

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
April 17 and 18, 2018
General Meeting**

April 17, 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 17th day of April, 2018.

COMMISSIONERS

Chair Thomas Luzier

Vice-Chair Patricia Fitzgerald

Dick Fryer

Poul Hornsleth

Patti Ketcham

Guy Sanchez

Randy Schwartz

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

Janice Lugo, Operations Support Supervisor

Meagan McAvoy, Regulatory Specialist III

Mike Davis, Regulatory Supervisor/Consultant

Dorothy Carter, Regulator Specialist III

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

Summary of Applicants

Regulatory Supervisor/Consultant, Mike Davis presented 75 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda A, Tab O – Eduardo Guillermo Croquelet, present; represented by Nancy Campiglia, Esquire, present – Sales associate application denied; Commissioner Ketcham/Vice-Chair Fitzgerald; unanimous vote.
2. Agenda B, Tab D – Jonathan Troy Carlblom, present; represented by Steven Johnson, Esquire, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
3. Agenda A, Tab AO – Martha Isabel Viveros Valencia – present; represented by Rick Strong, Esquire, present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
4. Agenda A, Tab AI – Alexis A. Porro Fortun, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

5. Agenda B, Tab P – Joshua Daniel Medvin, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

Agenda A

6. Tab C – Minique Rashae Mobley, present – Informal – Vacate Notice of Intent to Deny and sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

7. Tab E – Tammy Lee Amodea, present; represented by Daniel Villazon, Esquire, present – Broker application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

8. Tab F – Aliyah Baker, present – Sales associate application denied; Commissioner Ketcham/Commissioner Sanchez; 4-3 vote.

9. Tab G – Valery Bernadotte, present – Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

10. Tab H – Santiago Brito, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-3 vote.

11. Tab I – Calvin Benjamin Brown, present – Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.

12. Tab J – Mark Winfield Brown, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

13. Tab K – Corey Bullard, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

14. Tab M – Nikenson Cherichel, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 6 to 1 vote.

15. Tab P – Jeffrey Lee Davidson, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 5 to 2 vote.

16. Tab S – Roger A. Faulk, present – Broker application approved with conditions; Commissioner Fryer/Vice-Chair Fitzgerald; 6 to 1 vote.

17. Tab T – Nathan Foreman, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

18. Tab U – Anthony A. Grey, present – Sales associate application approved; Commissioner Fryer/Commissioner Vice-Chair Fitzgerald; 5 to 2 vote.

19. Tab V – Barrett Miles Hardin, present – Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; 5 to 2 vote.

20. Tab W – Reginald Marquis Hayles, Jr., present – Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; 6 to 1 vote.

21. Tab Y – Ashley W. Holmes, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

22. Tab Z – Jimmy Jacob, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

23. Tab AA – James Earl Jurich, present – Broker application denied; Commissioner Fryer/Commissioner Ketcham; unanimous vote.

24. Tab AB – Richard Kemper Kefauver, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
25. Tab AC – Tami Kelly, present – Application withdrawn.
26. Tab AD – Ross Thomas Lewis, present – Sales associate application approved with conditions; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
27. Tab AG – Edward Mosinak, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4 to 3 vote.
28. Tab AH – Ronald Dean Mullis, present – Sales associate application approved with conditions; Commissioner Fryer/Vice-Chair Fitzgerald; 4 to 3 vote.
29. Tab AJ – Daniel Hendry Russoli, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 5 to 2 vote.
30. Tab AK – Andrea Leigh Slade, present – Sales associate application approved with conditions; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
31. Tab AL – Daphne Tamia Stephens, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Sanchez; 5 to 2 vote.
32. Tab AP – Ranjit Wasu, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
33. Tab AQ – Evelyn Marie Whittaker, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

Agenda B

34. Tab G – Steven Edward Engelhard, present – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
35. Tab Q – George H. Meyerhoff, Jr., present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
36. Tab AD – Pamela Morrison, present; was represented by Daniel Villazon, Esquire, present – Broker application approved; Commissioner Schwartz/Commissioner Ketcham; unanimous vote.

Commissioner Hornsleth was not present during the following applications:

37. Tab N – Debra Jean Mead, present – Broker application approved; Commissioner Schwartz/Vice-Chair Fitzgerald; unanimous vote.
38. Tab B – Christopher Oleh Bula, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote
39. Tab E – Miles Davis, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote
40. Tab H – Dennis Keith Fessel, present – Broker application approved; Commissioner Fryer/Commissioner Schwartz; 5 to 1 vote.
41. Tab I – Julie Hickox, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 5 to 1 vote.
42. Tab K – Otany Lantigua, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

43. Tab M – Christopher Daniel Lynn, Sr., present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

44. Tab R – Nelson Moya, present – Broker application approved; Commissioner Ketcham/Commissioner Fryer; unanimous vote.

45. Tab G – Matt Thibault Pallardy, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

Commissioner Hornsleth returned to the meeting.

