

Ken Lawson, Secretary

Rick Scott, Governor

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

Chair Claude “Chip” Boring, III, 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 October, 2013.

The following Commission members were in attendance: Chair Claude “Chip” Boring, III, 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; Josh Kendrick and Jennifer Blakeman, Assistant General Counsels; Sean Anderson, Christine Arzillo, Daniel Brackett, Al Cheneler, Daniel David and Anne Prescott, Assistant General Counsels appeared via video conference; Sara Kimmig, Bureau Chief of Enforcement; Jenny Schwartz, ULA Supervisor; Jocelyn Pomales, Operation Management Consultant II; 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

The Commission deferred the approval of the minutes until tomorrow.

Reports

Monthly Exam Performance Summary Report

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

Unlicensed Activity Report

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

Report Regarding Enforcement Trends and Escrow Audits

Bureau Chief Kimmig presented the report regarding Complaint Trends and Escrow Audit Summary. Ms. Kimmig addressed questions and comments from the Commission.

Rules Report

FREC Counsel Barnhart provided a rule report and stated that currently no rules are pending. Director Watkins reported that the department is considering drafting a department rule for all professions in cooperation with Legislative Affairs and the Assistant Attorney General's Office relating to groups speaking at a public assembly. Mr. Barnhart and Ms. Watkins addressed questions and comments from the Commission.

The Commission received a comment from Mr. Dick Fryer, IFREC Real Estate Schools. Mr. Fryer suggested that as a result to the repeal of the irrevocable consent for out-of-state licensees, that perhaps the Commission or division may want to consider a statutory change for inclusion in the next Legislative package to address the change of mailing address for out-of-state licensees.

Report Regarding Legal Case Activity

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

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Al Cheneler presented 5 Escrow Disbursement Orders for the Commission's consideration. Vice-Chair Enzor recused himself for Tabs A and B. Commissioner Hornsleth moved to accept the Escrow Disbursement Orders for Tabs A and B. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Commissioner Hornsleth moved to accept the Escrow Disbursement Orders for Tabs C through E. Commissioner Furst seconded the motion. The motion passed without dissent.

Recovery Fund Case

Tab A – Mark Haddad v. Kimberly Tara Henry, DBPR Case No. 2013006282

Assistant General Counsel Arzillo presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Ms. Arzillo advised that the Claimant does not qualify statutorily to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Podolsky moved to approve the order denying the claim in the amount. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab B – Sadao and Reido Maeda v. Ricko Niizato, DBPR Case No. 2012035848

Case continued.

Legal Agenda Schedule

Tab O – Mounir Albert El Beyrouty, BK 5969369, Case No. 2012009106 – Recommended Order with Respondent’s Exceptions

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

Mr. Kendrick represented the Department and presented the case to the Commission. Mr. Robbins filed Exceptions to the Administrative Law Judge’s Conclusions of Law in the Recommended Order. Mr. Kendrick filed a response to Respondent’s Exceptions to the Recommended Order. Mr. Robbins presented Exception 1 - 4. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Furst; motion without dissent to adopt the Administrative Law Judge’s Findings of Fact and Conclusions of Law and impose the following sanctions:

Action taken: Suspension for 1 year; \$2,000.00; 3 years probation; attend 2 complete FREC general meetings; complete 30 hours broker education. **Violation:** Section 475.25(1)(d), Florida Statutes, when Respondent failed to deliver rental proceeds from the Covington Property to Covington; Section 475.25(1)(b), Florida Statutes, by being guilty of misrepresentation, concealment, false promises, or breach of trust in any business transaction; Section 475.25 (1)(k), Florida Statutes, when Respondent failed to place security and/or escrow funds into an escrow account; Section 475.25(1)(e), Florida Statutes by violating Rule 61J2-14.012(2), Florida Administrative Code, when Respondent failed to prepare monthly written reconciliations of his trust account(s).

Tab D – Daniel A. Corbin, BK 699562, Case No. 2011032967 – Petitioner’s Motion for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was represented by Michael O’Brien, Esquire, present. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Mr. David 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 Hornsleth; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Commissioner Hornsleth; motion passed 4 to 1 to impose the following sanctions:

Action taken: Suspension for 5 years. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty in the United States District Court, Southern District of New York of securities fraud and conspiracy to commit securities fraud; Section 475.25(1)(p), Florida Statutes, when he failed to inform the Commission in writing within 30 days after pleading guilty to securities fraud and conspiracy to commit securities fraud.

