42 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

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Minutes prepared by L. Crawford
Brown, Jennifer  Hunter, Kristen  Soto, Eduardo
Cannon, Amy  Jacalone, Marc Jr.  Spells, Tyesha
Carey, Nicholas  Jones, Joseph  Stallings, Donald
Carr, Gerald  Kara, Gaiting  Stumpfig, Paul
Castro, Alexander  Kennedy, Scott  Summerow, Timothy
Cedeno, Fernando  Kinkel, Daniel  Summer, Carole
Chite, Carl II  Kruszewski, Brian  Swinton, Dennis
Clapp, Therese  Leatherman, Michael  Taveras, Jose
Clark, Jon  Lombardi, Daniel  Valenti, Durant
Colazo, Alessandra  Lopez Mederos, Pedro  Veigel, Pauline
Corcoran, Mary  Loredo, Daniel  Vogel, Victor
Craig, Jason  Lucas, Candi  Walters, Joanne
Crawford, George  Meadows, Elliot  Webb, John
Crowers, Matthew  Mendez, Peter  Wellon Dames, Oletha
Custer, Carl  Metz, Craig Jr.  Whaley, Gregory II
Day, Catherine  Miller, Sandra  Whipple, Sharon
Dickenson, Ryan  Ospina, Richard  Williams, Thomas
Driggers, Dwayne  Pavlov, Alexander  Wilson, Derrick Jr.
Edmonds, John  Pettway, Soney Jr.  Wilson, Richard
Egeli, Ali  Pici, Thomas  Winston, Debra
Fanelli, Gina  Poag, Angela  Winters, Lance
Fenty, Dennis  Pugatch, Angela  Wolf, Neal
Fiori, Eric  Pulte, Michael  Wray, Willard III
Flickinger, Bruce Jr.  Ramey, David  Zimmerman, Nicholas
Galterio, Alison

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

Abbott, Mitchell  Gonzalez, Jesenia  McMillan, Seneca
Aleman, Christopher  Griffiths, Casey  Montalvo, Jason
Burgos, Edwin Jr.  Hammad, Carolyn  Monzon, Jorge
Cardella, Armando  Henion, Karli  Petrovski, Michael
Catalano, Jeffrey  Hepburn, Kwahtm  Potts, Gregory
Cordoba, Karol  Hussain, Syed Hasnat  Powers, Lisa
Davison, Catherine  Kattan, Carlos  Reeves, Kenneth
Debord, Randall  Lautan, Ricky  Regan, Erin
Desenclos, Joakim  Lewis, Stephen  Rizo, Gersson
DiPaula, Joseph Jr.  Londono, Jose  Rosenbloom, Shannon
Ewer, Lisa  Lonsdale, Eduardo  Seltzer, Lucas
Feinsod, Mitchell  Makoczy, Gregory  Shlafshteyn, Alexander
Galvez, Maria  Martinez, Richard  Stewart, Joe
Georgeoson, Alan  Martinez, Robert  Tubbs, Jason

Agenda B

The Commission considered 2 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commission Podolsky to approve 1 applicant and require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant was approved:

Channey, Christopher
The following applicant will be placed on the next available Summary of Applicant agenda:

Sundborg, Julie

Agenda C

The Commission considered 1 applicant from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commission Podolsky to require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

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

Benedetto, Gabriela

Public Comments

Applicant/Respondent Jesenia Gonzalez requested to address the Commission relating to her public case. Ms. Pomales stated that she was on the Consent Agenda and that the Commission requested that she appear before them relating to her broker application. Ms. Gonzalez stated that she received a Notice of Hearing for January 15, 2013. Ms. Gonzalez further stated that she traveled from Miami and wished to provide her testimony relating to the public case as to the charges she disclosed. Upon conclusion of Ms. Gonzalez’s testimony, the Commission entered into discussion. Ms. Gonzalez waived the ninety-day requirement and continued her application for a real estate broker license until the legal case is resolved. The Commission granted a telephonic appearance to Ms. Gonzalez to provide her testimony at the February 18, 2013, FREC meeting.

There being no further business and no objection, the Chair recessed the meeting at approximately 1:30 p.m. until 8:30 a.m. tomorrow.

January 16, 2013

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16th day of January, 2013.

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

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 29 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Austin Rattet, present and was represented by Lawrence Livoti, Esquire, also present – informal hearing – The Commission entered into discussion. The applicant withdrew the request for an informal
hearing, waived the 90-day requirement and withdrew the application. Commission Podolsky moved; seconded by Vice-Chair Enzor to vacate the Notice of Intent to Deny the Commission previously entered regarding the application for sales associate; the motion passed without dissent.

Tab R – Michael Gonzalez, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab B – Wesley T. Tyner, not present; represented by Daniel Villazon, Esquire, present – informal hearing – The Commission entered into discussion. Commission Hornsleth moved; seconded by Commissioner Podolsky to continue the matter until March 20, 2013; the motion passed without dissent.

Tab E – Richard Bauer, not present; represented by Daniel Villazon, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Tab J – Jonathan Chrisqui, not present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab T – Andrew J. Huth, present and was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab X – Marcel Leferink, present and was represented by Daniel Villazon, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab F – Jason Beatty, present – Applicant withdrew the application and waived the 90-day requirement.

Tab G – Vojtech Bosek, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab H – Theodore J. Castro, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab I – Souksavnh Chanthaboury, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5 to 1.

Tab M – Leon L. Cruz, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed 5 to 1.

Tab N – Leesa D. Culver, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

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

Tab V – Gena L. Jones, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab Z – Scott McClain, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
Tab AC – William F. Struck, present – Commissioner Furst moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab AA – William W. Richardson, present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab Y – Winston Louis, present – Applicant withdrew the application and waived the 90-day requirement.

Tab C – Steven A. Wright, not present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commission Podolsky moved; seconded by Commissioner DeNapoli 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 D – Leslie Arouh, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab K – Gilbert Cortes, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab L – Alyssa P. Crocker, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab P – Anthony M. Fiorio, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab Q – Joseph A. Gavagni, not present; represented by Nancy Campiglia, Esquire, not present – Applicant requested a continuance until February and waived the 90-day requirement.

Tab S – Cynthia Grining, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab U – Selma J. Johnson, not present – Commissioner Furst moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab W – Fulton C. Kemph, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AB – Alexander A. Sena, not present – Commissioner DeNapoli moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

**Special Agenda**

**FREC Review and Consideration of Experience Eligibility for Taking the Florida Real Estate Broker License Exam Regarding Applicant Laticia Plaza**

Director Watkins presented Applicant Laticia Plaza’s letter and background information to the Commission and stated that the division was unable to determine whether Ms. Plaza’s real estate license in the Guayas Province of Ecuador, South America was regulated and whether the real estate experience qualified her for a broker’s license. The Commission entered into discussion. The Commission recognized that Ms. Laticia’s experience qualifies her to apply for a real estate broker license.
**Director's Comments**

Director Watkins thanked the Commission for a successful meeting.

**Commission Remarks**

The Commissioners thanked the staff for their assistance and diligent work.

**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 11:20 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for February 19 and 20, 2013, in Orlando, Florida.

Chip Boring, Chair  
Florida Real Estate Commission

Juanita Watkins, Director  
Florida Real Estate Commission