

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 14 and 15, 2015
General Meeting**

Vice-Chair Dick Fryer, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., in Orlando, Florida, on this 14th day of July, 2015.

The following Commission members were in attendance: Vice-Chair Dick Fryer, Chip Boring, Lee Chotas, Poul Hornsleth and Thomas Luzier. Chair Furst and Commissioner Enzor had excused absences. 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; Allison McDonald, Deputy Chief Attorney; and Jennie Schwartz, Assistant General Counsels; Appearing via teleconference: Al Cheneler; Daniel David, Josh Kendrick, Brande Miller, Alison Parker, Crystal Stephens, James Whealdon and Maureen White, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Warren Sanger, Acting Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Hornsleth moved to approve the Minutes of the June 16 and 17, 2015, General Meeting, as written. Commissioner Chotas seconded the motion. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Application and License Count Reports

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

Legal Agenda Schedule

Legal Case Activity Report

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

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 15 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept 15 Escrow Disbursement Orders and 6 Orders. Commissioner Chotas seconded the motion; the motion passed without dissent.

Recovery Fund Cases

Tab A – Sean Stepelton v. Christopher White, DBPR Case No. 2015-021005

Tab B – Luther Walden v. Loraine White, DBPR Case No. 2014-051252

Tab C – Justin Paschal v. Maurice Wilson, DBPR Case No. 2015-001390

Mr. David presented the above matters by consent. There were no appearances on behalf of the Claimants or Respondents. By consent, Commissioner Hornsleth moved to approve the above-referenced Final Orders as presented. Commissioner Boring seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab M – Judith Vitale Huntley, SL 3162896; Case No. 2014026965 – Respondent's Request for Informal Hearing

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

Ms. Lloyd represented the department and presented the case to the Commission. Commissioner Hornsleth moved, seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Boring; motion passed 4 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$500.00; investigative costs of \$159.00; attend 1 complete FREC meeting; probation until Final Order requirements are satisfied. **Violation(s):** Section 475.25(1)(f), Florida Statutes, being found guilty of Attempted Transportation of Marijuana for Sale (More Than 2 Pounds).

Tab R – Carmen Garcia, SL 191621; Case No. 2014030246 – Settlement Stipulation

Respondent was not present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present.

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

Penalty: Administrative fine of \$750.00; investigative costs of \$300.00; complete a 3-hour ethics course; complete a 28-hour reactivation course; attend 1 complete FREC meeting. **Violation(s):** Section 455.277(1)(t), Florida Statutes, and therefore Section 475.25(1)(b), Florida Statutes, by failing to disclose to Tenant that Subject Property was in foreclosure proceedings.

Action taken: Settlement Stipulation accepted.

Tab W – Dolores Loesch, BK 444054; Case No. 2014020725 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present.

Ms. Schwartz represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Chotas to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

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

Tab L – Ridley Harding, Jr., BK 3256664; Case No. 2014024843 – Respondent's Request for Informal Hearing

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

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

Penalty: Administrative fine of \$500.00; investigative costs of \$500.00; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation until Final Order requirements are satisfied. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by failing to place the rent payments for Subject Properties into an escrow account.

Tab D – Siobhan Fitzpatrick Austin, SL 3306613; Case No. 2015004395 – Respondent's Request for Informal Hearing

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

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

Penalty: Administrative fine of \$500.00; investigative costs of \$627.00; attend 1 complete FREC meeting; probation until Final Order requirements are satisfied. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a nolo contendere plea to Battery on a Law Enforcement Officer.

Tab S – Mercedes Dorean Hayunga, SL 3237320; Case No. 2014034496 – Settlement Stipulation

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

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

Penalty: Suspension for 30 days; administrative fine of \$1,000.00; investigative costs of \$851.50; complete a 3-hour ethics course; attend 1 complete FREC meeting. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by allowing an individual to reside in one of her real estate listings without the owner of record's knowledge or permission thereby constituting culpable negligence and breach of trust.

Action taken: Settlement Stipulation accepted.