46. Tab W – Quince George Plunkett, present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

47. Tab AA – Susan Lori Wise Rowe, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

48. Tab AC – Kimberly Michael Schneider, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 6 to 1 vote.

49. Tab F – Melissa Di Pasquale, present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

50. Tab A – Susan Bird, present – Continued waived 90 days.

51. Tab C – Hannah T. Campbell, not present – Continued waived 90 days.

52. Tab J – Jorge L. Jimenez Justo, not present – Continued waived 90 days.

53. Tab L – Jorge Lopez Jr., not present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

54. Tab O – Connor Meckley, not present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

55. Tab S – Robby Alan Munoz, not present – Continued waived 90 days.

56. Tab U – Michael John Passarella, present – Continued waived 90 days.

57. Tab V – Michael John Pierne, not present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

58. Tab X – Charity Price, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

59. Tab Y – Karina Quiceno, not present – Continued waived 90 days.

60. Tab AA – Christopher Joseph Rukab, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

61. Tab AC – Marshawn Thrasher, not present – Continued waived 90 days.

Agenda A

62. Tab A – Shawna P. Burgess, not present, informal – Notice of Intent to Deny upheld; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

63. Tab B – Nicole Lynn Byler, not present, informal – Continued waived 90 days.

64. Tab D – Douglas James Aldrich, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

65. Tab L – Betsy Kaye Byrd, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5-2 vote.
66. Tab N – Michael Condello, not present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
67. Tab Q – Domenic Difante, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
68. Tab R – Candice Rose Eck, not present – Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; 4-3 vote.
69. Tab X – Kendelo Hollis Jr., not present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
70. Tab AE – Chuck Masterson, not present – Sales associate application denied; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
71. Tab AF – Francois Finney Mohamed, not present – Sales associate application denied; Commissioner Ketcham/Commissioner Schwartz; unanimous vote.
72. Tab AM – Marina Superlano, not present – Continued waived 90 days.
73. Tab AN – Tianna Tysha Thompson, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
74. Tab AR – Willis Wilcox Williams, not present – Applicant withdrew application.

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 5:00 p.m. until 8:30 a.m. tomorrow.

April 18, 2018

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of April, 2018.

COMMISSIONERS

Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
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 and Commissioner Schwartz were approved and not present. Mr. Barnhart declared a quorum present.

STAFF

Katy McGinnis, Director
Denise Johnson, Deputy Director
Lori Crawford, Executive Director

Al Cheneler, Chief Attorney
Allison McDonald, Deputy Chief Attorney
James Fortunas, Deputy Chief Attorney
Maureen White, Senior Attorney
Jocelyn Pomales, Education Coordinator
Sara Kimmig, Bureau Chief
Mike Davis, Regulatory Supervisor/Consultant
Dorothy Carter, Regulatory Specialist III
American Court Reporting, Inc. (407) 896-1813 provided court services.

Reports

The following reports were presented to the Commission:

- Enforcement Trends and Escrow Audits Reports
- Unlicensed Activity Report
- Financial Reports
- Monthly Exam Performance Summary Report
- Application and License Count Reports
- Legal Case Activity Report

Division staff addressed questions and comments from the Commission.

Consent Agenda A

The Commission considered 47 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald to approve 19 applicants and require 28 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Busscher, Matthew J.	Hansraj, Dhanesh	Norton, Krista F.
Camanse, Trevor	Horvath, Aniko	Radjouki, Betoven
Catanese, Melanie	Iamesi, Alison M.	Ratzlaff, Justin L.
Clark, Justin	Khan, Caressa S.	Rodriguez, Rocco
Cummings, Roger K.	Kuzmenko, Pavel P.	Stevens, Eric W.
Gaffer, Aubrey N.	Lozada, Ismael	
Gudnyy, Dmitriy	Morris, Joel C.	

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

Bartruff, Rodney R.	Gleason, Francis J. III	Parson, Noel
Berube, Michael	Hernandez, Gracie C.	Perez, Julio C.
Beveritt, Candace	Irelan, Kelly	Permenter, Calvin J.
Cabrera, Rodolfo	Janssen, Alexis A.	Sampson, Tashanda L.
Cardoso, Anthony	Kennedy, David S.	Sanchez, Rodrigo
Chapman, Evann	Kollmer, Alexander J.	Speraw, Adrienne M.
Charlotin, Quinn	Levoy, Robert Edward II	Tomlin, Natasha
Cudd, Jamie	Martin, Ashley Glen	Zies, Ian Adam
Delva, Ernest Archer Jr.	Martinangelo, Marc	
Ferguson, Archie	Murphy, Thomas James	

Consent Agenda B

The Commission considered 18 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 7 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Bachet, JeanPierre
Bagen, Kyle
Clemons, Marquise

Harris, Derek
Pineda, Elizabeth

Silva, Mauro Claudio
Wright, Matthew B.

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

Albano, Louis Anthony
Burke, Charles John
Ferrell, Quincefena
Garcia, Carmelo E.

Lee, Joshua Joe
Louis, Harry
Marchetti, Samantha Marie
McLaughlin, Makeesha

Murphy, Brendan Conor
Sanchez, Darius Emanuel
Thorne, Yusuf

Legal Agenda Schedule

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 13 Escrow Disbursement Orders, and 6 Orders for the Commission's consideration. The Commission entered into discussion. Vice-Chair Fitzgerald 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 – John Rollas v. John Voigt, DBPR Case No. 2016-024148

Ms. White presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not present. Ms. White recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to accept the Final Order Granting the Recovery Fund Claim. Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab K – Timothy Voda, BK 638152; Case No. 2016055091 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Vice-Chair Fitzgerald; motion passed 5-1 to accept the Settlement Stipulation.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$495.00. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by transferring funds out of Regatta's Security Deposit Account into Regatta's Operating Account without proper authorization on one or more occasions; Section 475(1)(b), Florida Statutes, including but not limited to, in one or more of the following ways: Respondent misrepresented that security deposit funds were being exclusively held in Regatta's Security Deposit Account; Respondent breached the fiduciary duty owed to his clients by transferring funds out of Regatta's Security Deposit Account without proper authorization; and Respondent concealed the transfers from Regatta's Security Deposit Account.

Action Taken: Settlement Stipulation accepted.

Tab J – Regatta Real Estate, CQ 1005647; Case No. 2017002426 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Vice-Chair Fitzgerald; motion passed 5-1 to accept the Settlement Stipulation.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$552.75. **Violation(s):** Section 475(1)(b), Florida Statutes, including but not limited to, in one or more of the following ways: Respondent misrepresented that security deposit funds were being exclusively held in Regatta's Security Deposit Account; Respondent breached the fiduciary duty owed to his clients by transferring funds out of Regatta's Security Deposit Account without proper authorization; and Respondent concealed the transfers from Regatta's Security Deposit Account.

Action Taken: Settlement Stipulation accepted.

Tab F – Rosa Mesa, SL 3136832; Case No. 2017022099 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Sanchez was recused due to participation on the probable cause panel.

Mr. Fortunas 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: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes in one or more of following ways: By entering a plea of nolo contendere to the crime of Grand Theft (3rd Degree by being adjudicated guilty of the crime of Grand Theft (3rd Degree); by entering a plea of nolo contendere to the crime of Uttering a Forged Instrument; by being adjudicated guilty of the crime of Uttering a Forged Instrument; by entering a plea of nolo contendere to the crime of Criminal Use of Personal; by being adjudicated guilty of the crime of Criminal Use of Personal; by entering a plea of nolo contendere to the crime of Possession of an Unlawfully Issued, Stolen or Fictitious Driver's License; by being adjudicated guilty of the crime of Possession of an Unlawfully Issued, Stolen or Fictitious Driver's License.

Tab H – Heather Grimes, SL 3109146; Case No. 2016028021 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Sanchez was recused due to participation on the probable cause panel.

Mr. Fortunas represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Hornsleth; motion passed 5-1 to accept the Settlement Stipulation.

Penalty: Relinquish real estate instructor license ZH 1002731; relinquish real estate school license ZH1002326; investigative costs of \$1,290.30. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely return to Ms. Mettlach the \$9,000.00 escrow deposit remitted to the Respondent's brokerage, International Real Estate Company, in relation to Ms. Mettlach's potential purchase of the Shore Drive property.

Action Taken: Settlement Stipulation accepted.

Tab C – Worrell Alexander Garrick, SL 3106804; Case No. 2017010414 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of \$1,000.00; investigative costs of \$973.00; 6 month probation. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to notify the Commission in writing within 30 days of entering a plea of nolo contendere to criminal charges, receiving a having received an adjudication of guilt on the felony driving charge and a withheld adjudication on the misdemeanor marijuana charge.

Tab G – Shana Denell Thomas, SL 3082683; Case No. 2016052523 – Respondent’s Request for Informal Hearing

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Ketcham moved, seconded by Vice-Chair Fitzgerald to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; the motion passed 3-1 to impose the following sanctions:

Penalty: Suspension for 5 years; investigative costs of \$346.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when she pled no contest to the crimes of fraudulent use of personal identification information and third degree grand theft; Section 475.25(1)(p), Florida Statutes, by failing to: inform the Commission of her plea of no contest to third degree grand theft; and/or inform the Commission of her plea of no contest to fraudulent use of personal information.

Tab A & B – Alicia Faith King, BK 3203595, 3261628, 3293588, 3306619, 3335771, 3354773, and 3363985; Case Nos. 2016018069 & 2016018731 – Recommended Order with Respondent’s Exceptions

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

Ms. White represented the Department and presented the case to the Commission. Mr. Villazon filed Exceptions to the Recommended Order. Ms. White filed a Response to the Exceptions. The Commission entered into discussion. The Commission denied Exceptions 1 through 8, 10, 12, and 14 with a 4-2 vote. Exceptions 11 and 13 were denied with a unanimous vote. Exception 9 was accepted with a unanimous vote.

Commissioner Sanchez moved, seconded by Vice-Chair Fitzgerald; motion passed without dissent to adopt the Administrative Law Judge’s findings of fact and conclusions of law and to modify the penalty imposing the following sanctions:

Penalty imposed: (For case number 2016018069) 8 months suspension to run concurrent with 2016018731; administrative fine \$2,500.00; investigative costs of \$1,625.25. (For case number 2016018731) 9 months suspension to run concurrent with 2016018069; administrative fine of \$2,000.00; investigative costs of \$1,608.75; **Violation:** Section 475.25(1)(u), Florida Statutes, when she failed to adequately supervise the actions of her sales associate; Section 475.5015, Florida Statutes, by failing to

provide the transaction file and all supporting documents connected with the Subject Rental, as well as complete escrow reconciliation records and banks statements for Friendly Realty's escrow account; Section 475.25(1)(b), Florida Statutes, in one or more of the following ways: By failing to adequately supervise the actions of her sales associate; and/or, By failing to provide the transaction file and all supporting documents connected with the Subject Rental, as well as complete escrow reconciliation records and banks statements for Friendly Realty's escrow account.

Tab D – John Thomas Kennedy, SL 3220609; Case No. 2017021615 – Motion for Waiver of Rights and Entry of Final Order

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

Mr. Fortunas 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: Revocation; administrative fine of \$1,000.00; investigative costs \$429.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to the crime of Grand Theft With Damage Over \$1,000; by being adjudicated guilty of the crime of Grand Theft With Damage Over \$1,000; by entering a plea of guilty to the crime of Uttering a Forgery (Checks); by being adjudicated guilty of the crime of Uttering a Forgery (Checks; by entering a plea of guilty to the crime of Grand Theft; by being adjudicated guilty of the crime of Grand Theft; by entering a plea of guilty to the crime of Uttering a Forgery (Checks); by being adjudicated guilty of the crime of Uttering a Forgery (Checks; by being adjudicated guilty of the crime of Grand Theft; by entering a plea of guilty to the crime of Uttering a Forgery (Checks; by being adjudicated guilty of the crime of Uttering a Forgery (Checks) By entering a plea of guilty to the crime of Grand Theft; by being adjudicated guilty of the crime of Grand; by entering a plea of guilty to the crime of Uttering a Forgery (Checks); by being adjudicated guilty of the crime of Uttering a Forgery (Checks); by entering a plea of guilty to the crime of Grand Theft; by being adjudicated guilty of the crime of Grand Theft; by entering a plea of guilty to the crime of Aggravated Stalking; by being adjudicated guilty of the crime of Aggravated; by entering a plea of guilty to the crime of Violation of an Injunction Against Domestic Violence.

Tab E – Katherine Frances Moran, SL 3117802; Case No. 2017033410 – Respondents Request for Informal Hearing

Case continued.

Tab I – Daniel Leveton, SL 3067597; Case No. 2017045340 – Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez; motion passed 5-1 to accept the Amended Settlement Stipulation.

Penalty: 1 year suspension; administrative fine of \$1,250.00; investigative costs of \$181.50; 14 hour classroom continuing education course; 1 complete FREC general meeting. **Violation(s):** Section 455.227(1)(t), Florida Statutes (2016), and thereby Section 475.25(1)(e), Florida Statutes (2016), by failing to inform the commission in writing within 30 days after entering a plea of nolo contendere to one count of Petit Theft, a first degree misdemeanor; Section 475.25(1)(f), Florida Statutes (2016), by pleading nolo contendere to one count of Petit Theft, a first degree misdemeanor, a crime which directly relates to the activities of a licensed sales associate, or involves moral turpitude or fraudulent or dishonest dealing.

Action Taken: Amended Settlement Stipulation accepted.

Tab L – Monique Bender, SL 3338156; Case No. 2016040716 – Motion for Waiver of Rights and Entry of Final Order

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. 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: Revocation; investigative costs of \$604.23. **Violation(s):** Section 475.42 (1)(b), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by being licensed as a sales associate and operating as a broker by agreeing to do the following for the purpose of collecting or receiving compensation or valuable consideration, without having an ownership interest in the property, in one or more of the following ways: by agreeing to collect all rents as they become due, by agreeing to advertise for tenants, screen tenants and select tenants of suitable credit worthiness, by agreeing to rent and to lease the property, to sign, renew and to cancel rental agreements and leases for the property or any part thereof...”; Section 455.227(1)(j), Florida Statutes, thereby violating Section 475.25(1)(e), Florida Statutes, by aiding, assisting, employing, and advising Allstar and Bender in the performance of brokerage activities, as defined in Section 475.01 (a), Florida Statutes.

Tab M – Freddy Eduardo Orjuela, SL 3263312; Case No. 2017002520 – Motion for Waiver of Rights and Entry of Final Order

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Vice-Chair Fitzgerald 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: Revocation; investigative costs of \$156.75. **Violation(s):** Section 475.25(1)(f), Florida Statutes in one or more of following ways: by being found guilty by jury verdict of the crime of knowingly and willfully making a false statement to a financial institution on a loan application in the United States District Court for the Middle District of Florida.

Review and Consideration of the Real Estate Education Courses

Tab A – Code of Ethics – New Course (3 hours, classroom) – Application No. 33046 – @ Keyes Co-Realtors

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Sanchez moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

Tab B – ENHANCED Ignite– New Course (45 hours, sales associate post licensing course, classroom) – Application No. 31850 – Kristine Hansen

The applicant was 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 C – *The Roadmap to Building a Modern Real Estate Company* – New Course (3 hours, distance) – Application No. 32626 – McKissock LP

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

Tab D – *The Doctor is In: Diagnosing Your Risk Management* – Informal Hearing (3 hours, distance) – Application No. 31480 – McKissock LP

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to set aside the Notice of Intent to Deny and approve the course; Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

Tab E – *Understanding FICO & Managing Client* – New Course (2 hours, classroom) – Application No. 32728 – Performance School of Real Estate Finance

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 F – *Online Real Estate Auctions: Courthouse and Private Companies* – Informal Hearing (3 hours, livestream) – Application No. 31804 – Realty and Insurance U LLC

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

General Session continued

FREC – Petitions

Petition for Declaratory Statement received from Dale Sorensen Real Estate. – DS 2018-019

FREC Counsel Barnhart presented a Petition for Rule Waiver together with a supplement received from the Petitioner for the Commission's review and consideration. Petitioner was not present, represented by C. Douglas Vitunac, Esquire, present. Case Continued.

General Session continued

Rule Discussion

Rules Report

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

General Session continued

Special Agenda

Communication from Charles Medalie regarding request for multiple licenses

Commission discussed a communication requesting multiple licenses. Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to deny the request. The motion passed without dissent.

Discussion Relating to Broker Qualification Standards

Chair Luzier brought up this discussion to address differences in various states on what their guidelines are to become a licensed broker. The Commission also discussed forming work groups. Discussion relating to this matter will continue at May FREC Meeting.

Executive Director Comments

Executive Director Crawford provided a brief report regarding the attendance to the ARELLO conference in New Orleans.

Chair's Remarks

Vice-Chair Fitzgerald, Commissioner Fryer, Commissioner Hornsleth and Commissioner Ketcham provided a brief report of their attendance at the ARELLO Mid-Year Convention.

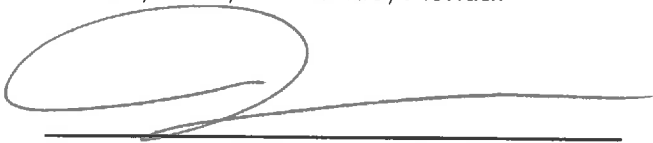
Chair Luzier thanked the Division and staff for all of their hard work.

Public Comments

The Commission received one public comment from a member of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:40 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 22 and 23, 2018, in Orlando, Florida.



Thomas Luzier, Chair
Florida Real Estate Commission


Lori Crawford, Executive Director
Florida Real Estate Commission