Tab B – Jaswant S. Bhatti, BK 381015, Case No. 2012033494 – Respondent’s Request for an Informal Hearing

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

Ms. Wright 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 Enzor; motion carried unanimously to find the Respondent guilty as charged in the Administrative

Complaint. Commissioner Furst moved, seconded by Chair Boring; motion passed without dissent to impose the following sanctions

Action taken: Suspension for 30 days, investigative costs; probation for 6 months; 4-hour broker management course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), by depositing Buyer's funds into his operating account and by failing to immediately place buyer's check into an institution or account holding trust powers; Section 475.25(1)(d)1, Florida Statutes, by failing to return Buyer's deposit in accordance with the terms of the Escrow Disbursement Order (EDO) and by returning only \$4,500 of Buyer's \$5,000 deposit as was ordered by the EDO; Section 455.227(1)(q), Florida Statutes, by failing to disburse funds in accordance with the terms of the EDO.

Tab Q – Oscar Chapa, BK 3233246, Case No. 2012039883 – Settlement Stipulation

Respondent was not present; Respondent was represented by Steven W. Johnson, Esquire, present. Commissioner Furst was recused due to participation on the probable cause panel.

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

Penalty imposed: \$500.00 fine; investigative costs; \$540.00 restitution; 30-hour Broker Post Management Course. **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, deposit, check, draft; Section 475.25(1)(b), Florida Statutes, by failing to return Tenant's escrow deposit on time; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), F.A.C., when he failed to immediately deposit Tenant's check into an escrow or trust account; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-5.019(1), F.A.C., when he failed to make sure his Corporation had a current active license.

Action taken: Settlement Stipulation accepted.

Tab J – Michael J. Padova, SL 3129553, Case No. 20120117017 – Petitioner's Motion for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present. Respondent was represented by James Harwood, Esquire, present. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Brackett represented the department. Mr. Harwood requested a continuance until November 19, 2013. Mr. Brackett requested to grant the informal hearing and defer the penalty phase until November 19, 2013. The Commission granted the informal 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 to defer the penalty phase until November 19, 2013.

Action taken: Found guilty as charged in the Administrative Complaint; penalty phase deferred until November 2013.

Tab V – Amy S. Wagner, BK 680959, Case No. 2011029076 – Settlement Stipulation

Respondent was not present; Respondent was represented by James Harwood, Esquire, present. 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 entered into discussion. Commissioner Furst moved; seconded by Commissioner DeNapoli to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: Investigative costs; attend 8 complete FREC general meetings within 3 years.
Violation(s): Section 475.25(1)(g), Florida Statutes, when Respondent's Pennsylvania real estate license was suspended for 5 years.

Action taken: Settlement Stipulation accepted.

Tab K – Scott Schuhriemen, SL 3215078, Case No. 2012048664 – Respondent's Request for an Informal Hearing

Respondent was present and was represented by Daniel Villazon, Esquire, also present. Vice-Chair Enzor was recused due to participation on the probable cause panel.

Mr. Anderson 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 Chair Boring; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Furst; motion passed 3 to 2 to impose the following sanctions:

Action taken: Suspension for 60 days; investigative costs; probation for 2 years; shall speak to 10 real estate pre-licensing classes about how he became involved with activities that led to criminal charges being filed against him. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2012), when Respondent pled guilty to and was adjudicated guilty of one count of Conspiracy to Commit Mortgage Fraud.

Tab P – Cynthia L. Carrera, SL 3087737, Case No. 2011056536 – Settlement Stipulation

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

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

Penalty imposed: \$1,000.00 fine; investigative costs. **Violation(s):** Section 472.25(1)(f), Florida Statutes, when Respondent pled guilty to a charge of grand theft, a crime involving fraudulent or dishonest dealing.

Action taken: Settlement Stipulation accepted.

Tab S – Elliot M. Paul, BK 58644, Case No. 2012026798 – Settlement Stipulation

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Chair Boring to accept the Stipulated Settlement. The motion passed 4 to 1.

Penalty imposed: \$1,000.00 fine; investigative costs; 2 complete FREC general meetings; classroom attendance to a 3-hour ethics class. **Violation(s):** Section 475.25(1)(m), Florida Statutes, by failing to disclose on his application for licensure that, on or about October 4, 1989, Respondent was disbarred by consent from the practice of law in the state of Illinois.

Action taken: Settlement Stipulation accepted.

Tab R – Carl H. Charles, BK 3136903, Case No. 2011025302 – Settlement Stipulation

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

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

Penalty imposed: \$1,000.00 fine; investigative costs; attend 1 complete FREC general meeting; classroom attendance to a 4-hour ethics course. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when he failed to immediately place escrow funds entrusted to him in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state; Section 475.25(1)(k), Florida Statutes, when he failed to immediately place escrow funds entrusted to him with a bank, savings and loan association, trust company, credit union or title company having trust powers, in an insured escrow or trust account.

Action taken: Settlement Stipulation accepted.