Tab U – Aamir Waheed, SL 644194; Case No. 2014015968 – Settlement Stipulation

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Boring 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 Hornsleth moved; seconded by Commissioner Chotas to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$500.00; investigative costs of \$156.75; attend 1 complete FREC meeting.
Violation(s): Section 455.227(1)(t), Florida Statutes, by failing to timely notify DBPR that Respondent was adjudicated guilty of manufacture, sales, possession, etc., of coin-operated devices prohibited, Offense Statute Number Florida Statute 849.15.

Action taken: Settlement Stipulation accepted.

Tab A – Linda A. Fiorello, SL 659087; Case No. 2012012573 – Recommended Order with Exceptions, etc.

Case continued.

Tab E – Michael Allan Babiarz, SL 668474; Case No. 2014044727 – Petitioner’s Motion for Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. Mr. Villazon requested a continuance until September 15, 2015, on behalf of the Respondent. The Commissioners entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Luzier; motion passed without dissent grant the continuance until September 2015.

Action taken: Case continued until September 2015.

Tab N – Paul Edward Thomas, BK 3237769; Case No. 2014009452 – Petitioner’s Motion for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor was excused and not in attendance.

Ms. Miller represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Boring moved; seconded by Commissioner Hornsleth; motion passed without dissent to dismiss the Administrative Complaint.

Action taken: Administrative Complaint dismissed.

Tab H – Celebration Executive Realty, Inc., CQ 1037512; Case No. 2014009881 – Petitioner’s Motion for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Commissioner Enzor was excused and not in attendance.

Ms. Miller 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 Boring; motion passed without dissent to dismiss the Administrative Complaint.

Action taken: Administrative Complaint dismissed.

Tab F – Deborah L. Bowers-Cate, SL 692354; Case No. 2014026835 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of \$1,000.00; investigative costs of \$478.00; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation until the Final Order requirements are satisfied. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report her conviction on March 17, 2008, for the crime of Driving while License Suspended or Revoked within 30 days of October 1, 2009; by failing to report her conviction on June 11, 2008, for the crimes of three counts of Possession of Cocaine and one count of Possession of Paraphernalia within 30 days of October 1, 2009; by failing to report her conviction on January 21, 2009, for the crime of Driving while License Suspended or Revoked within 30 days of October 1, 2009; by failing to report her conviction on May 5, 2010, for the crime of Driving While License Suspended or Revoked, Second Offense, within 30 days after her conviction; and by failing to report her conviction on July 18, 2012, for the crime of Driving Under the Influence within 30 days after her conviction; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission in writing within 30 days after being convicted of three counts of Possession of Cocaine, a Third Degree Felony, on June 11, 2008.

Tab O – Cory Levy, SL 3212872; Case No. 2011013762 – Respondent’s Motion for Reconsideration and in the Alternative Request for an Extension of Time Pursuant to Rule 61J-24.006(3)

Respondent was present; Respondent was represented by James Harwood, Esquire, present. Commissioner Boring was recused due to participation on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. Mr. Harwood offered mitigation in support of the request. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Chotas to deny the reconsideration of the penalty and to grant an extension to pay the administrative fine until January 31, 2017; the motion passed 3 to 1.

Action Taken: Reconsideration request denied; extension granted.

Tab P – Cory Levy, SL 3212872; Case No. 2013007218 – Respondent’s Motion for Reconsideration and in the Alternative Request for an Extension of Time Pursuant to Rule 61J-24.006(3)

Respondent was present; Respondent was represented by James Harwood, Esquire, present. No current members served on the probable cause panel.

Mr. Kendrick represented the department and presented the case to the Commission. Mr. Harwood offered mitigation in support of the request. The Commission entered into discussion. Commissioner Chotas moved; seconded by Commissioner Luzier to deny the reconsideration of the penalty and deny request for extension of time to pay the administrative fine; motion passed 3 to 2.

Action Taken: Reconsideration and extension request denied.

Tab B – Catherine Ann Lichtman, SL 3170761; Case No. 0212012585 – Recommended Order with Exceptions, etc.

Case continued.

Tab C – 360Training.com INC, ZH 1002174; Case No. 2014034589 – Respondent’s Request for Informal Hearing

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

Ms. Miller represented the department and presented the case to the Commission. Respondent requested a continuance until August 18, 2015. The Commissioners entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to deny the continuance. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Penalty: Suspension for 10 years effective 30-days from the date of filing of the Final Order; Respondent may seek early termination of suspension after 2 years of being in full compliance with Chapter 475, Florida Statutes and Chapter 61J2, Florida Administrative Code; administrative fine of \$5,000.00; investigative costs of \$791.50. Respondent shall not accept any new students after the starting date of the suspension. **Violation(s):** Section 475.451(3), Florida Statutes, by offering courses of study in real estate practice as defined in Section 475.251(1), Florida Statutes, without a valid “School permitholder” as defined in Section 475. 51(2)(a), Florida Statutes.

Tab G – Candace A. Tamposi, BK 3298308 and BK 407073; Case No. 2014035621 – Petitioner’s Motion for Informal Hearing

Respondent was not present was not represented by counsel. Commissioner Enzor was excused and not in attendance.

Ms. Stephens represented the department and presented the case to the Commission. Ms. Tamposi requested a 30-day continuance. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to deny the continuance. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint as amended. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: Suspension for 2 years; administrative fine of \$2,000.00; investigative costs of \$99.00; complete a 14-hour escrow management and law class and a 3-hour ethics course; probation for 2 years concurrent with suspension. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to account for and deliver the Escrow Deposit to Gandolfo upon demand; Section 475.25(1)(b), Florida Statutes, when she was culpably negligent and breached Gandolfo’s trust by failing to remit the Escrow Deposit to Gandolfo upon demand; Rule 61J2-5.016, Florida Administrative Code by having a sales associate, registered as an officer of the Brokerage.

Tab I – Patricia Delgardio, SL 3290020; Case No. 2014029124 – Petitioner’s Motion for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Enzor was excused and not in attendance.

Ms. Stephens represented the department and presented the case to the Commission. Respondent requested a 30-day continuance. Commissioner Hornsleth moved, seconded by Commissioner Luzier; motion passed without dissent to deny the continuance. The Commission granted the informal hearing and entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier; motion passed without dissent to find the

Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: Suspension for 2 years; administrative fine of \$2,000.00; investigative costs of \$99.00; complete a 3-hour core law class and a 3-hour ethics course; probation for 2 years concurrent with suspension. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to account for and deliver the Escrow Deposit to Gandolfo upon demand; Section 475.25(1)(b), Florida Statutes, when she breached Gandolfo's trust by failing to remit the Escrow Deposit to Gandolfo upon demand; Rule 61J2-5.016, Florida Administrative Code by being registered as a sales associate and an officer of the Brokerage.

Tab J – Max Diaz Belmar, SL 3306551; Case No. 2015024906 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Luzier to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

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

Tab K – Waldemar A. Gerlich, SL 3131799; Case No. 2014025412 – Respondent's Request for Informal Hearing

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

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

Penalty: Suspension for 60 days; administrative fine of \$1,000.00; investigative costs of \$371.25; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by failing to return the keys and garage door openers to Subject Property to Starkey.

Tab Q – Latara Marie Clements, BL 3224081; Case No. 2014014496 – Settlement Stipulation

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

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

Action taken: Settlement Stipulation denied.

Tab T – Michael O'Donnell, BK 3224538; Case No. 2014013285 – Settlement Stipulation

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

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

Action taken: Settlement Stipulation denied.

Tab V – Barry J. Graham, PA, SL 694127; Case No. 2015017797 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

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

Tab X – Ricky Stokes, BK 3039683; Case No. 2015017796 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

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

Tab Y – Roderick Centeno, SL 3233389; Case No. 2014039385 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

Action taken: Revocation; administrative fine of \$4,000.00; investigative costs of \$561.00. **Violation(s):** Section 475.25(1)(b), Florida Statutes (2013), by converting his client’s earnest money deposits for his own personal usage; Section 475.25(1)(d)1, Florida Statutes (2013), by failing to account or deliver to his client upon his client’s demands earnest money deposits to which he was not legally entitled to retain; Section 475.42(1)(d), Florida Statutes (2013), by collecting money in connection with a real estate brokerage transaction in a name other than that of his employer and without the express consent of his employer; Section 475(1)(e), Florida Statutes (2013), through a violation of Rule 61J2-14.009, Florida Administrative Code, by failing to deliver deposits to his broker or employer no later than the end of the next business day upon receiving said deposits.

Tab Z – Patrick Lyons, SL 3196125; Case No. 2014027894 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

Case withdrawn.

Tab AA – Jaclyn Nicole Willows, SL 3239175; Case No. 2014027325 – Petitioner’s Motion for Waiver Hearing and Enter a Final Order

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

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

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

Action taken: Administrative fine of \$1,500.00; investigative costs of \$387.75; probation until the Final Order requirements are satisfied. **Violation(s):** Section 475.25(1)(a), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report her plea of no contest in absentia to the charge of Willful Wanton Reckless Driving on September 3, 2013; Section 475.25(1)(e), Florida Statutes, through violation of Rule 61J2-10.038(2), Florida Administrative Code, by failing to notify Petitioner in writing of the current mailing address and any change in the current mailing address within 10 days after the change.

General Session continued

Review and Consideration of the Real Estate Education Courses

Tab C – 30-Hour Broker Post License – Real Estate Brokerage Office Operations – New Course (30-hour Broker Post-Licensure: Distance Ed. Internet) – Application No. 23495 – Lori J. Rodgers, Bert Rodgers Schools of Real Estate, Inc.

Ms. Rodgers appeared in support of the course. The Commission entered into discussion. Commissioner Hornsleth moved to approve the course; Commissioner Luzier seconded the motion. The motion passed without dissent.

Tab D – Certified Military Residential Specialist – New Course (3 hours Specialty CE; Classroom) – Application No. 23559 – Cynthia Foley, Northeast Florida Association of Realtors

Ms. Foley was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab E – Communicating With Today's Tech Savvy Consumer – New Course (8 hours Specialty CE; Distance) – Application No. 23778 – Anthony Macaluso, Tony Macaluso Seminars

Mr. Macaluso was not present. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course for 7 hours; Commissioner Boring seconded the motion. The motion passed without dissent.

Guidance Relating to Rule 61J2-3.010 – License Reactivation for Brokers and Sales Associates

Education Coordinator Jocelyn Pomales requested guidance from the Commissioners regarding Rule 61J2-3.010 as a result of the changes to a title change for Session V of the Sales Associate Syllabus. Ms. Pomales inquired whether the schools will need to submit new reactivation courses. Vice-Chair Fryer suggested waiting until the rule has been changed and to bring this issue up under rule discussions.

Special Agenda

Tab A – Request for Multiple Broker Licenses from Raymond Butterfield

Mr. Butterfield was present in support of the applications. The Commission entered into discussion and took the following actions:

Commissioner Luzier moved; seconded by Commissioner Boring to deny the application no. 4006513 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

Commissioner Boring moved; seconded by Commissioner Luzier to deny the application no. 4006515 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

Commissioner Luzier moved; seconded by Commissioner Boring to deny the application no. 4006521 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

Commissioner Luzier moved; seconded by Commissioner Boring to deny the application no. 4014309 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

Commissioner Luzier moved; seconded by Commissioner Boring to deny the application no. 4015094 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

Commissioner Boring moved; seconded by Commissioner Luzier to deny the application no. 4016695 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

General Session continued

Rules Report

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

Per the previous discussion regarding the changes to the Sales Associate Syllabus, Vice-Chair Fryer moved to open Rule 61J2-3.010; Commissioner Boring seconded the motion; the motion passed without dissent. Mr. Barnhart and Ms. Pomaes addressed questions and comments from the Commission.

Petition for Declaratory Statement Received From Kirsten Smith-Pope – DS 2015-061

Director Watkins presented the petition received from Kirsten Smith-Pope. Ms. Smith-Pope was not present. The Commission entered into discussion. The Commission stated that the petition does not provide enough details and requested that the matter be continued until August to allow Ms. Smith-Pope to provide more descriptive information relating to her petition.

Petition for Declaratory Statement Received From Angie Altamirano – DS 2015-062

Director Watkins presented the petition received from Angie Altamirano. Ms. Altamirano was not present. The Commission entered into discussion. The Commission stated that the petition does not provide enough details and requested that the matter be continued until August to allow Altamirano to provide more detail regarding her petition.

Consent Agenda A

The Commission considered 180 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Boring to approve 121 applicants and require 58 applicants to be placed on the Summary of Applicant Agenda; the motion passed 4 to 1.

The following applicants were approved:

| | | |
|--------------------------|-------------------------------|--------------------------|
| Abreu, Sandra | Hayes, Jana Chevalier | Pelli, Laura Emilia |
| Allen, Alfred Jr. | Heinrich, Thomas Charles | Pita, Javier Enrique |
| Anderson, Courtney Paige | Hereford, Robert Timothy Ryan | Plant, Robert Glen Jr. |
| Artiles, Christian | Holmes, Charlie E. | Pritchard, Tony |
| Ayala, Jennifer Marie | Jahanmiry, Mitra | Reyes, Shelton Chance |
| Behar, Paul | Johnson, Dina M. | Rivera, Miguel |
| Boothby, Chase | Johnson, Gregory Lyle | Rivero, Carlos Francisco |
| Bosch, Sandy Lisette | Jonas, Daniel Eric | Robinson, Jessica |
| Bowes, Thomas | Kale, Richard | Robison, Danyell |
| Busby, Daniel James | Kao, Olivia | Rodriguez, Miguel |
| Cabrera, Carlos Jose | Kaplan, Lea | Roura, Felicia Irene |

Campbell, Gregory John
Campbell, Hubert
Cantillo, Phidias
Cavazos, Jonas
Chase, Todd Robert
Cosenza, Joshua
Couty, Richard Shane
Crisp, Kaylee
Crissman, Stephanie Layne
Cubillas, Vincent
Cuevas, Naima
Cummins, Chris
De Caro, Anntonette Marie
Dix, Buddy Troy
Dorsey, Herbert
Dovner, Matthew
Dumeng Rosado, Grabie
Esher, Christopher
Feig, Amanda Lynn
Francois, Pierre Garry
Fruscella, Brandon
Gannacone, Tony III
Garcia, Ernesto Rene
Gomez, Maria
Graham, Caryn Alina
Greene, Daniel
Greene, Derek
Gru, Lev
Haines, Danita K.
Hakky, Amjad

Keer, Theodore Charles
Kimball, Lee
Lalumiere, Brianna
Land, Joshua Ryan
Lapointe, John
Lasala, Andrew
Laurie, Jonathan
Lee, Ryan
Liss, Mallory
Malci, Klement
Mann, Matthew Scott
Martin, Pathsy Ann
Martinez, Jonathan Montoya
Mazzone, Anthony Richard
Mcknight, Cenovia
Meckstroth, Colleen
Medrano Ventura, Manuel De Jesus
Miller Joiner, Kelly
Miranda, Jaime Edmund
Miranti, Sylas
Miret, Justin Miret
Moffo, Nicholas R.
Montes, Midiala
Montoya, Kenneth
Morrisey, Christopher Anthony
Munoz, Miguel Angel Jr.
Osorio, Mauricio
Palha, Ramon
Paula, Janet
Pedraza, Dominic Martin

Santana, Riquevil Rodriguez
Sarwary, Shahn
Servidio, Kristan
Sessions, Gerald Akeem
Shapiro, David
Soto, Yolima
Spradley, Betty
Stepan, Kathryn Elizabeth
Stillwagon, Skylar
Suarez, Tatiana
Thomas, Hope A.
Thompson, Jeremiah Ryan
Toussaint, Anastasie
Turner, Stevanna Elaine
Velasquez, Stalin Bladimir
Verreault, Richard PA
Vick, John Bradley
Wakenshaw, Shana Leah
Watkins, Brett Elliott
Weissing, Daniel Thomas
Wheeler, Cullen D.
Whitworth, Cody
Williams, James
Williams, Mason Clark
Workman, Thomas J.
Wright, Steven Andrew
Ynfante, Luis Eduardo
Zdravev, Blagoja
Zhou, Yingjie

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

Acheson, Michael G.
Akins, Foster Lee Jr.
Allen, Veronica
Almonte, Edward
Anderson, Alec
Anderson, Charles Duane III
Argolo, Suya
Bailey, Neil James Jr.
Bar El, Zeev LLC
Borges, Antero Valois Jr.
Brintley, Jonathan
Brown, Nathan
Burbach, Cynthia D
Byrne, John Corrigan III
Cater, Justi

Dunn, Tara
Etienne, Rachel Elizabeth
Everly, James D Jr.
Feazell, James Edward Jr.
Fenton, Kyle Lee
Gleason, Christopher Cory
Grass, Christopher
Grass, Mikal W.
Grohol, Rebecca
Gudinez, Sherry
Hammond, Henry Thomas Jr.
Harrison, Ronald Kareem
Herring, Mary Elizabeth
Houston, Chon
Igllicki, Valentina Josef

Larue, Lisa Danene
Lucas, Raymond Joseph
Lucier, Marc B.
Lux, Sharon
Mayoral, Jason
McCowan, Cassidy
Mott, Willie James Jr.
O Leary, John
Ray, Ricky
Rios, Catherine Julissa
Sanchez, Wendy
Scarpa, Drew
Schneider, Steven John
Scott, Alysia
Soule, Tamar J.

Checo, Jose Gabriel
Cohen, Matthew
Cordero, Ximena A.
Crane, Denise Roxanne
Davis, Leroy Jr.

Jones, Leigh Ann
Joseph, Bruny
Joyner, Grace Denise
Knight, Heather Nicole

Trotman, Alvin
Vakulenko, Viktoriia
Vallejo, David
Weaver, Donnell Pashay

Consent Agenda B

The Commission considered 33 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve 26 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; the motion passed 4 to 1.

The following applicants were approved:

Arreola, Francisco Javier
Ayo, Sergio
Bishop, Luke
Brown, Wayne Antonio
Carrero, David Jr
Castro, Carlos Luciano
Doerrer, Carly Ann
Gillespie, Paul Anthony
Greenberg, Kevin Robert

Hechavarría, Ervin Luis
Imeson, Lawrence Bert
Leon, Cesar III
Marlow, David Lee Jr.
Marshall, Alvaelinda
McCoy, Patrick L.
Palomo Pujol, Alexandra Rosy
Perreault, Russell
Pittman, Terry Lee

Randolph, Lazondra
Rosenberg, Lisa Joy
Santiago, Guillermo
Smith, Patrick J.
Stanton, Zuly Romero
Velazquez, Kathy
Walker, Beau James
Weber, Sami

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

Kusimo, Tosin
North, Lance Alexander
Rivera, Jimmy

Roberts, Kawana
Sanchez, James Eric

Thomas, Scott
Wylie, Thomas Lloyd

Consent Agenda C

The Commission considered 1 applicant from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commissioner Boring to approve 1 applicant; the motion passed without dissent.

The following applicant was approved:

Benedict, Donna

Legislative Update

Director Watkins provided a brief update of the Special Legislative Session for the purpose of finalizing the budget for the State. Ms. Watkins addressed questions and comments from the Commission.

Commissioner Luzier inquired about the renewal/notification process for permitting schools specifically when a school no longer has a permitholder. Ms. Watkins reported that the Division will be addressing this issue with the Division of Technology.

Public Comments

The Commissioner offered but received no public comments.

Recess

There being no objection, the Chair recessed the meeting at approximately 4:00 p.m. until 8:30 a.m. tomorrow.

July 15, 2015

Vice-Chair Fryer reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 15th day of July, 2015.

The following Commission members were in attendance: Vice-Chair Dick Fryer, Chip Boring, Lee Chotas, Poul Hornsleth and Thomas Luzier. Chair Furst and Commissioner Enzor had an excused absence. 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; Jocelyn Pomales, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Warren Sanger, Acting Licensing Supervisor; Mike Davis, Regulatory Specialist III; Thomas Jones, Regulatory Specialist I; Janice Lugo, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Acting Licensing Supervisor Warren Sanger presented 53 Summary of Applicants requesting to sit for the real estate examination.

Agenda A

Tab N – Jeannette Castaneda, present; was represented by Steven W. Johnson, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab R – Vincent Ellis, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab S – Christopher P. Farinacci, present; was represented by Daniel Villazon, Esquire, present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab AA – Robert E. Heller, present; was represented by Daniel Villazon, Esquire, present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AT – Robert J. Shahid, Jr., not present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab U – Stephen Friese, present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab C – William Arthur Morrissey, present; was represented by James Harwood, Esquire, present – informal – Commissioner Chotas moved; seconded by Commissioner Luzier to adopt the Amended Notice of Intent to Deny and uphold the denial of the application for sales associate; the motion passed without dissent.

Tab G – Antonio T. Bass, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab A – Tara Brown, present – informal – Commissioner Hornsleth moved; seconded by Commissioner Boring to vacate the Notice of Intent to Deny and approve the application for sales associate; the motion passed without dissent.

Tab B – Tonya Rae Menzies, present – informal – Commissioner Boring moved; seconded by Commissioner Hornsleth to vacate the Notice of Intent to Deny and approve the application for sales associate; the motion passed without dissent.

Tab D – Marc Almodovar, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab E – Mary C. Arment, present – Commissioner Chotas moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab F – Kyle S. Bachanov, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab I – Lawrence Benson, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab J – Dina Boscio, present – Commissioner Chotas moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab K – Terence M. Brown, present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab L – W. Joseph Brown, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab M – Richard Burdette, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab P – Frank A. Costa, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab Q – Christopher F. Craddock, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab T – Patrick A. Fernandez, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab X – Joal Gue, present – Commissioner Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab Y – Julian D. Guillen, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab Z – Asceneth C. Gutierrez, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AE – Pawel R. Lebiedz, present – Commissioner Boring moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4 to 1.

Tab AG – Paola A. Libreros, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AH – Jose A. Lopez, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed 4 to 1.

Tab AI – Matthew A. Lowe, present – Applicant requested a continuance and waived the 90-day requirement.

Tab AJ – Marie T. Lukas, present – Commissioner Chotas moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AK – Scott M. McVay, present – Commissioner Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab AM – Quentin B. Miller, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 3 to 2.

Tab AN – Scott Muhlhauser, Jr., present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AO – Donald F. Perry, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AP – Homer Rollins, III, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.

Tab AQ – Chelsea Rose, present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AR – Daniel Scott, present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AS – Phillip M. Shafer, present – Commissioner Chotas moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab AW – Chris Soucy, present – Applicant requested a continuance and waived the 90-day requirement.

Tab AX – James S. Speck, present – Commissioner Hornsleth moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Tab AY – Denise Michele Tinga, present – Commissioner Luzier moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.

Agenda B

Tab A – Brad Kuskin, present – Out-of- State Broker for experience – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Agenda A continued

Tab H – Ryan Beazley, not present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab O – Brenda D. Charles, not present – Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab V – Alexander Gonzalez, not present – Applicant withdrew the application.

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

Tab AB – Justina Holland, not present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab AC – Joanne Horn, not present – Commissioner Hornsleth moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab AD – Ingram, Clifton, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AF – Emanouel Legakis, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AL – Rand Meyer, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab AU – Carlos E. Silver, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for instructor; the motion passed without dissent.

Tab AV – Roger D. Slaalien, Jr., not present – Applicant withdrew the application.

Tab AZ – Vincenzo Tripoli, not present – Commissioner Boring moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Special Agenda

Request for Mutual Recognition request from Gregory Michael Paielli

Director Watkins presented communication received from Gregory Paielli requesting licensure by mutual recognition. Ms. Watkins stated that Mr. Paielli does not statutorily qualify for mutual recognition in Florida. Mr. Paielli was not present in support of his request. The Commission entered into discussion. Commissioner Chotas moved that the FREC provide notice to Mr. Paielli that he will be required to go through the standard licensure process rather than mutual recognition through Illinois; seconded by Commissioner Luzier; the motion passed without dissent.

Director's Comments

Director Watkins reported that the Division has submitted its 2016 Legislative proposals to the Office of Legislative Affairs and stated she will keep the Commission informed of the progress.

Public Comments

The Commission received a comment from the audience member. The Commission and Director Watkins addressed the audience member's comments.

Adjournment

There being no further business and no objection, the Vice-Chair adjourned the meeting at approximately 12:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 18 and 19, 2015, in Orlando, Florida.



Dick Fryer, Vice-Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission