

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
January 16 and 17, 2018  
General Meeting**

**January 16, 2018**

Chair Thomas Luzier, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 16th day of January, 2018.

**COMMISSIONERS**

Chair Thomas Luzier  
Dick Fryer  
Patti Ketcham  
Poul Hornsleth  
Guy Sanchez  
Randy Schwartz

Vice-Chair Fitzgerald was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

**STAFF**

Katy McGinnis, Director  
Denise Johnson, Deputy Director  
Lori Crawford, Executive Director  
Al Cheneler, Chief Attorney  
Warren Sanger, Operations Support Unit Supervisor  
Janice Lugo, Regulatory Consultant  
Meagan McAvoy, Regulatory Specialist III  
Mike Davis, Regulatory Supervisor/Consultant  
Dorothy Carter, Regulator Specialist III  
James Pierce, Investigative Supervisor  
American Court Reporting, Inc. (407) 896-1813 provided court services.

**Resolution for Commissioner Chip Boring, III**

Chair Luzier read into the record a resolution a Resolution recognizing the service of Former Commissioner Chip Boring, who served from March 29, 2010 until December 13, 2017. The Resolution is part of these minutes.

Chair Luzier presented a resolution to Commissioner Claude "Chip" Boring for his services to the Florida Real Estate Commission from March 29, 2010 until December 13, 2017. The Commission expressed their appreciation and wished him well in his future endeavors and that he will certainly be missed. Commissioner Boring stated that it has been his distinct pleasure to serve on the Florida Real Estate Commission.

The Commission and Director McGinnis took the opportunity to thank Commissioner Boring for his service to the Florida Real Estate Commission and to the real estate profession.

## Summary of Applicants

Operations Support Supervisor Warren Sanger presented 90 Summary of Applicants requesting to sit for the real estate examination.

1. Tab S – Felix Juan Calderon, present with interpreter – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
2. Tab T – Amil Candelier, present with interpreter – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
3. Tab T – Armando Perez Borroto, present with interpreter – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
4. Tab AM – Eddie Funchess, present; represented by Steven Johnson, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5 to 1 vote.
5. Tab AT – Stephen M. Hannigan, present; represented by Steven Johnson, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
6. Tab Y – Max Contador, not present; represented by Steven Johnson, Esquire, present – Applicant requested a continuance; waived 90-day requirement; continuance granted by unanimous vote.
7. Tab BQ – Jorge Ramos, not present; represented by Daniel Villazon, Esquire, present – Applicant requested a continuance; waived 90-day requirement; continuance granted by unanimous vote.
8. Tab E – Joshua Travis White, present, informal; represented by Daniel Villazon, Esquire, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to vacate notice of intent to deny and approve the application for sales associate; the motion passed without dissent.
9. Tab AH – Trevor Randal Eastman, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
10. Tab AP – Desmond Goldson, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
11. Tab BW – Ernest Frederick Scally, present; represented by Daniel Villazon, Esquire, present – Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; 4 to 2 vote.
12. Tab AE – Sharon Espiritu Dizon, present; represented by John Samaan, Esquire, present – Commissioner Fryer/Commissioner Schwartz moved to approve the sales associate application; 3 to 3 vote; no action taken.
13. Tab X – Samantha Combs, present; represented by Nancy Campiglia, Esquire, present – Applicant requested a continuance; waived 90-day requirement; continuance granted by 5 to 1 vote.
14. Tab BL – Tyler Orrick, present; represented by Nancy Campiglia, Esquire, present – Applicant requested a continuance; waived 90-day requirement; continuance granted by unanimous vote.
15. Tab CE – David Samuel Torres, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
16. Tab D – Gregory Hugh Van Buskirk, present – informal – Commissioner Fryer moved; seconded by Commissioner Schwartz to vacate notice of intent to deny and approve the application for sales associate; the motion passed without dissent.
17. Tab F – Warren Allen, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

18. Tab G – Rhonda Jean Bantag, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4 to 2 vote.
19. Tab H – Fernandez Beaubrun, present – Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
20. Tab I – Lewis Hayden Bell, Jr., present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
21. Tab K – Robert Barry Blonder, present – Sales associate application denied; Commissioner Ketcham/Commissioner Hornsleth; unanimous vote.
22. Tab L – George H. Boles, Jr., present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
23. Tab M – Parris A.M. Brady, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5 to 1 vote.
24. Tab P – Vincent Burruezo, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
25. Tab Q – Korina Burton, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5 to 1 vote.
26. Tab R – Nicole Lynn Byler, present – Sales associate application denied; Commissioner Schwartz/Commissioner Hornsleth; 4 to 2 vote.
27. Tab U – Danielle Cecchini, present – Sales associate application denied; Commissioner Schwartz/Commissioner Ketcham; unanimous vote.
28. Tab AF – Jesus Manuel Dorado, present – Sales associate application denied; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
29. Tab W – Lawrence Ronald Colman, present – Sales associate application denied; Commissioner Ketcham/Commissioner Schwartz; 4 to 2 vote.
30. Tab AA – Christian Joseph Devere, present; Applicant requested a continuance and waived the 90-day requirement.
31. Tab AB – Miguel Angel Diaz Delucca, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
32. Tab AC – Maria Christina Diaz, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5 to 1 vote.
33. Tab AD – Marlon Rodolfo Diaz, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
34. Tab AI – Christian Alexander Ehlers, present – Applicant withdrew the application.
35. Tab AJ – Amanda Gail Fiveash, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
36. Tab AK – George Saben Fly, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
37. Tab AL – Gerald Foster, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

38. Tab AQ – Richard C. Gomez, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Ketcham; unanimous vote
39. Tab AN – Anivette Garcia Soldevila, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4 to 2 vote.
40. Tab AO – Jamie Michelle Goff, present – Sales associate application approved; Commissioner Fryer/Commissioner Ketcham; unanimous vote.
41. Tab AR – Curtis Grimes, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote
42. Tab AS – Jonathan Patrick Hammonds, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
43. Tab AU – Chris Hewitt, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
44. Tab AV – Lindsey Carole Houston, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 4 to 2 vote.
45. Tab AW – Mark Edward Hutchinson, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
46. Tab AX– Liehventz Jean Gilles, present – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
47. Tab AZ – Malerie Kersey, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
48. Tab BD – Charleson Louis, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
49. Tab BH – Nicholas Alan Medley, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
50. Tab BJ – Wendy Yamileth Miranda, present – Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.
51. Tab BK – Tony Nguyen, present – Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.
52. Tab BM – Dijon Parker, present – Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.
53. Tab BR – Christopher Alexis Regalado, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 4 to 2 vote.
54. Tab BO – Evans Pierre, present – Applicant withdrew the application.
55. Tab BS – Catherine Marie Riley, present – Commissioner Fryer/Commissioner Hornsleth moved to approved; 3 to 3 vote; no action taken.
56. Tab BT – Ana Maria Sanin, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
57. Tab BH – Eric Santiago, Sr., present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4 to 1 vote.

58. Tab BV – Tranita L. Sapp, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4 to 2 vote.
59. Tab BX – Anthony Joseph Schiavone, Jr., present – Sales associate application denied; Commissioner Schwartz/Commissioner Ketcham; unanimous vote.
60. Tab BZ – Nathaniel Shephard, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4 to 2 vote.
61. Tab CA – Kirk Shepler, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
62. Tab CD – Cynthia Thompson, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5 to 1 vote.
63. Tab CF – Jeffrey Tysco, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
64. Tab CG – Barbara A. Wade, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
65. Tab CH – James Henry Walsh, Jr., present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
66. Tab C – Krista Ketter, present – Informal – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to vacate the notice of intent to deny and approve the application for sales associate; the motion passed without dissent.
67. Agenda B, Tab B – Tyler Hartman, present – Applicant withdrew the application.
68. Agenda B, Tab C – Robbie L. Wongwon, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
69. Agenda B, Tab A – Kevin Asher, not present – Applicant continued the application and waived the 90-day requirement.
70. Tab BB – Laretta Lokaj Thompson, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5 to 1 vote.
71. Tab BG – Emily McNamee, present – Sales associate application denied; Commissioner Ketcham/Commissioner Sanchez; 4 to 2 vote.
72. Tab BI – Tanya Miller, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
73. Tab A – Kelly Anne Gaeger, not present – Informal – Applicant rescheduled the application.
74. Tab B – Stacy Michelle Harris, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
75. Tab J – Antonio Bellamy, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
76. Tab N – Shawna P. Burgess, not present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; 5 to 1 vote.
77. Tab O – William Burrell, IV, not present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

78. Tab V – Deja Chambers, not present – Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
79. Tab Z – James Dale, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5 to 1 vote.
80. Tab AG – Thomas Graydon Dunlap, not present – Applicant continued the application and waived the 90-day requirement.
81. Tab AY – Reynold Rony Joseph, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
82. Tab BA – Luke Linares, not present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
83. Tab BC – Joshua Keith Long, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4 to 2 vote.
84. Tab BE – Charmayne Sherrie Luckey, not present – Applicant continued the application and waived the 90-day requirement.
85. Tab BF – William Keith McCoy, not present – Sales associate application denied; Commissioner Ketcham/Commissioner Fryer; 5 to 1 vote.
86. Tab BP – Tokunbo Lasile Pope, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5 to 1 vote.
87. Tab BY – Richard Porter Shaw, Jr., not present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5 to 1 vote.
88. Tab CB – Gail Solivan, not present – Applicant continued the application and waived the 90-day requirement.
89. Tab CC – Michael Nicholas Spanos, not present – Applicant continued the application and waived the 90-day requirement.
90. Tab CI – Cedric Jerome Whitehead, not present – Applicant continued the application and waived the 90-day requirement.

### **Public Comments**

The Commission offered, but there were no comments from members of the audience.

### **Recess**

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

### **January 17, 2018**

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of January, 2018.

#### **COMMISSIONERS**

Chair Thomas Luzier  
Dick Fryer  
Poul Hornsleth  
Patti Ketcham  
Guy Sanchez

Randy Schwartz

Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Vice-Chair Fitzgerald was excused and not present. Mr. Barnhart declared a quorum present.

#### **STAFF**

Katy McGinnis, Director

Lori Crawford, Executive Director

Brande Miller, Deputy Chief Attorney

Crystal Stephens, Assistant General Counsel

Warren Sanger, Operations Support Unit Supervisor

Janice Lugo, Regulatory Consultant

Mike Davis, Regulatory Specialist, Supervisor/Consultant

American Court Reporting, Inc. (407) 896-1813 provided court services.

#### **Reports**

##### **Enforcement Trends and Escrow Audits Reports**

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

##### **Unlicensed Activity Report**

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

##### **Financial Reports**

Executive Director Crawford presented the quarterly Financial Reports and addressed questions and comments from the Commission.

##### **Monthly Exam Performance Summary Report**

Executive Director Crawford presented the monthly Exam Performance Summary Reports and addressed questions and comments from the Commission.

##### **Application and License Count Reports**

Operations Support Unit Supervisor, Warren Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

##### **Legal Case Activity Report**

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

##### **Legal Agenda Schedule**

##### **Escrow Disbursement Orders – Agenda**

Ms. Bhambani presented 2 Escrow Disbursement Orders, and 1 Order for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept the Escrow Disbursement Orders, and the remaining Order; Commissioner Fryer seconded the motion; the motion passed without dissent.

##### **Recovery Fund Claims**

**Tab A – Anita Rampersand and Rafael Perez-Mullor v. Olivera Milosavijevic, DBPR Case No. 2016-035626**

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not present. Mr. David recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to grant the Final Order Granting the Recovery Fund Claim in the amount of \$7,000.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

**Legal Appearance Docket**

**Tab B – Linda L. Jones, BL 664725; Case No. 2016049828 – Petitioner’s Request for Informal Hearing**

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Vice-Chair Fitzgerald served on the probable cause panel. Vice-Chair Fitzgerald was excused and not present.

Mr. Duval represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved; seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; motion passed 5-1. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed 4-2 to impose the following sanctions:

**Penalty imposed:** Administrative fine of \$250.00; investigative costs of \$132.00; 3 hour core law course; 6 month probation. **Violation(s):** Section 475.25(1)(m), Florida Statutes in one or more of the following ways: Concealing her plea to the crime of Criminal Mischief; Misrepresenting that she was "not charged with" the crime of Leaving the Scene of an Accident Involving Injury in Case Number 90-4138CFAES where in fact she pled nolo contendere and the Court withheld adjudication; Misrepresenting her July 27, 1992, crime and the result thereof as "Disorderly Conduct" with adjudication withheld, where in fact she pled nolo contendere to and was adjudicated guilty of the crime of Disorderly Intoxication; Misrepresenting that she was "found not guilty" of the crime of "Filing False Report," where in fact she pled nolo contendere to and had adjudication withheld in the crime of False Report to a Law Enforcement Officer; Section 455.227(1)(t), Florida Statutes, by failing to timely inform the Commission in writing after entering pleas of nolo contendere or guilty to the crimes of Aggravated Assault in Case Number CRC0601608CFAES, and Burglary of an Unoccupied Dwelling and Criminal Mischief; Section 475.25(1)(f), Florida Statutes, when she pled nolo contendere to and was adjudicated guilty of the crime of Burglary of an Unoccupied Dwelling, a crime of moral turpitude.

**Tab K – Stephen Coapes Brinley, SL 505061; Case No. 2017018479 – Motion for Waiver of Rights and Entry of Final Order**

Case Continued

**Tab E – James McGraw, BK 494801; Case No. 2016012434 – Stipulated Settlement**

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

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Hornsleth moved; seconded by Commissioner Schwartz; motion passed without dissent to accept the Settlement Stipulation.

**Penalty:** Administrative fine of \$1,500.00; investigative costs of \$371.25; complete a 14-hour CE course including core law; attend 2 complete FREC meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, in one or more of the following ways by directing the tenants to stop making payments to Century and commence making rental payments to Respondent or McGraw Realty and by informing the tenants that, ". . . the owners of your rental property have elected to join me in providing continued Property management



services with my company. . .”, when he did not have signed property management contracts with the rental property owner’s.

**Action Taken:** Settlement Stipulation accepted.

**Tab L – Lee Anthony Fragneno, BK 3243192; Case No. 2016056473 – Motion for Waiver of Rights and Entry of Final Order**

Respondent was present; Respondent was represented by Darren Aponte, Esquire, present. Commission Hornsleth was recused due to participation on the probable cause panel.

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

**Penalty:** Revocation; investigative costs \$182.25. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to timely inform the Commission in writing after pleading guilty to and being adjudicated guilty of the following crimes: Grand Theft in the Second Degree, a second-degree felony; five separate counts of Grand Theft in the Third Degree, third-degree felonies; and a second-degree felony violation of the Florida Money Laundering Act; Section 475.25(1)(f), Florida Statutes, when he pled guilty to and was adjudicated guilty for the crimes of: Grand Theft in the Second Degree; five separate counts of Grand Theft in the Third Degree; and a second-degree felony violation of the Florida Money Laundering Act.

**Tab C – Polly Esther Mac Kay, BL 638450; Case No. 2017025732 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$250.00; investigative costs \$363.00; 1 complete FREC general meeting; 3 hour core law; 12 month probation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of 455.227(1)(t), Florida Statutes, by failing to inform the board, in writing, of her plea of nolo contendere to the crimes of DUI with damage and resisting an officer without violence within thirty days of making the plea.

**Tab A – Dur Rich Realty, Inc., CQ 254544; Case No. 2017005498 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** 60 day suspension; administrative fine of \$1,000; Investigative costs of \$528.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent violated Rule 61J2-14.012, Florida Administrative Code, by failing to make one or more required monthly statement-reconciliations for its security deposit and rental distribution accounts.

**Tab O – Judith Helene Richman, BK 406910; Case No. 2017000680 – Motion for Waiver of Rights and Entry of Final Order**

Respondent was not present; Respondent was not represented by counsel. Vice-Chair Fitzgerald served on the probable cause panel. Vice-Chair Fitzgerald was excused and not present.

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

**Penalty:** 60 day suspension; administrative fine of \$1,000.00; investigative costs of \$627.00; 4 hour escrow management course; 6 month probation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent violated Rule 61J2-14.012, Florida Administrative Code, by failing to make one or more required monthly statement-reconciliations for her security deposit and rental distribution accounts.

**Tab D – Michael A. Manuri, SL 3281858; Case No. 2017015047 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Suspension for 10 years, or until fully complied with case number 2015-044248. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when he violated a Final Order issued under the provisions of Chapters 455 or 475 in one or more of the following ways: By failing to pay the \$500 administrative fine; by failing to pay the administrative costs of \$561.00; and/or by failing to attend one, two day, Commission meeting.

**Tab F – Oliver Paul Seidler, BK 3092025; Case No. 2016002906 – Settlement Stipulation**

Respondent was not present; Respondent was not represented by counsel. . Vice-Chair Fitzgerald served on the probable cause panel. Vice-Chair Fitzgerald was excused and not present.

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Schwartz moved; seconded by Commissioner Ketcham; motion passed without dissent to reject the Settlement Stipulation.

**Action Taken:** Settlement Stipulation rejected.

**Tab G – Edward G. Thornburg Jr., SL 433630; Case No. 2016025924 – Settlement Stipulation**

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

Ms. Herrera represented the department and presented the case to the Commission. After discussion Commissioner Hornsleth moved; seconded by Commissioner Schwartz; motion passed without dissent to accept the Settlement Stipulation.

**Penalty:** Administrative fine of \$500.00; investigative costs of \$2,963.40; 3 hour core law course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Section 455.227(1)(t), Florida Statutes, by failing to report to the Department within 30 days of: Pleading no contest to, and being adjudicated guilty of one count of “Possession of Cocaine,” a third-degree felony, and one count of “Narcotic Equipment Possession” a first-degree misdemeanor; being adjudicated guilty of one count of “Driving Under the

Influence," a second-degree misdemeanor, one count of "Possession of Cocaine," a third-degree felony and one count of "Fleeing to Elude Highspeed," a second-degree felony; being adjudicated guilty of one count of "Possession of Drug Paraphernalia," a first-degree misdemeanor.

**Action Taken:** Settlement Stipulation accepted.

**Tab H – Thomas J. Assad, BK 3295779; BK 3251391; BK 3304795; BK 3311987; Case No. 2015012239 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. White represented the department and presented the case to the Commission. Commissioner Sanchez moved; Commissioner Schwartz seconded the motion to accept the Voluntary Relinquishment; the motion passed without dissent.

**Action Taken:** Voluntary Relinquishment of License for Permanent Revocation accepted.

**Tab I – Brandon Wayne Cook, SL 3338072; Case No. 2017015127 – Voluntary Relinquishment of License for Permanent Revocation**

Respondent was not present; Respondent was not represented by counsel. . Vice-Chair Fitzgerald served on the probable cause panel. Vice-Chair Fitzgerald was excused and not present.

Ms. White represented the department and presented the case to the Commission. Commissioner Hornsleth moved; Commissioner Schwartz seconded the motion to accept the Voluntary Relinquishment; the motion passed without dissent.

**Action Taken:** Voluntary Relinquishment of License for Permanent Revocation accepted.

**Tab J – Allan Roth, SL 3314807; Case No. 2017031231 – Voluntary Relinquishment of License for Permanent Revocation**

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

Mr. David represented the department and presented the case to the Commission. Commissioner Hornsleth moved; Commissioner Schwartz seconded the motion to accept the Voluntary Relinquishment; the motion passed without dissent.

**Action Taken:** Voluntary Relinquishment of License for Permanent Revocation accepted.

**Tab M – Ivonne Gomez, SL 3227169; Case No. 2017002254 – Motion of Waiver of Rights and Entry of Final Order**

Respondent was not present; Respondent was not represented by counsel. . Vice-Chair Fitzgerald served on the probable cause panel. Vice-Chair Fitzgerald was excused and not present.

Mr. David represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Sanchez; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Schwartz; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$684.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes in one or more of following ways: by entering a plea of guilty to the felony of Conspiracy to Defraud the United States and Pay Health Care Kickbacks in the United States District Court for the Southern District of Florida; by being adjudicated guilty of the above offense by the Court.

**Tab N – James Grant Gordon Jr., SL 3238865; Case No. 2016051195 – Motion of Waiver of Rights and Entry of Final Order**

Respondent was not present; Respondent was not represented by counsel. . Vice-Chair Fitzgerald served on the probable cause panel. Vice-Chair Fitzgerald was excused and not present.

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

**Penalty:** 10 year suspension; investigative costs of \$287.10. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when she violated a Final Order issued under the provisions of Chapters 455 or 475 in one or more of the following ways: By failing to pay the \$1,000 administrative fine; By failing to pay the administrative costs of \$419.00; and/or By failing to complete a twenty-eight hour reactivation course..

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

**Tab A – Florida 14 Hour Complete Continuing Education Course – New Course (14 hours, distance) – Application No. 31137 – @ Your Pace Online**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab B – Ethics in Real Estate – New Course (3 hours, classroom) – Application No. 31040 – David Collins Schools, LLC**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab C – Professional Standards – New Course (3 hours, classroom) – Application No. 31383 – Florida Association of Realtors**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab D – SAFE Federal Laws, Regulations, & Ethics – New Course (8 hours, livestream) – Application No. 31037 – Florida Mortgage Broker School**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab E – Ethics and Business Practices (Case Studies) – New Course (3 hours, classroom) – Application No. 31122 – Florida School of Real Estate Online and In Class**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab F – Understanding the Home Inspection & Insurance Reports – New Course (3 hours, classroom) – Application No. 31030 – Internachi**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab G** – *Top Policy Issues Facing Brokerage Today* – New Course (3 hours, distance) – Application No. 31224 – McKissock LP

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab H** – *Code of Ethics* – New Course (3 hours, classroom) – Application No. 31158 – South Florida Real Estate School

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab I** – *Thinking Into Results Professional Development* – New Course (12 hours, classroom) – Application No. 31298 – Think and Create Results, LLC

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab J** – *NAR Code of Ethics* – New Course (3 hours, classroom) – Application No. 31157 – Walk the Talk Presentations Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab K** – *The Code of Ethics – Your Promise of Professionalism* – New Course (3 hours, classroom) – Application No. 30989 – West Pasco Board of Realtors

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

### **Consent Agenda A**

The Commission considered 42 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 22 applicants and require 20 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Branham, Ronnie	Mitchell, Rodney D.	Simmons, Teresa N.
Clark, Dino D.	O'Connor, Quinn M.	Stores, Andre
Contreras, Kathya	Pittner, Kyran M.	Trejo, Shannon D.
Crook, Seth	Ramirez, Merari Del Carmen	Vanasdale, Dorothy A.
Ivey, Alicia	Rios, Charlie	Villa, Sashaly
Levin, Alan 21	Ryan, Amanda H.	Windham, Christopher S.
Linares, Humberto	Sadler, William G.	Yepes, Eliana
McIntosh, Dennis M.		

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

Arduz, Vigny S.  
Astrinakis, Vanessa Marie Z.  
Breitbach, Anthony F.  
Castillo, Willy  
Cerveney, Robert Paul, Jr.  
Claircius, Max  
Cortes, Jose H.

Critelli, Nicholas  
Decker, David M.  
Evans, Heath D.  
Haulsee, Michael  
Linder, Henry  
Mayers, Matthew E.  
Mojarrieta Medina, Otniel

Prouty, James  
Randall, Reginald  
Sosa, William  
Torres, Daniel  
Wilson, Samantha L.  
Young, Velisha Grace

### **Consent Agenda B**

The Commission considered 23 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 10 applicants and require 13 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Anderson, Alicia  
Eady, Israel L. Jr.  
Higgins, Christopher  
Leung, David Kwok Fai

Maddux, Brandon M.  
Page, Garth N.  
Payakovich, David S.

Powell, Jamal El Hajj Maliek  
Thermidor, James  
Wilson, Shonte' W.

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

Anderson, Dwight E.  
Campodonico, Italo D.  
Cordova, Luis R.  
Dykes, Dallas P.  
Grace, Shelia

Harris, Lynda V.  
Hartley, Victoria J.  
Joseph, Johnny  
Lam, Anthy

Le, Kevin  
Milone, Jennifer M.  
Morgan, Travis S.  
Rice, Steven K.

### **General Session continued**

#### **Rule Discussion**

##### **Rules Report**

##### **Rule 61J2-3.008 – Pre-licensing Education for Broker and Sales Associate Applicants**

FREC Counsel Barnhart presented a proposed draft of Rule 61J2-3.008 for discussion. The Commission addressed comments from industry members. Upon conclusion of the discussion, Commissioner Fryer moved to adopt the proposed language as presented; Commissioner Sanchez seconded the motion; the motion passed without dissent.

Mr. Barnhart requested the Commission review the SERC checklist for approval. Commissioner Fryer moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Commissioner Sanchez; the motion passed without dissent.

FREC Counsel Barnhart requested the Commission determine whether a violation of this rule or any part of this rule be designated a minor violation. Commissioner Fryer moved that any violation of this rule would not be a minor violation; Commissioner Sanchez seconded the motion; the motion passed without dissent.

##### **Rule 61J2-3.020 – Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees**

FREC Counsel Barnhart presented a proposed draft of Rule 61J2-3.020 for discussion. The Commission addressed comments from industry members. Upon conclusion of the discussion, Commissioner Sanchez

moved to adopt the proposed language as presented; Commissioner Fryer seconded the motion; the motion passed without dissent.

Mr. Barnhart requested the Commission review the SERC checklist for approval. Commissioner Fryer moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Commissioner Sanchez; the motion passed without dissent.

FREC Counsel Barnhart requested the Commission determine whether a violation of this rule or any part of this rule be designated a minor violation. Commissioner Fryer moved that any violation of this rule would not be a minor violation; Commissioner Sanchez seconded the motion; the motion passed without dissent.

#### Rule 61J2-3.011 – Continuing Education for School Instructors

FREC Counsel Barnhart presented a letter from the Joint Administrative Procedures Committee and requested the Commission address JAPC's comments. After discussion, the Commission requested to bring this back as a workshop item.

#### **General Session continued**

#### **Special Agenda**

#### **Applicant Joseph Gavagni – Motion to Deny Request for Formal Administrative Hearing and, if Granted, Motion to hold an Informal Hearing Before FREC**

Mr. Barnhart presented the matter to the Commission for consideration. Ms. Campiglia represented the applicant and was present. After both parties presentation, the Commission entered into discussion. Commissioner Sanchez moved to deny the request for a formal hearing and to hold an informal hearing; Commissioner Ketcham seconded the motion; the motion passed without dissent. Ms. Campiglia requested a continuance. The Commission granted the continuance.

#### **Discussion Relating to Broker Qualification Standards**

Chair Luzier brought up this discussion to address the current requirements to upgrade to a broker license and consider adding practical experience requirements. The Commission entered into discussion and received comments from members of the audience. Chair Luzier requested to continue including this discussion at the FREC meetings and asked the Division to provide a list of states that currently require experience to obtain a broker license.

#### **Petition for Rule Waiver or Variance received from Virginia Lawson – VS 2017-214**


Ms. Lawson was not present. Education Coordinator Pomales presented this matter to the Commission. After discussion, Commissioner Fryer moved to grant the request for exemption; Commissioner Hornsleth seconded the motion; the motion passed without dissent.


#### **Public Comments**

The Commission addressed comments from members of the audience.

#### **Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 3: p.m. The next general meeting of the Florida Real Estate Commission is scheduled for February 20 and 21, 2018, in Orlando, Florida.

  
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Thomas Luzier, Chair  
Florida Real Estate Commission

  
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Lori Crawford, Executive Director  
Florida Real Estate Commission