Minutes of
THE FLORIDA REAL ESTATE COMMISSION
August 19 and 20, 2014
General Meeting

Chair Roger Enzor, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., in Orlando, Florida, on this 19th day of August, 2014.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Poul Hornsleth, Elias Chotas, Dick Fryer, Darla Furst and Josh Podolsky. Commissioner Chip Boring, was excused and not in attendance. 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, Deputy General Counsel; Andrew Fier, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Josh Kendrick and Jenny Schwartz, Assistant General Counsels; Appearing via teleconference: Daniel Brackett, Daniel David, Ann Prescott, and Susan Williams, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Jocelyn Pomales, Education Coordinator; Janice Taylor, Government Analyst I; Johanne Knudson, Government Analyst I; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Deputy Director Johnson stated that the Division is proud to announce that Patrick Cunningham has been promoted to serve as Deputy General Counsel for Professions. Mr. Cunningham stated that it has been his pleasure to serve as Chief Attorney for the last 3 years, but was pleased to announce that Andrew Fier will be his replacement as Chief Attorney. Mr. Cunningham stated that Mr. Fier has been with the Department for over 6 years and that he has the highest confidence in Mr. Fier. The Commission congratulated both Mr. Cunningham and Mr. Fier.

Approval of the Minutes

Commissioner Furst moved; seconded by Commissioner Podolsky to approve the Minutes of the July 15 and 16, 2014, General Meeting, as written. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

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

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

Monthly Exam Performance Summary Report

Ms. Pomales presented the monthly Exam Performance Summary Report and addressed questions and comments from the Commission. Ms. Johnson reported that the Division has completed the Instructor Seminars for 2014 and received excellent reviews from the instructors who attended. Ms. Johnson addressed questions from the Commission.

Director Watkins presented to the Commission a concern the Division has received from several education providers relating to the effective date of the revised Sales Associate Syllabus and whether they will be required to submit a new course as opposed to submitting an updated course. Specifically, the educators expressed concern in being able to get the materials updated and submitted to the Department for its review and approval prior to January 1, 2015. Commissioner Fryer suggested that the providers submit a course update by December 31, 2014, and then submit a new course no later than December 31, 2015. Director Watkins further stated that would allow the providers to include changes relating to the HUD 1 tentatively becoming effective August 1, 2015.

Application and License Count Reports

Deputy Director Johnson presented the Application and License Count Reports. Director Watkins and Ms. Johnson addressed questions and comments from the Commission.

Quarterly Education and Foundation Scholarship Report

Deputy Director Johnson presented the Education Foundation Scholarship quarterly report. Ms. Johnson stated that the Division’s goals for the next quarter is to look for additional eligible schools, begin advertising for the Spring 2015 session and set up the online application process to begin accepting applications. Ms. Johnson stated that she sincerely appreciates the amount time and effort the Florida Realtors Education Scholarship Committee puts into the program and looks forward to continuing working together. Commissioner Fryer stated that the Committee is working on advertising for the Spring 2015 session and that the Foundation is excited about the opportunity once again to give money to deserving students.

Legal Case Activity Report

Chief Attorney Fier presented the monthly report regarding legal case activity and addressed questions and comments from the Commission. The Commission commended Mr. Cunningham and his staff for their hard work in getting the number down.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 16 Escrow Disbursement Orders and 4 Orders for the Commission’s consideration. Mr. Cheneler stated that Tabs H and O have settled. Vice-Chair Horns leth moved to accept 13 Escrow Disbursement Orders excluding Tabs C, H and O; Commissioner Fryer
seconded the motion; the motion passed without dissent. Commissioner Furst recused herself from the vote regarding Tab C. Commissioner Fryer moved to accept Tab C; Vice-Chair Hornsleth seconded the motion; the motion passed without dissent with Commissioner Furst in abstention. The Commission considered the 4 Orders. Vice-Chair Hornsleth moved to accept 4 Orders; Commissioner Fryer seconded the motion; the motion passed without dissent.

**Recovery Fund Cases**

Tab A – Richard and Deborah Cain v. Joyce Patrice Center, DBPR Case No. 2013-038545  
Tab C – Cape Coral Apartments v. Daniel Colofranson, DBPR Case No. 2013-045639  
Tab D – Yosef Elimelech v. Scott C. Daniels, DBPR Case No. 2011-030837  
Tab E – Paula S. Arnett v. Albert Deering, DBPR Case No. 2011-043983  
Tab F – Jill Kathman v. Albert Deering, DBPR Case No. 2011-044002  
Tab G – Gibson Jose Rivero Serrano v. Eduardo Figuera, DBPR Case No. 2013-006890  
Tab H – Jessie A. Hill v. Thelma Gaupin, DBPR Case No. 2013-029118  
Tab J – Gibson Jose Rivero Serrano v. Zully Isabel Guerrero, DBPR Case No. 2013-006888  
Tab K – Cape Coral Apartments v. Kevin Haag, DBPR Case No. 2013-045634  
Tab L – Kai Na Tang v. Kimberly Tara Henry, DBPR Case No. 2013-037000  
Tab M – Virginia Pope v. Tarek Kirschen, DBPR Case No. 2010-025371  
Tab N – Gregory H. Smith, II v. Scott David Reid, DBPR Case No. 2013-005944  
Tab O – Donald R. Childress v. Robert E. Severino, DBPR Case No. 2012-043608  
Tab P – Joan E. Collins v. Robert E. Severino, DBPR Case No. 2012-031923

Mr. Cheneler presented the above matters to the Commission. Neither the Claimants nor the Licensees were present. Mr. Cheneler advised that the statutes do not allow the Claimants to receive payment from the recovery fund and recommended the Commission deny the requests by consent. The Commission considered the facts and circumstances. Vice-Chair Hornsleth moved to approve the Final Orders denying the claims. Commissioner Podolsky seconded the motion. The motion passed without dissent.

**Tab B – Vanessa Calver and Linda Stewart v. Gregory Christner, DBPR Case No. 2009-012226**

Mr. Cheneler presented this matter to the Commission. Attorney Michael Pugh appeared on behalf of the Claimants. The Licensee was not present. Mr. Cheneler advised that the Claimant does qualify statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Podolsky moved to approve the Final Order as amended granting the claim in the amount of $50,000.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

**Tab I – Jessie A. Hill, Jr. v. William T. Gaupin, DBPR Case No. 2013-029116**

Mr. Cheneler presented this matter to the Commission. The Claimant was present in support of the claim. The Licensee was not present. Mr. Cheneler 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 Podolsky moved to approve the Final Order granting the claim as amended in the amount of $50,000.00. Commissioner Fryer seconded the motion. The motion passed without dissent.
Legal Appearance Docket

Tab D – Brian J. Strnad, SL 3179432; Case No. 2013026414 – Petitioner’s Motion for Informal Hearing and Enter a Final Order

Respondent was not present; Respondent was represented by Robert Crabill, Esquire, present. Commissioner Boring served on the probable cause panel. Commissioner Boring was excused and not in attendance.

Mr. David represented the department and presented the case to the Commission. The Commission continued the case until the afternoon.

Tab F – David Fernando Cevallos, BK 3150810; Case No. 2013046038 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven 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. Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to accept the Stipulated Settlement dismissing Count III of the Administrative Complaint. The motion passed without dissent.

**Penalty:** $1,500.00 fine; investigative costs; attend two 2-day FREC meetings; complete a 4-hour escrow management course; complete a 28-hour reactivation course. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when he deposited rental monies into an operating account and failed to immediately place rental monies into an account holding trust powers; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.012(2), F.A.C., when he failed to include an itemized list of the broker’s trust liability in the monthly reconciliation statements for the Management Account.

**Action taken:** Settlement Stipulation accepted.

Tab A – Curt Douglas Francis, BK 3148818; Case No. 2013016701 – Petitioner’s Motion for Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. Commissioner Furst moved, seconded by Commissioner Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Furst moved, seconded by Vice-Chair Hornsleth; 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 nolo contendere to the felony of Organized Scheme to Defraud, $50,000 or more; Section 475.25(1)(p), Florida by not notifying the Commission in writing within 30 days after entering a plea of nolo contendere to the felony of Organized Scheme to Defraud, $50,000 or more.
General Business continued


The Commission considered the petition received from Daniel Villazon, Esquire on behalf of Richard Green. Mr. Villazon was present in support of the petition. The Commission entered into discussion. Commissioner Podolsky moved that the Commission deny the petition as presented. Commissioner Chotas seconded the motion; the motion passed without dissent.

Legal Docket continued

Tab G – Clifford L. Esterson, SL 25322, Case No. 2012029495 – Settlement Stipulation

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

Ms. Williams represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Hornsleth moved; seconded by Commissioner Chotas to accept the Stipulated Settlement as amended. The motion passed 3 to 2.

Penalty: Suspension for 30 days; $1,000.00 fine; investigative costs; attend one 2-day FREC general meeting. Violation(s): Section 475.42(1)(a), Florida Statutes, and thereby violated Section 475.25(1)(c), Florida Statutes, when Respondent operated as a sales associate without being the holder of a valid current active license.

Tab B – Thomas Edward Humphrey, BK 649063; Case No. 2012026241 – Petitioner’s Motion for Informal Hearing

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

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

Action taken: Revocation; investigative costs. Violation(s): Section 475.25(1)(d)1, Florida Statutes, by failing to deliver rental proceeds to the owner of the property.

Tab C – Lesa Lee Johann, SL 683981; Case No. 2014002198 – Respondent’s Request for an Informal Hearing

Respondent was not present and was not represented by counsel. Vice-Chair Hornsleth and Commissioner Chotas were 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 Fryer moved, seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the
Administrative Complaint. Commissioner Fryer 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)(t), Florida Statutes, and therefore, Section 475.25 (1)(a) Florida Statutes, when Respondent failed to timely self-report entering a plea of no contest to Driving Under the Influence.

**Tab E – Melissa Tara Iaria, SL 3193728; Case No. 2013021906 – Respondent’s Request for Reconsideration**

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

Mr. Fier represented the department and presented the case to the Commission. Respondent offered mitigation in support of the request. Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to grant the reconsideration; the motion passed without dissent. The Commission entered into discussion. Commissioner Furst moved; seconded by Commissioner Fryer to set aside the Final Order filed January 14, 2014; motion passed 4 to 2. Commissioner Furst moved; seconded by Commissioner Podolsky to find the Respondent guilty as charged in the Administrative Complaint; the motion passed 5 to 1. Commissioner Furst moved, seconded by Commissioner Fryer; motion passed 4 to 2 to impose the following sanctions:

**Penalty Imposed:** Suspension for 2 years; $1,000.00 fine, investigative costs. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when Respondent plead guilty to Conspiracy to Commit Mail and Wire Fraud, a crime of moral turpitude.

**Action Taken:** Reconsideration request granted; penalty modified.

Commissioners Hornsleth and Furst were delayed after a break and not present.

**Tab I – Chris K. Von Hohenstraeten, BK 3222189, BK 3205645, BK 2333189; Case No. 2013018381 – Settlement Stipulation**

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

Mr. Kendrick represented the department and withdrew the case.

**Action taken:** Case withdrawn.

**Agenda A, Tab H; Agenda B, Tab A – Deborah S. Sehres, BK 3272343; Case No. 2013027467 – Settlement Stipulation**

Respondent was not present; Respondent was represented by Christopher Jallo, Esquire, not present. Vice-Chair Hornsleth was recused due to participation on the probable cause panel.

Ms. Schwartz represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Chotas to accept the Stipulated Settlement. The motion passed 3 to 1.
Penalty: $750.00 fine; investigative costs; complete a 28-hour reactivation course. Violation(s): Respondent neither admits nor denies that she allegedly violated Section 455.227(1)(j), Florida Statutes, by assisting an unlicensed individual engage in the licensed profession of real estate.

Action taken: Settlement Stipulation accepted.

Commissioner Furst rejoined the meeting.

Tab J – Sam L. Irvin, SL 3146272; Case No. 2014005870 – 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. David represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Fryer moved; seconded by Commissioner Podolsky; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer 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, by entering a plea of guilty to and being found guilty of 3 counts of Transmission of Child Pornography by an Electronic Device and 19 counts of Possession of Child Pornography.

Vice-Chair Horns leth rejoined the meeting.

Review and Consideration of the Real Estate Education Courses

Agenda A, Tab H – 4 Hour Escrow and Trust Account Course for Florida Real Estate Sales Associates and Brokers – New Course (4 hours CE; Other – class room) – Application No. 21197 – Perry Johannesburg, PFJ Holdings, Inc. D/B/A Nationwide Real Estate School

Mr. Johannesburg was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the continuing education course with conditions; Commissioner Podolsky seconded the motion. The motion passed without dissent.

Agenda A, Tab I – 4 Hour Escrow and Trust Account Course for Florida Real Estate Sales Associates and Brokers – New Course (4 hours CE; Other – distance education) – Application No. 21198 – Perry Johannesburg, PFJ Holdings, Inc. D/B/A Nationwide Real Estate School

Mr. Johannesburg was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the continuing education course with conditions; Commissioner Podolsky seconded the motion. The motion passed without dissent.

Agenda B, Tab I – Florida 14 Hour Continuing Education for Real Estate Sales Associates and Brokers – New Course (14 hours CE; Combination Law and Specialty – classroom) – Application No. 21195 – Perry Johannesburg, PFJ Holdings, Inc. D/B/A Nationwide Real Estate School
Mr. Johannesburg was present in support of the application. The Commission entered into discussion. Commissioner Podolsky moved to continue the application with conditions until September 16, 2014; Commissioner Chotas seconded the motion. The motion passed without dissent.

**Agenda B, Tab J – Florida 28 Re-Activation Course for Real Estate Sales Associates and Brokers – New Course (28 hours CE; Combination Law and Specialty – classroom and other) – Application No. 21196 – Perry Johannesburg, PFJ Holdings, Inc. D/B/A Nationwide Real Estate School**

Mr. Johannesburg was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the continuing education course; Commissioner Podolsky seconded the motion. The motion passed without dissent.

**Public Comment**

The Commission received comments from Broker Associate Daniel Ruzbasan, Coldwell Banker Residential Real Estate, expressing his gratitude to the Commission for taking the time to recognize the group of Leadership Academy 2014 agents from the REALTOR® Association of Greater Fort Myers and the Beach, Inc. that attended last month. Mr. Ruzbasan stated that the agents learned a lot about the level of responsibility the Commissioners provide in their service to the real estate industry and wanted to thank them for their contributions. The Commissioners thanked Mr. Ruzbasan for his comments and appreciation.

**Legal Docket continued**

**Tab D – Brian J. Strnad, SL 3179432; Case No. 2013026414 – Petitioner’s Motion for Informal Hearing and Enter a Final Order**

Respondent was not present; Respondent was represented by Robert Crabill, Esquire, present. Commissioner Boring served on the probable cause panel. Commissioner Boring was excused and not in attendance.

Mr. David represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Fryer; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Podolsky moved, seconded by Commissioner Fryer; motion passed 5 to 1 to impose the following sanctions:

**Action Taken:** Suspension until February 1, 2016; $1,000.00 fine; investigative costs; complete a 28-hour reactivation education course. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea to, and being found of selling a firearm to a person Respondent knew, or had reasonable basis to know, was a convicted felon.

**Review and Consideration of the Real Estate Education Courses continued – Agenda A**

Mr. Hatcher was not present. The Commission entered into discussion. Commissioner Fryer moved to deny the continuing education course; Commissioner Podolsky seconded the motion. The motion passed without dissent.

Tab F – *Intro iPad for Realtors* – New Course (3 hours CE; Specialty – classroom) – Application No. 20987 – James Long, Digital Life Training, Inc.

Mr. Long was not present. The Commission entered into discussion. Commissioner Fryer moved to approve the continuing education course; Commissioner Furst seconded the motion. The motion passed without dissent.

Tab G – *Security Deposits F A C. and Florida Statute Rules* – New Course (3 hours CE; Specialty – classroom) – Application No. 21139 – Harry Heist, Law Offices of Heist & Weissee, PA – withdrawn and approved

Tab J – *Title Law From Start to Finish* – New Course (7 hours CE; Specialty – classroom) – Application No. 21199 – Cassi Gruber, NBI, Inc.

Ms. Gruber was not present. The Commission entered into discussion. Commissioner Fryer moved to deny the continuing education course; Commissioner Podolsky seconded the motion. The motion passed without dissent.


The Commission considered the petition received from Phyllis K. Moore. Ms. Moore was not present, however, provided additional written communication in support of her request. The Commission entered into discussion. Commissioner Podolsky moved that the Commission deny the petition. Commissioner Furst seconded the motion; the motion passed without dissent.

**Rule Discussion**

Rules Report

FREC Counsel Barnhart reported on the status of the rules currently open for discussion, workshop or rulemaking. Mr. Barnhart addressed questions and comments from the Commission.

Rule Workshop

61J2-24.005 – Revocation

FREC Counsel Barnhart presented Rule 61J2-24.005 for discussion. In light of the opinion by the First District Court of Appeal in the matter of *Sloban v. Florida Board of Pharmacy*, Mr. Barnhart requested the Commissioners discuss whether they wish to repeal, modify or leave as is. Commissioner Fryer stated that perhaps the Legislature would explore modification to Chapter 455 or 475 to address permanent revocation. The Commission entered discussion and received comments from the Department and the audience. Upon conclusion of discussion the Commission continued this matter to the September FREC meeting to allow its
Counsel to gather further support relating to the procedural posture, if any. The matter will be scheduled for a rule discussion in September.

**Consent Agendas**

**Agenda A**

The Commission considered 146 applicants from the Consent Agenda A; Vice-Chair Hornsleth moved; seconded by Commission Podolsky to approve 101 applicants and require 45 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abbott, Hugh Allan  
Akan, Rafi Sahak  
Alcime, Jean Vladimir  
Arnold, Earhsawnda R.  
Bartle, Nicole  
Belcher, Amanda  
Boatner, Jason Glenn  
Braeynen, Natasha Yvonne  
Bustamante, Shannon  
Carl, Terry L.  
Carter, Jason Demond  
Casas, Karym Felipe  
Cilento, Guy William Sr.  
Clervil, Katia  
Coleman, Maquita  
Coles, Dudley Walter  
Cordero, Wendy  
Coronado, Ethan  
Costa Clary, Alice  
Costantino, Thomas  
Cox, Eric Bartwell  
Cruz, Jorge  
Cruz, Josue Ramses  
Dahl, Elaina Louise  
Dane Steinard, Tammy J.  
De Los Santos, Santiago  
Deery, Travis Cooper  
Dennis, Dontez Lamar  
Dowell, David  
Edwards, Rodney Antonio  
Edwards, Travis Allen  
Eid, Daneya LLC  
Elliott, Justin  
Estevez, Shantel Jade  
Farber, Debra  
Fearn, Andrew James  
Franco, Marlene  
Freyre, Elena Maria  
Galfó, Natalie M.  
Goodman, Staci Racheal  
Grodotz, MIndy  
Hallow, Erica Nicole  
Hanrahan, Molly Ann  
Hollander, Richelle  
Howard, Stefanie Jean  
Iwaskiewych, Daniel John  
Jackson, Daniel Alexander  
James, Andrew  
Jastrzembski, Kelley  
Jean, Ken  
Jelinek, Matthew  
Kelley, Tracy Bassham  
Knabb, Erica  
Kugan, Lisa Ann  
Lariviere, Brian Dewey  
Ledford, Erica  
Lengua, Andres Mauricio  
Lopez, Maricela  
Lovette, Kimmarie  
Ludwig, David Stephen  
Lugo, Melissa Yvette  
Malbranche, Anthony J.  
Maley, Dawn Nicole  
Mansell, Gerald Lee Sr.  
Massa, Jonathan  
Masvidal, Fernando Fabian  
McBride, Stormy Gale  
McFarlane, Ohema  
Millard, Darrell Lane  
Mollitor, Lisa Kay  
Moore, Daniel Joseph  
Nguyen, Hiep  
Oglesby, Neshia  
Olson, Vanessa  
Orduz, Ricardo  
Ortiz, Edgar  
Painter, Carissa  
Palka, Ronald  
Paul, Daniela M.  
Perry, Lewis J.  
Power, James S.  
Pujals, Alexander Phillip  
Quinn, April Leigh  
Robinson, April D.  
Robinson, Leslie B.  
Rodriguez, Grisel  
Salguero, Michael  
Sanchez, Maricela  
Santana, Andres C. Jr.  
Spaulding, Shawn C.  
Swindle, Darlene G.  
Toro, Natalia  
Valenzuela, Jehisson  
Visco, John  
Vorheimer, Stephanie  
Walker, Kenneth A.  
Walsh, David J.  
Watson, William A. III  
Weinkle, Matthew  
Yankovich, Inga  
York, David A.

---

The following applicants will be placed on the next available Summary of Applicant agenda:
Agostini, Robert  
Albanese, Jerome Hal  
Aldambayev, Kanat  
Baker, Alice Lavon  
Bright, William Joseph  
Canizares, Christopher  
Castanon, Jesus S. PA  
Conners, Christopher E PA  
Dauphin, Vernice Margaret  
Fain, Jonathan Robert  
Fiallo, Andrew  
Fielden, Gregory Scott  
Frehette, Arthur  
Garcia, Oscar Mauricio  
Gibson, Sheridan A.  
Gonzalez, Pedro Bruno  
Guiffria, Kristin Ann  
Hale, Jon Gregory  
Hassanzadeh, Roozbeh  
Holmes, Daniel Sebastian S.  
Housen, Sheena  
Hueck, Karl  
Isaac Aragones, Vrexing  
Jacomino, Anna Cristina  
Jewell, Charles Edward III  
Johnson, Fareed Michael  
Karwacki, Norman Edmund  
King, Darren K.  
Kuflik, Ross Marshall  
Lasseter, Jonathon  
Latronica, Giovanni Michael  
Lawrence Osorio, Niisa  
Lurry, Jeffrey  
Matzkin, Hannah  
Miskovic, Mia  
Murphy, Harry Benjamin  
Muzzy, Jonathan Barret  
Naviwala, Raheel  
Nicholson, Victoria  
Pazmino, Byron Fernando  
Petgrave, Julian Valentino  
Rippin, Teri Ann  
Simon, Joseph Herschel  
Smith, Joshua Jerod  
Williams, Maurice La’Rue

Agenda B

The Commission considered 37 applicants from the Consent Agenda B; Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve 21 applicants and require 16 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Anderson, Sharon  
Beltrand, Joseph Andrew  
Bowen, Paul Ross III  
Cantave, Serge  
Colbert, Herbert Wayne Sr.  
David, Andrew Roderick  
Downs, Michael  
Feathers, Michael  
Ferrara, Diego  
Herrera, Roberto Abel  
Hoffman, James  
Leiva, Diego  
Martins, Diego  
Novoson, Mitchell Joel  
Rosa, Christian  
Safaie, Bobak Bobby  
Sposaro, Anthony William II  
Strawter, Marque  
Trevisani, Nicola  
Villalba, Rafael Amado  
Williams, Patricia Michelle

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

Arias, Rafael  
Barry, Patrick  
Bersani, Henrique  
Brooks, Cordell  
Conwell, Vanessa Louise  
Day, Ashley Nicole  
Gayle, Anthony Mark  
Hallums, Seth Howard  
Harris, Paul Randall  
LaGrand, Tara  
John Joseph Majewski  
McCausland, Andres Felipe  
Phillips, Curtis Middleton  
Thornhill, Toma Esilva  
Van Arnem, Maxwell Ferris  
Whitaker, Chad S.

Public Comments

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

Director Watkins inquired of the Commission if it was acceptable for the Office of Communications to present the ULA Media Campaign 13-14 Annual Report tomorrow. The Commission responded affirmatively.

Chair Enzor stated that he has received several communications of concerns relating to deposits submitted to title companies and that fact that the title companies or the involved attorneys not responding to requests
for deposits and further stated that the consumers are giving up the deposit as they feel they do not have an alternative choice. Chair Enzor inquired if there is any way to address this issue. Director Watkins stated that she has also received similar comments wherein the deposits are given to a title company, which is outside of the Division’s jurisdiction, and that the attorneys are not taking any action to try and resolve the matter. The Commission and Department staff entered into discussion. The Commission and the Department staff feel that the only forum in which to address the issue would be through the Legislature. Commissioner Fryer stated that he would bring this topic to Florida Realtors for discussion. Ms. Watkins stated that the Division would appreciate guidance on how to respond to the consumers and will follow-up with Mr. Barnhart and the Florida Realtors.

Recess

There being no objection, the Chair recessed the meeting at approximately 4:05 p.m. until 8:30 a.m. tomorrow.

August 20, 2014

Chair Enzor reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 20th day of August, 2014.

The following Commission members were in attendance: Chair Roger Enzor, Vice-Chair Poul Hornsleth, Elias Chotas, Dick Fryer, Darla Furst and Josh Podolsky. Commissioner Chip Boring, was excused and not in attendance. 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; Andrew Fier, Chief Attorney; Jenny Schwartz, Assistant General Counsel; Jocelyn Pomales, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Johanne Knudson, Government Analyst I; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Deputy Director Johnson presented 73 Summary of Applicants requesting to sit for the real estate examination.

Tab I – Kenrick R. Baker, present; was represented by Cliff Geismar, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 2.

Tab F – Mario Alvarez, present; was represented by Nancy Campiglia, Esquire, also present – informal – Commissioner Fryer moved; seconded by Commissioner Furst to vacate the previous denial and approve the application for sales associate; the motion passed 4 to 2.

Tab R – Joaquin A. Cortizo, III, not present; was represented by Nancy Campiglia, Esquire, present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 2.
Tab AO – Christopher H. Lentz, present; was represented by Nancy Campiglia, Esquire, also present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab C – Yunieth Olivella, not present; was represented by Daniel Villazon, Esquire, present – informal hearing – Mr. Villazon requested that the Commission set aside the previous denial and to allow the applicant to withdraw the application. Commissioner Podolsky moved; seconded by Commissioner Fryer to vacate the previous denial; the motion passed 5 to 1. Mr. Villazon withdrew the application on behalf of the applicant.

Tab Q – Courtney L. Conlan, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

Tab Y – Raymond Cesar Fry, present; was represented by Daniel Villazon, Esquire, also present – Vice-Chair Hornsleth; seconded by Commissioner Furst to approve the application for sales associate; the motion passed with 4 to 2.

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

Tab BF – Christopher S. Pope, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

Tab BM – John G. Schaffer, present; was represented by Daniel Villazon, Esquire, also present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

Tab AU – Natalia R. Maldonado, present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab A – Barbara Estela, PA, present – informal hearing – Commissioner Fryer moved; seconded by Commissioner Furst to vacate the previous denial and approve the application with conditions; the motion passed without dissent. The applicant withdrew the informal hearing request.

Tab D – Roderick Smith, present – informal – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to vacate the previous denial and approve the application for sales associate; the motion passed without dissent.

Tab H – James Lee Bailey, Jr., present – The applicant requested a continuance and waived the 90-day requirement. Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to grant the continuance; the motion passed without dissent.

Vice-Chair Hornsleth was delayed and not present in the meeting.

Tab J – Giovanni Brizuela, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
Tab K – Dwayne Bryant, present – Commissioner Podolsky moved; seconded by Commissioner Chotas to approve the application for broker; the motion passed without dissent.

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

Vice-Chair Hornsleth rejoined the meeting.

Tab M – Marlon N. Byrd, present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 5 to 1.

Tab N – Richard G. Campobasso, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab O – Richard F. Candia, not present – The applicant requested a continuance and waived the 90-day requirement. Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to grant the continuance; the motion passed without dissent.

Tab P – Clint Charles Communale, present – Applicant withdrew the application.

Tab S – Adam Deli, present – Vice-Chair Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 4 to 2.

Tab T – Pascal Delucien, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab U – Christopher C. DeMary, present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 5 to 1.

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

Tab W – Jessalyn Falcon, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to grant the continuance; the motion passed without dissent.

Tab X – Joshua Y. Fletcher, present – Commissioner Fryer moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 5 to 1.

Tab Z – Lasandra Gamble, present – Applicant withdrew the application.

Tab AA – Jeffrey Stephen Gear, present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed 4 to 2.

Tab AB – Carlos Andres Gomez, present – Applicant withdrew the application.

Tab AC – Faustino J. Gonzalez, present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.
Tab AD – Delenis M. Greene, present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AF – Andres Hernandez, present – Applicant withdrew the application.

Tab AG – Wesley A. Hoaglund, present – Commissioner Podolsky moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 4 to 2.

Tab AI – Javier Izquierdo, present – Vice-Chair Hornsleth moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

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

Tab AM – James A. Kirstein, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to grant the continuance; the motion passed without dissent.

Tab AN – Eric Lee, present – Applicant withdrew the application.

Tab AR – Anthony Liuzzo, present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate; the motion passed without dissent.

Tab AS – Bryan K. Long, present – Vice-Chair Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab AV – Courtney Martin, present – Commissioner Fryer moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab AW – Nicholas W. McLeod, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to grant the continuance; the motion passed without dissent.

Tab AZ – Justin David Miles, present – Applicant withdrew the application.

Tab BB – Steven Palaceo, present – Applicant withdrew the application.

Tab BD – Jacqueline S. Pawlowski, present – Commissioner Furst moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab BE – Moises R. Piedra, present – Commissioner Podolsky moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed 4 to 2.

Tab BG – Robert S. Pustaver, present – Commissioner Furst moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4 to 2.

Tab BH – Peter Radno, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab BN – Jared B. Shepard, present – Applicant withdrew the application.
Tab BQ – Michael A. Sweeting, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5 to 1.

Tab BS – Daniel J. Turbay, present – Commissioner Fryer moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed 5 to 1.

Tab BT – Salvatore Vitiello, present – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab BU – John Young, present – Vice-Chair Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

Tab B – Jazmin Hernandez, present – informal hearing – Commissioner Furst moved; seconded by Vice-Chair Hornsleth to vacate the previous denial; motion passed 4 to 2. Applicant withdrew the informal hearing request and withdrew the application.

Special Agenda

ULA Media Campaign 13-14 Annual Report

Director Ancora-Brown, Office of Communications, presented a summary report of the DBPR Unlicensed Activity Media Campaign: “Unlicensed Activity is Against the Law” for Fiscal Year 2013/2014. The Commission thanked Ms. Ancora-Brown for her presentation.

Vice-Chair Hornsleth was excused for the remainder of the meeting and was not present.

Summary of Applicants continued

Tab E – Christopher M. Zackschewski, not present – reconsideration – Commissioner Podolsky moved; seconded by Commissioner Fryer to set aside the previous denial; motion passed without dissent. The applicant cancelled the application.

Tab G – Luzmarien Aristizabal, not present – Commissioner Podolsky moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed without dissent.

Tab AE – George Griffin, not present – Commissioner Poldolsky moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AH – Heide Isaac, not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

Tab AJ – Jerry J. Jaquess, not present – Commissioner Furst moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

Tab AK – Anthony T. Jones, present – Commissioner Podolsky moved; seconded by Commissioner Fryer to deny the application for sales associate with conditions; the motion passed without dissent.

Tab AP – Scott S. Leventhal, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.
Tab AQ – Kathleen Libonati Dressel, not present – Application cancelled.

Tab AX – Ali Medina, not present – Commissioner Podolsky moved; seconded by Commissioner Chotas to deny the application for sales associate with conditions; the motion passed without dissent.

Tab AY – Colleen Rinet Thompson, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Fryer to grant the continuance; the motion passed without dissent.

Tab BA – Lance A. North, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to deny the application for sales associate with conditions; the motion passed without dissent.

Tab BC – Scott Parra, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Fryer to grant the continuance; the motion passed without dissent.

Tab BI – Brandon Rallo, not present – Commissioner Furst moved; seconded by Commissioner Podolsky to deny the application for sales associate; the motion passed without dissent.

Tab BJ – Melinda E. Rios, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Fryer to grant the continuance; the motion passed without dissent.

Tab BK – Stacie Ross, not present – Commissioner Podolsky moved; seconded by Commissioner Furst to approve the application for sales associate with conditions; the motion passed without dissent.

Tab BL – Bernice R. Ruby, not present – Commissioner Podolsky moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

Tab BO – Mary A. Smith, not present – Commissioner Podolsky moved; seconded by Commissioner Chotas to deny the application for sales associate with conditions; the motion passed without dissent.

Tab BP – Sandra Smith, not present – Commissioner Podolsky moved; seconded by Commissioner Chotas to deny the application for sales associate with conditions; the motion passed without dissent.

Tab BR – Jonathan D. Touchstone, not present – The applicant requested a continuance and waived the 90-day requirement. Commissioner Podolsky moved; seconded by Chotas to grant the continuance; the motion passed without dissent.

Public Comments

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

Commission’s Remarks

Chair Enzor thanked everyone for a great meeting.
Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 16 and 17, 2014, in Orlando, Florida.

Chair Roger Enzor  
Florida Real Estate Commission

Juana Watkins, Director  
Florida Real Estate Commission