Tab T – Corey Mark Sclar, BK 3000986, Case No. 2011060062 – Settlement Stipulation

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

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

Penalty imposed: \$1,000.00 fine; investigative costs; attend 1 complete FREC general meeting; complete an escrow course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010(1), Florida Administrative Code, when he failed to immediately deposit Buyer's check into an escrow or trust account.

Action taken: Settlement Stipulation accepted.

Tab I – Michael E. Murray, BK 302980, Case No. 2012038980 – Petitioner's Motion for Final Order

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

Mr. Kendrick represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed 4 to 1 to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action taken: Investigative costs; 90 days probation; complete a 28-hour reactivation course. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2012), when Respondent pled guilty to and was adjudicated guilty of felony tax evasion.

Tab C – Jorge A. Calvo, BK 3069819, Case No. 2012041040 – Respondent’s Request for an Informal Hearing

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

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

Action taken: Investigative costs; 6 months probation; attend 1 complete FREC general meeting; complete an escrow management course. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by misrepresenting that \$5,450.00 was being held in escrow for Lindsay Bohman on May 1, 2012 when the \$5,450.00 was not received until May 4, 2012; Section 475.25(1)(e) and Rule 61J2-14.010 by not immediately placing funds received into an escrow or trust account.

Tab F – Equitable Company Realtors, CQ 1027610, Case No. 2012041042 – Respondent’s Request for an Informal Hearing

Broker, Jorge Calvo appeared on behalf of Respondent; Respondent was not represented by counsel. Commissioner DeNapoli was recused due to participation on the probable cause panel.

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

Action taken: Investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by misrepresenting that \$5,450.00 was being held in escrow for Lindsay Bohman on May 1, 2012 when the \$5,450.00 was not received until May 4, 2012; Section 475.25(1)(e) and Rule 61J2-14.010 by not immediately placing funds received into an escrow or trust account.

Tab L – Cheryl Diane Ward, BK 3221743, Case No. 2012023894 – Respondent’s Request for an Informal Hearing

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Vice-Chair Enzor moved, seconded by Commissioner Furst; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. After hearing compelling mitigation, Vice-Chair Enzor moved, seconded by Commissioner Furst; motion passed without dissent to impose the following sanctions:

Action taken: Investigative costs. **Violation(s):** Section 475.25 (1)(s), Florida Statutes (2010), when Respondent had her Arkansas broker's license revoked.

Tab AD – Bryan Frazier Owens, SL 3251397, Case No. 2012046960 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Mr. Cheneler represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Enzor; motion 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: Revocation; investigative costs. **Violation(s):** Section 455.227(1)(a), Florida Statutes, when Respondent misrepresented to the Listing Agent that he was tendering the amount of \$1,312.00 when he knew that said funds were not delivered to his employer and were not being tendered from his employer; by misrepresenting said funds were available; and by misrepresenting the Sorrells and Power Agency was licensed; Section 475.227(1)(j), Florida Statutes, when Respondent delivered said deposit funds to Sorrells and power Agency; by misrepresenting to the Listing Agent that Sorrells and Power Agency had authority to disburse the deposit funds to the Listing Agent; Section 455.227(1)(m), by making deceptive, untrue, or fraudulent representations related to the practice of real estate; Section 475.25(1)(b), Florida Statutes, by committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust in a business transaction; Section 475.25(1)(d)1, Florida Statutes, by failing to account for 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 deliver, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document of thing of value; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Complaint, by failing to deliver said escrow deposit to Respondent's employer; Section 475.25(1)(k), Florida Statutes, by failing to place any money to be escrowed with their registered employer; Sections 475.42(1)(b) and 475.25(1)(e), Florida Statutes, by operating as a broker when licensed as a sales associate; Section 475.42(1)(d), Florida Statutes, by failing to place any money to be escrow with their registered employer.

Tab AE – Bryan Frazier Owens, SL 3251397, Case No. 2013005209 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Mr. Cheneler 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 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: Revocation; investigative costs. **Violation(s):** Section 455.227(1)(a), Florida Statutes, when Respondent misrepresented to the Listing Agent that he was tendering the amount of \$1,312.00 when he knew that said funds were not delivered to his employer and were not being tendered from his employer; by misrepresenting said funds were available; and by misrepresenting the Sorrells and Power Agency was licensed; Section 475.227(1)(j), Florida Statutes, when Respondent delivered said deposit funds to Sorrells and power Agency; by misrepresenting to the Listing Agent that Sorrells and Power Agency had authority to disburse the deposit funds to the Listing Agent; Section 455.227(1)(m), by making deceptive, untrue, or fraudulent representations related to the practice of real estate; Section 475.25(1)(b), Florida Statutes, by committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust in a business transaction; Section 475.25(1)(d)1, Florida Statutes, by failing to account for 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 deliver, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document of thing of value; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Complaint, by failing to deliver said escrow deposit to Respondent's employer; Section 475.25(1)(k), Florida Statutes, by failing to place any money to be escrowed with their registered employer; Sections 475.42(1)(b) and 475.25(1)(e), Florida Statutes, by operating as a broker when licensed as a sales associate; Section 475.42(1)(d), Florida Statutes, by failing to place any money to be escrow with their registered employer.

Tab AF – Bryan Frazier Owens, SL 3251397, Case No. 2013007409 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Mr. Cheneler 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 Podolsky; motion passed without dissent 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:

Action Taken: Revocation; investigative costs. **Violation(s):** Section 455.227(1)(a), Florida Statutes, when Respondent misrepresented to the Listing Agent that he was tendering the amount of \$1,312.00 when he knew that said funds were not delivered to his employer and were not being tendered from his employer; by misrepresenting said funds were available; and by misrepresenting the Sorrells and Power Agency was licensed; Section 475.227(1)(j), Florida Statutes, when Respondent delivered said deposit funds to Sorrells and power Agency; by misrepresenting to the Listing Agent that Sorrells and Power Agency had authority to disburse the deposit funds to the Listing Agent; Section 455.227(1)(m), by making deceptive, untrue, or fraudulent representations related to the practice of real estate; Section 475.25(1)(b), Florida Statutes, by committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust in a business transaction; Section 475.25(1)(d)1, Florida Statutes, by failing to account for 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 deliver, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document of thing of value; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Complaint, by failing to deliver said escrow deposit to Respondent's employer; Section 475.25(1)(k), Florida

Statutes, by failing to place any money to be escrowed with their registered employer; Sections 475.42(1)(b) and 475.25(1)(e), Florida Statutes, by operating as a broker when licensed as a sales associate; Section 475.42(1)(d), Florida Statutes, by failing to place any money to be escrow with their registered employer.

General Business continued

Petition for Waiver of Rule 61J2-10.034, Florida Administrative Code

Deputy Director Johnson presented the petition received from Charles L. Cooper, Jr., Esquire on behalf of Tallahassee Land Management, Inc. Mr. Charles L. Cooper, Jr., Esquire, Tallahassee Office (via phone) and Ms. Misty Taylor, Esquire, Orlando Office, appeared on behalf of Bryant, Miller, Olive, P.A. Mr. Cooper provided a summary of the petition and provided a copy of an agreement outlining the nature of the affiliation between the entities to address any concerns of the Commissioners. The Commission entered into discussion. Commissioner Podolsky moved to grant the Petition for Variance or Waiver upon condition that only commercial properties and transactions are undertaken by the entities and the waiver or variance is limited in duration to the agreement as presented; Commissioner Furst seconded the motion. The motion passed without dissent.

Legal Agenda Schedule continued

Tab A – Jeffrey Todd Berghorn, SL 3210437, Case No. 2011014348 – Respondent’s Request for an Informal Hearing

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

Action taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent pled guilty to Making Material False Statements.

Tab E – Barbara M. Diaz, BK 3147709, Case No. 2012029008 – Respondent’s Request for an Informal Hearing

Case continued.

Tab G – Glenn Michael Humphreys, SL 670912, Case No. 2013023621 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present and was not represented by counsel. 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. Vice-Chair Enzor moved, seconded by Commissioner DeNapoli to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab H – Deborah L. Isley, SL 3220948, Case No. 2013034770 – Voluntary Relinquishment of License for Permanent Revocation

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

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

Action taken: Accepted Relinquishment of License for Permanent Revocation.

Tab M – Robert S. Wayne, P.A., BK 3041458, Case No. 2013010268 – Petitioner’s Motion for Informal Hearing, and if Granted, Conduct an Informal Hearing

Case continued.

Tab N – Hermann A. Zingg, BK 3041458, Case No. 2011051778 – Settlement Stipulation

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

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

Penalty imposed: \$250.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to comply with FREC’s final ruling in case number 2008040147.

Action taken: Settlement Stipulation accepted.

Tab U – Howard M. Treitman, BK 210984, Case No. 2013008611 – Settlement Stipulation

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

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

Penalty imposed: Suspended for 30 days; investigative costs; complete an Escrow Management course and an Ethics course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-10.038, Florida Administrative Code, when he failed to notify the Department of his address change within 10 days; Rule 61J2-14.012, Florida Administrative Code, by never reconciling Arcadia’s trust account monthly; Section 475.25(1)(u) when he failed to adequately supervise the actions of his sales associate.

Action taken: Settlement Stipulation accepted.

Tab W – Rosa Arce, SL 3157189, Case No. 2012041447 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Mr. Brackett 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 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: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Code, when she failed to deliver the buyer’s check to her employer.

Tab X – Malvia O. Earle, BK 3081278, Case No. 2013003594 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Ms. Wright 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 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: Revocation; \$3,000.00 fine; investigative costs. **Violation(s):** Section 475.25(1)(d)1, Florida Statutes, by failing to return Buyer’s deposit; Rule 61J2-10.038(2), Florida Administrative Code, by failing to notify the Department of a current mailing address within 10 days of a change of mailing address and based on the foregoing, Respondent violated Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-10.038(2), Florida Administrative Code; Section 475.25(1)(b), Florida Statutes, by failing to refund the buyer the escrow deposit and by giving the buyer an undated check for the return of escrow funds with a note requesting that the buyer not cash the check until further notice from Respondent.

Tab Y – Peter Anthony Foster, Jr., SL 3241040, Case No. 2013000868 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: \$1,000.00 fine; investigative costs; 90-day probation; attend one complete FREC general meeting. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by pleading nolo contendere and failing to report his plea to FREC within 30 days of his conviction.

Tab Z – Anthony Lefonso Haynes, BK 396499, Case No. 2013002695 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action Taken: Revocation; investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, By entering a plea of guilty of wire fraud affecting a financial institution and by being convicted or found guilty of wire fraud affecting a financial institution.

Tab AA – Michael Scott Jacobs, SL 651321, Case No. 2013001436 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Ms. Prescott represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner DeNapoli moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action Taken: Revocation, investigative costs. **Violation(s):** Section 472.25(1)(f), Florida Statutes, when Respondent entered was adjudicated guilty of the above-named charges of contributing to the delinquency of a minor, et al., crimes of moral turpitude; Section 475.25(1)(n), Florida Statutes, because Respondent is currently confined in Dade Correctional Institute, a state or federal prison.

Tab AB – Rieko Niizato, BK 567456, Case No. 2012035443 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

Mr. Anderson 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 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: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(d)1 by failing to account and deliver as required by law or upon demand to the named Plaintiffs, Sadao and Reiko Maeda, in Case Number 11-006651CI-20, monies owed pursuant to the civil judgment in the amount of \$421,078.25.

Tab AC – Barbara Palmer O’Donnell, BK 3182598, Case No. 2012021562 – Petitioner’s Motion for Waiver Hearing

Respondent was not present and was not represented by counsel. Commissioner Furst 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 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: Revocation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2011), by failing 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; Section 475.25(1)(e), Florida Statutes (2011), when Respondent failed to comply with 475.5015, Florida Statutes (2011), by failing to make available to the department such books, accounts, and records; Section 455.227(1)(j), Florida Statutes (2011), when Respondent violated Section 475.25(1)(a), Florida Statutes (2011), by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter; Section 475.25(1)(b), Florida Statutes (2011), by being guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction in this state or any other state.

Tab AG – Paula Marie Pendleton, SL 3252924, Case No. 2013007773 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Respondent was not present and was not represented by counsel. Commissioner Furst 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 Podolsky; motion passed without dissent 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:

Action Taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to Conspiracy to Defraud the United States.

Tab AH – Darryl Jay Ralby, BL 360442, Case No. 2011057406 – Petitioner’s Motion for Waiver Hearing

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

Ms. Prescott 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 passed without dissent 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:

Action Taken: Suspension for 90 days; \$1,000.00 fine; investigative costs; probation for 6 months; attend one complete FREC general meeting. **Violation(s):** Section 472.25(1)(f) by entering a plea of No Contest to Possession with Intent to Distribute Marijuana, a Class III Felony crime involving moral turpitude; Section 475.25(1)(p), Florida Statutes, when Respondent failed to notify the commission within 30 days that Respondent pled no contest to and was adjudicated guilty of a felony.

General Session continued

Consent Agendas

Agenda A

The Commission considered 76 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 53 applicants and require 23 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alvo, Karen	Laitman, Stephen	Perrotta, Lisa
Andrews, Daniel	Lapierre, Vanessa	Pheil, Jennifer
Averett, Camaron	Lazazzera, Angela	Powell, Jack III
Barton, Steven	Linton, Lisa	Rawlins, Kimberly
Benedit, Emily	Linton, Shelby	Rivera, Carlos Jr.
Botts, John	Long, Seth	Rushford, William III
Coll, Romy	Longenecker, Mark	Schemm, John
Davila, Amanda	Madison, Michelle	Stoudemire, Althea
Daya, Elleor	Martinez Agostini, Viviana	Threlkeld, Jeffrey
Deans, Sharyn	McDuffie, Sa	Troutt, Kathy
Edge Johnson, Christopher	McGowan, Megan	Tuten, Brandon
Fleurival, Ernesto	Means, Yolanda	Varela, Kerwin
Gaber, Tomaz	Mendel, Alexander	Wall, Scott
Gifford, Jennifer	Nachmani, Aretusa	Williams, Jamie
Grasso, Christopher	Oxley, Donald Jr.	Wineglass, William III
Haight, Kelly	Palmer, Robert	Witkin, Gary
Hardin, Timothy	Parker, David	Zambrano, Cesar
Jakimowicz, Nicolas	Pereyra, Rafael	

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

Abraha, Haben	Graham, Lauren	Otero, William
Adhami, Sammy	Irwin, Christopher	Patterson, Evan
Artis, Paris	Kallberg, Philip	Quarles, David
Bloomfield, Margaret	Kluge, Norman	Schofield, Robin
Curley, Nicholas	Laing, James	Tapia, Yamil
Escalante, Carlos	Le, Jay	Torres, Rommel
Gallego, Julian Sr.	Long, Patricia	Vu, Dung
Giordano, Susan	Manos, Richard	

Agenda B

The Commission considered 93 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 67 applicants and require 26 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abelardo, Kai	Haggstrom, Sonya	Pasterchek, Cheri
Badillo, Luis Jr.	Hagy, Jeffrey	Pathik, Eddie
Banchs, Alexander	Hamill, Brennan	Philippe Auguste, Jesse
Barber, Kandice	Harris, Kimberly	Pillars, Todd
Barbour, Scott	Hensley, Gina	Prutos, Kathleen
Black, Hugh	Hyduk, Jayne	Redden, Garrett
Bonner, William	Jackson, Gregory	Roberson, Nathan
Bour, Seth	Jackson, Michael	Rodriguez, Javier
Browning, Michael	Jones, Mark	Sagastume, Catherin
Brunelle, Kelly	Keeney, Susan	Sawaya, Anne
Charneski, Suzanne	Kinsky, Patrick	Schobert, Sheri
Cheatham, Jacklyn	Lientz, Teresa	Seaman, Mary
Colon, Juan	Lough, Yuliya	Smith, Roger
Corbo, Miguel	Martinho, Lisa	Staukus, Ray
Davies, Frank	Melo Rozo, Cristian	Teeters, Shawn
Day, John	Miller, Justin	Thomas, Idris
Diaz, Angela	Monahan, Alexander	Turner, Jermaine
Discount, Shannon	Morales, Elaine	Van Leer, Blake III
Ellward, John Jr.	Moreno, Robert Jr.	Watson, Matthew
Fitzgerald, Jonathan	Negron, Robert	Wiseman, Blake
Francois, Steven	Overfelt, Jessica	Wollman, Rodney
Freixas, Steve	Panzer, Ray	Wright, Deborah
Garcia, Ruben		

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

Baillargeon, Bailey	Falk, Jacob	Ramirez, Roberto
Bloom, Eric	Gray, David	Rhodes, Nadine
Cannon, Alison	Grob, Jarob	Sarracino, Vanessa
Carson, Christopher	Hurm, Jon	Scott, Irven
Collins, Tracy	Johns, Richard	Shipe, Darron
Constanza, Thomas	Lipp, Robert	Smith, Rosie
De La Cruz, Luis	Odell, David	Stone, Kamera
Devenyi, Gabor	Odom, Lisa	Wells, Roy
Dunphy, Jennifer	Pardee, Asa	

Review and Consideration of the Real Estate Continuing Education Courses

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

Tab B – Creating Luxury Customer Service When Serving the Luxury Market – New Course (7 hours Specialty CE – classroom) – Application No. 19190 – Leticia Oliver, Miami Association of Realtors

Ms. Oliver was not present in support of the application. The Commission entered into discussion. Commissioner Hornsleth 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 Podolsky seconded the motion. The motion passed without dissent.

Special Agenda

Tab B – Correspondence from Brian Robb regarding reciprocity

Director Watkins presented correspondence from Brian Robb requesting reciprocity between Florida and Pennsylvania. Mr. Robb did not appear in support of his request. Commissioner DeNapoli moved to deny his request; Commissioner Podolsky seconded the motion. The motion passed without dissent. Director Watkins stated that she would relay the Commission's decision to Mr. Robb.

Nominations for Chair and Vice-Chair

Chair Boring opened the floor for nominations.

Commissioner Furst nominated Vice-Chair Roger Enzor for Chair. Commissioner DeNapoli seconded the motion. The motion passed without dissent. Vice-Chair Enzor was elected for Chair.

Commissioner DeNapoli nominated Commissioner Hornsleth for Vice-Chair. Commissioner Podolsky seconded the motion. The motion passed without dissent. Commissioner Hornsleth was elected for Vice-Chair.

Chair Boring stated that it has been a pleasure serving as Chair this past year. The Commission thanked Chair Boring and stated that he did an exceptional job.

Chair Boring reported that industry member Robert Goldstein stated that questions have come up with respect to the requirement of an expiration date on a listing agreement as provided in Section 475.25(1)(r), Florida Statutes. Mr. Goldstein suggested due to the changes and trends in the real estate industry that perhaps the rule be clarified to include any brokerage agreement and not just listing agreements. The Commission requested to place this topic on a future agenda for further discussion.

Public Comments

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

Recess

There being no further business and no objection, the Chair recessed the meeting at approximately 5:00 p.m. until 8:30 a.m. tomorrow.

October 16, 2013

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

The following Commission members were in attendance: Chair Claude "Chip" Boring, Jr., Vice-Chair 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; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Resolution of Richard L. DeNapoli

Chair Boring presented a resolution to Commissioner Richard L. DeNapoli for his services to the Florida Real Estate Commission from September 19, 2007 through October 31, 2013. The Commission expressed their appreciation and wished him well in his future political endeavors. Director Watkins also expressed her appreciation. Commissioner DeNapoli stated that it has been his honor and pleasure serving on the Commission and the people of Florida and thanked everyone he has had the pleasure to work with.

Summary of Applicants

Chief Attorney Patrick Cunningham and OMC II Jocelyn Pomales presented 53 Summary of Applicants requesting to sit for the real estate examination.

Tab AQ – Joris C. Reyes, present with interpreter – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for broker; the motion passed without dissent.

Tab AA – Jimmie Preston Kiser, Jr., present; was represented by Jeffrey Ville, Esquire, present – informal hearing – The Commissioner entered into discussion. The applicant withdrew his request for an informal hearing and withdrew the application.

Tab AZ – Frank E. Womack, III, present and was represented by Kerry A. Schultz, Esquire, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab B – Jay B. Sumner, present and was represented by Daniel Villazon, Esquire, also present – informal hearing – The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously entered. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab H – Henry Campanaro, present and was represented by Daniel Villazon, Esquire, also present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AG – Daniel Maldonado, Sr., present and was represented by Daniel Villazon, Esquire, also present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed 4 to 2.

Tab AN – Yulia Pogodina, present and was represented by Daniel Villazon, Esquire, also present – Vice-Chair Enzor moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AS – Evelyn Runciman Rosen, present was represented by Daniel Villazon, Esquire, also present – Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AY – Matthew Weeks, present was represented by Daniel Villazon, Esquire, also present – Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Special Agenda

Application for a multiple broker license

Tab E – Daniel Gallien, present; was represented by James Harwood, Esquire, also present – Applicant requested a continuance for 30 days and waived the 90-day requirement.

Summary of Applicants continued

Tab D – Mauricio Arias, not present; was represented by James Harwood, Esquire, present – Applicant requested a continuance waived the 90-day requirement.

Tab R – Rodney Gabriel, not present; was represented by James Harwood, Esquire, present – Applicant requested a continuance waived the 90-day requirement.

Tab Y – Peter Kanevsky, not present; was represented by James Harwood, Esquire, also present – Applicant requested a continuance waived the 90-day requirement.

Tab AH – Neville Oliver Martin, present; was represented by James Harwood, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 2.

Tab M – Nereyda Diaz, present; was represented by Nancy Campiglia, Esquire, also present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for broker; the motion resulted in a 3 to 3 vote. No action taken.

Tab AI – Mikolas Marulis, not present; applicant was represented by Nancy Campiglia, Esquire, present – Application requested a continuance until December 2013 and waived the 90-day requirement. Commissioner DeNapoli moved; seconded by Commissioner Podolsky to continue the application until December 2013; the motion passed without dissent.

Tab AR – Margarita M. Rojas, not present; applicant was represented by Nancy Campiglia, Esquire, present – Applicant requested a continuance until February 2014. Commissioner DeNapoli moved; seconded by Commissioner Podolsky to continue the application until February 2014; the motion passed without dissent.

Tab N – Richard Diaz, present and was represented by Leila Chacko, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for broker; the motion passed without dissent.

Tab AC – Shelley Ann Lee, not present; applicant was represented by Leila Chacko, Esquire, present – Applicant withdrew the application and waived the 90-day requirement.

Agenda B, Tab A – Corey Burkhart, present – informal hearing – The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner DeNapoli to vacate the Notice of Intent to Deny the Commission previously entered. The applicant withdrew the application and waived the 90-day requirement.

Tab A – Scott Curtin, present – informal hearing – The Commission entered into discussion. Commissioner DeNapoli moved; seconded by Commissioner Furst to vacate the Notice of Intent to Deny the Commission previously entered. Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab F – Alvaro Bello, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for broker; the motion passed without dissent.

Tab G – Teresa Betancourt, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab L – Maribel L. Delgado, present – Applicant withdrew the application and waived the 90-day requirement.

Tab Q – Mark Florman, present – Applicant withdrew the application and waived the 90-day requirement.

Tab S – Brandon Garcia, present – Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed 4 to 2.

Tab T – Sean Gorz, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

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

Tab W – Anthony Henriques, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

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

Tab AF – Michael Than Lwin, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Commissioner Hornsleth was not present for the following applicants:

Tab AJ – Gerard McNearney III, present – Applicant withdrew the application and waived the 90-day requirement.

Tab AK – Delores I. Millan, present – Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab AO – Jason L. Puzacke, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AT – Audra Russo, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AU – Joseph Sale, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 1.

Tab AV – John M. Sutherland, present – Commissioner Furst moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed 4 to 1.

Commissioner Hornsleth returned to the meeting.

Tab AX – Maria D. Vasconez, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab AW – Nestor R. Trujillo, present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed 4 to 2.

Tab I – Benito Charles, present – Applicant withdrew the application and waived the 90-day requirement.

Tab J – Shane Christian, present – Applicant withdrew the application and waived the 90-day requirement.

Tab C – Forrest L. Anderson, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab E – Chris Baker, not present – Applicant requested a continuance. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to deny the continuance due to the 90-day statutory requirement. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab K – Stephanie Crissman, not present – Chair Boring moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed 4 to 2.

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

Tab P – Logan M. Eastham, not present – Applicant requested a continuance until November 2014 and waived the 90-day statutory requirement. Commissioner Podolsky moved; seconded by Commissioner Furst to continue the application until November 2014; the motion passed without dissent.

Tab U – Tyler Singh Hari, not present – Applicant requested a continuance until November 2014 and waived the 90-day statutory requirement. Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to continue the application until November 2014; the motion passed without dissent.

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

Tab AB – Joshua Ryan Kobrin, not present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AD – Michael Phillip Levine, not present – Applicant withdrew the application and waived the 90-day requirement.

Tab AE – Evelyn Lozado, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AL – John E. Naler, not present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab AM – Alexander Paterson, not present – Vice-Chair Enzor moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed without dissent.

Tab AP – Mario F. Restrepo, not present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to continue the application until November 2013.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner DeNapoli to approve the Minutes of the September 17 and 18, 2013, General Meeting, as written. The motion passed without dissent.

Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the Minutes of the September 18, 2013, Education Workshop, as written. The motion passed without dissent. Commissioner Furst stated that it is a truly laborious task, but well worth it.

Special Agenda

2014 FREC Calendar

Director Watkins presented the 2014 FREC calendar for the Commission's consideration and approval. Commissioner Hornsleth moved to approve the 2014 Meeting Calendar as presented. Vice-Chair Enzor seconded the motion. The motion carried unanimously without dissent.

Correspondence

Tab D – Correspondence from Jonlief Alejandro

Director Watkins presented correspondence received from Jonlief Alejandro requesting a license number change. Ms. Alejandro did not appear in support of the request. The Commission entered into discussion. Commissioner Furst moved to deny the request due to the hardship it would create for the Department. Vice-Chair Enzor seconded the motion. The motion passed 5 to 1. Ms. Watkins stated that she would relay the Commission's decision to Ms. Alejandro.

Director's Comments

Ms. Watkins reported that one ongoing technology project is on-line license certifications or in other words a letter of good standing. Ms. Watkins explained that the licensee will be able to go online and obtain a licensure certification effective Nov. 1 2013 and that the division will also distribute this information to the Florida Realtors.

Commissioner Furst inquired that when a licensee is suspended is the broker alerted. Ms. Watkins stated that there is a provision in the statutes that a broker is notified when an Administrative Complaint is filed against its employee, but there is no provision for the department to provide the broker with a Final Order. Mr. Barnhart stated that he could add the broker's address to the certificate of service for licensees suspended or revoked.

Ms. Watkins reported that Ms. JoEllen Peacock is retiring after 27 year and that this will be her last meeting. Ms. Watkins wanted to thank Ms. Peacock for her all her hard work, expertise and services she has provided to the division and the real estate industry. Ms. Watkins added that Ms. Peacock has big shoes to fill.

Commission's Remarks

The Commission thanked Chair Boring for his leadership this past year. The Commission again thanked Commissioner DeNapoli for his services during his tenure.

Public Comments

The Commission invited but did not receive comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 19 and 20, 2013, in Orlando, Florida.



Claude "Chip" Boring, III, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission