

**Jonathan Zachem, Secretary**

**Rick Scott, Governor**

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
June 20 and 21, 2017  
General Meeting**

Chair Chip Boring, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 20th day of June, 2017.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Thomas Luzier, Patricia Fitzgerald, Dick Fryer, Poul Hornsleth, Patti Ketcham, and Randy Schwartz. 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: Denise Johnson, Deputy Director; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Allison McDonald, Deputy Chief Attorney; Alexis Sykes Assistant General Counsels; Jocelyn Pomales, Education Coordinator; Janice Lugo, Regulatory Consultant; Mike Davis, Regulatory Supervisor. American Court Reporting, Inc. (407) 896-1813 provided court services.

**June 20, 2017**

**Summary of Applicants**

Operations Support Supervisor Warren Sanger and Regulatory Consultant Janice Lugo presented 82 Summary of Applicants requesting to sit for the real estate examination.

1. Tab BC – Michelle Renee Morales, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
2. Tab BA – Janiel Montanez Rodriguez, present; interpreter, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
3. Tab BH – Claudio Antonio Nieto, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
4. Tab Z – Michael Frederick Garcia, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.
5. Tab D – Armando Arias, present; was represented by Daniel Villazon, Esquire, present – Commissioner Schwartz moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 5-2.
6. Tab Q – Donna K. Clonick, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
7. Tab R – Colleen Michelle Copeland, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

8. Tab BT – Gabriella Sofia Soto, not present; Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
9. Tab A – Michael Howard Jones II, present, informal – Commissioner Fryer moved; seconded by Commissioner Hornsleth to set aside the notice of intent to deny, and approve the application for sales associate; the motion passed without dissent.
10. Tab E – Colleen E. Arnold, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
11. Tab F – Gabriella Arrington, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
12. Tab G – Isabella Arthur, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed 6-1.
13. Tab H – Tiffani Baldwin, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
14. Tab J – Alan Michael Berkun, present, informal – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
15. Tab K – Nadine Brutus, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
16. Tab L – Karen Cazzaniga, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed 6-1.
17. Tab M – Edward A. Cespedes, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for broker; the motion passed without dissent.
18. Tab N – Bobby David Chin, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
19. Tab O – Jesse Andrew Chisholm, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.
20. Tab S – Bradley John Davis, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
21. Tab T – Terry Leon Davis, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
22. Tab W – Steven Etheridge, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
23. Tab X – Bradley Ferrel, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
24. Tab Y – Uri Fried, present – Applicant withdrew application.
25. Tab AC – Alexander Daniel Grimaldi, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
26. Tab AD – Stephanie Grimes, present, informal – Commissioner Hornsleth moved; seconded by Commissioner Fryer to set aside the notice of intent to deny and approve the application for sales associate; the motion passed without dissent.

27. Tab AE – Joseph Luis Guardiola, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
28. Tab AG – Jeffrey Hanson, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
29. Tab AI – Bryant Huguet, present – Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
30. Tab AJ – Jon Marvin Hunter Jr., present – Vice-Chair Luzier moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
31. Tab AK – Krstopher Maurice James, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.
32. Tab AM – Darin Eugene Koontz, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.
33. Tab AO – Whitney Nicole Lanier, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
34. Tab AP – Susan A. Latty, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate with conditions; the motion passed 6-1.
35. Tab AQ – Charles Geron Lau, present – Applicant withdrew application.
36. Tab AR – Michael Asbury Lowe, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
37. Tab AS – Gabriel Julian Lugo, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.
38. Tab AT – Polly Esther Mac Kay, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate with conditions; the motion passed 6-1.
39. Tab AU – Dana Lee Madey, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate with conditions; the motion passed without dissent.
40. Tab AV – Jennifer Marin, present – Applicant withdrew application.
41. Tab AW – Jenepher McCormick, present – Commissioner Fryer moved; seconded by Commissioner Ketcham to approve the application for sales associate with conditions; the motion passed without dissent.
42. Tab AY – Ernst Mompremier, present – Commissioner Fryer moved; seconded by Commissioner Ketcham to deny the application for sales associate; the motion passed without dissent.
43. Tab AZ – Jessica Danielle Monroe, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4-3.
44. Tab BB – Gregory Noel Moore II, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.
45. Tab BD – Aaron Jon Narsavage, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
46. Tab BM – Rodolfo Pou, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
47. Tab BN – Andrienne Regalado, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

48. Tab BO – Donovan Alaston Reid, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
49. Tab BP – Eric Russo, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
50. Tab BQ – Joseph Sloan Ruzicka, present – Commissioner Schwartz moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
51. Tab BR – Addlya Carolyn Samuel, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed 5-2.
52. Tab BV – Christopher Michael Thomas, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.
53. Tab BW – Cindy Thomas, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.
54. Tab BX – Ann Torneo Hasanbelli, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.
55. Tab BY – Patell Troutman, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
56. Tab BZ – Emily Vasquez, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
57. Tab CB – Jennifer Rae Weigle, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
58. Tab CC – Mariana Santos Williams, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
59. Tab CD – Michael Williams, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
60. Tab BI – Andres Fernando Olivero, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
61. Tab BJ – Deja M. Patterson, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
62. Tab B – Lawanna Anderson, not present – Commissioner Fryer moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.
63. Tab C – Mariano Arceo, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
64. Tab I – Maria Teresa Bejarano, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.
65. Tab P – Yeasterly Churio, not present – Applicant continued and waived 90-day requirement.
66. Tab U – Lashaine Dubose, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5-2.
67. Tab V – Elizabeth Jasmine Escoriza, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

68. Tab AA – Damaris Gil, not present – Applicant continued and waived the 90-day requirement.
69. Tab AB – Kathleen Louise Green, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
70. Tab AF – Aerial Mahryah Guest, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
71. Tab AH – Jennifer Saint Hilaire, not present – Applicant continued and waived the 90-day requirement.
72. Tab AL – Steven Knott, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
73. Tab AN – Andre Lancaster, not present – Applicant continued and waived the 90-day requirement.
74. Tab AX – Carmen Mirabal, not present – Applicant continued and waived the 90-day requirement.
75. Tab BE – Jenny Nasimos, not present – Applicant continued and waived the 90-day requirement.
76. Tab BG – Jesus Manuel Neyra, not present – Applicant continued and waived the 90-day requirement.
77. Tab BK – Nicholas Logan Peterson, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.
78. Tab BL – Michelle Lee Pisula, not present – Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
79. Tab BS – Jonathan Shaffer, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.
80. Tab BF – Tracey L. Neudecker, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed 4-3.
81. Tab BU – Stephanie Ann Swetland, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.
82. Tab CA – Alyshia Walker, not present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

### **Consent Agenda A**

The Commission considered 68 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 47 applicants and require 21 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Ryan Philip Ademy	Dorius P. Johnson	Felipe Ramalho Oliveira
William Alexander Amaya	Robert Eugene Koski Jr.	Christina Kay Treadway
Gene Allen Anderson	Sydney Godsey Ladner	Michael Joseph Pizza
Gregory Scott Bryant	Lucas Lamoureux	Todd Polite
Kevin Turner Cain	Carolyn Lordeus	Jack Rehm
Larry Chilcoat	Andres J. Marmolejo	Rhonda Rhodes
Filipe Cesar Da Almeida Vaz	Alejandro Alberto Martinez Coll	Frank Ryan Rivera
Kenneth Wayne Dorfman	Alexander Nall Martinez	Deborah Sue Rodrigues
Barbara J. Engelke	Christopher Martinez	Richard Edward Rodriguez
Felix Rainel Espinal	Jamie Melissa Mechley	Lisa Renee Tenner
Brenan Harvey Estes	Laura Menckowski	William Jason Vejcik

Yesenia Gonzalez Castillo  
Rose Denise Hagan Gail  
Philip Harper  
Scott Hart  
Catherine Louise Hope

Deirdre Millan  
Justin Michael Miret  
Devan Jerome Moore  
Anthony Edward Morgan  
Robert Lincoln Morris

Jared Walker  
Laureen Ann Wheeler  
Jennifer Willis  
Sherwood Marc Willis

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

Jason Timothy Bodkin  
Srecko Bokun  
Benjamin Charles Bouwkamp  
Michael Brun  
Randall Norman Cales  
Samuel Castro  
Heather Christine Celeste  
Abbe Newman Chane

Vanessa Cruz  
Thomas Evans  
Rochell Fulford  
Michele Gochie  
Djinnee O. Gunning  
William Landers  
Dennis Mason

Tara Jade Melvin  
Jeffery Schroeder  
Tina Scroggins  
Christine Siddiq  
Cameron Slagle  
Joseph Teague Jr.  
Marcos Valentin

### **Consent Agenda B**

The Commission considered 29 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 22 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Forest Layn Balderson  
Timothy Burns  
Sergio Andre Carbajal Bueno  
Michael Davis  
Hemant Kumar  
Mario Daniel Laferte  
Alexander John Lamb  
Chris Evan Lund

Brian James McCarthy  
Michael Sean McGannon  
Billy Gene McKinney Jr.  
Michael Mixon  
Donald Ray Owen  
Michael Jermaine Price  
Phenard Fritz Prophete

Kevin Victor Rodriguez  
Tabatha Rose Sempris  
Dylan Sienko  
Jeeva Thomas  
Luis Bienvenido Velaquez  
Rene Angel Velaquez  
Christopher Williams

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

Sanjay C. Amin  
Randolph Lee Mike Jr.  
Uban Rojo

Eileen Santos  
Amy Spielman

Joseph Sweeney  
Darren William Zimmerman

### **Public Comments**

The Commission received and addressed comments from members of the audience.

### **Recess**

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

### **June 21, 2017**

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of June, 2017.

The following Commission members were in attendance: Chair Chip Boring, Vice-Chair Luzier, Patricia Fitzgerald, Dick Fryer, Poul Hornsleth, Patti Ketcham, and Randy Schwartz. 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; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Alexis Sykes, Maureen White; Assistant General Counsels; Appearing via teleconference: Deputy Chief Attorney Brande Miller; Andrew Butler, Dan David, Nick Duval, Neil Lawson, Crystal Stephens, William Vogel, Assistant General Counsels; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; and Mike Davis, Regulatory Supervisor. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

### **Approval of the Minutes**

Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve May 23 and 24, 2017 FREC meeting minutes; the motion passed 6 to 1.

### **Reports**

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

Executive Director Crawford presented the report regarding Enforcement Trends and Escrow Audits Summary and addressed questions and comments from the Commission.

#### **Unlicensed Activity Report**

Executive Director Crawford presented the Unlicensed Activity Report 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**

Assistant General Counsel Miller presented 6 Escrow Disbursement Orders, and 5 Orders for the Commission's consideration. The Commission entered into discussion. Tab G was pulled at the Commission's request. Commissioner Fryer moved to accept 6 Escrow Disbursement Orders, and the 4 remaining Orders; Vice-Chair Luzier seconded the motion; the motion passed without dissent.

#### **Recovery Fund Claims**

##### **Tab A – Alfonso Card and Nora Forero v. Humberto Quibano, DBPR Case No. 2017-009316**

Mr. David presented the above matter to the Commission. Ms. Nora Ferrero appeared in support of the claim. The Licensee was not present. Mr. David recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to grant the Final Order Granting the Recovery Fund Claim in the amount of \$5,000.00. Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

**Tab B – Robert Stott v. William Gainey, DBPR Case No. 2017-002044**

Mr. David presented the above matter to the Commission. The Licensee was not present. Mr. David advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the Final Order Granting the Recovery Fund Claim in the amount of \$9,201.90. Commissioner Fryer seconded the motion. The motion passed without dissent.

**Legal Appearance Docket**

**Tab C – Deepak Perociel, SL 3269629; Case No. 2015004658 – Informal Hearing**

Respondent was present; Respondent was represented by Jed Berman, Esquire, present. Chair Boring and Commissioner Fitzgerald were recused due to participation on the probable cause panel.

Mr. Vogel represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to remove Count 1 of the Administrative Complaint; Commissioner Hornsleth seconded the motion; the motion passed without dissent. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint as amended; Commissioner Schwartz seconded the motion; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Ketcham; the motion passed without dissent to impose the following sanctions:

**Penalty imposed:** Suspension for 60 days; administrative fine of \$1,000.00; investigative costs of \$684.75; 2 complete FREC general meetings; 1 year of probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes (2012-2013), by failing to account for or deliver the funds to Complainant upon demand; Section 475.42(1)(d), Florida Statutes (2012-2013), when she collected deposits in Portimo's name and not in the name of her employer.

**Tab A – Evelio O. Espinosa, SL 3159048; Case No. 2016031947 – Respondent's Request for Informal Hearing**

Respondent was present; Respondent was represented by Steve Johnson, Esquire, present. Chair Boring 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 Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Commissioner Fitzgerald; motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Ketcham; the motion passed 5-1 to impose the following sanctions:

**Penalty:** Suspension for 60 days; administrative fine of \$1,000.00; investigative costs of \$453.75; 2 complete FREC general meetings; 1 year of probation. **Violation(s):** Section 475.25(1)(f), Florida Statutes (2013), by being convicted of Conspiracy to Possess with the Intent to Distribute a Detectable Amount of THJ-2201 and AB-CHMINACA, in violation of Title 21, U.S.C. 846, a crime which directly relates to the activities of a licensed sales associate, or involves moral turpitude or fraudulent or dishonest dealing.

**DOAH Recommended Order – Applicant**

**Ambey Singh v. DBPR, Florida Real Estate Commission – DOAH Case No. 16-5873**

FREC Counsel Tom Barnhart presented the Recommended Order of the Administrative Law Judge. The applicant was present and was represented by Daniel Villazon, Esquire, present. Commissioner Schwartz recused himself from the case.



Mr. Barnhart presented exceptions to the Recommended Order. The Commission considered the Recommended Order and the exceptions. Commissioner Fryer moved to accept Exception 1; Commissioner Fitzgerald seconded; the motion passed without dissent. Commissioner Fryer moved to accept Exception 2; Commissioner Fitzgerald seconded; the motion passed 4 to 2. Vice-Chair Luzier moved to accept Exception 3; Commissioner Fryer seconded; the motion passed without dissent. Vice-Chair Luzier moved to accept Exception 4; Commissioner Fryer seconded; the motion passed without dissent. Commissioner Fryer moved to accept Exception 5; Vice-Chair Luzier seconded; the motion passed without dissent. Commissioner Fryer moved to deny Exception 6; Commissioner Hornsleth seconded; the motion passed without dissent.

Commissioner Fryer moved to deny the application; Commissioner Ketcham seconded the motion; the motion passed without dissent.

### **Legal Docket continued**

#### **Tab D – Tramaine McCray, SL 3348232; Case No. 2016030604 – Respondent’s Request for Entry of Final Order**

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

Mr. Lawson represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Schwartz seconded the motion; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Schwartz; the motion passed 4-2 to impose the following sanctions:

**Penalty:** Suspension for 10 years; investigative costs of \$470.25. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when he pled nolo contendere to Exposure of Sexual Organs and Bribery (By Public Servant).

### **General Session continued**

#### **Special Agenda**

Applicant Shari R. Barry – Motion to Stay Final Order and Continue Matter Until Outcome of Similar Case Pending Before the Division of Administrative Hearings – Application No. 43248956

FREC Counsel Tom Barnhart presented this matter to the Commission. Ms. Nancy Campiglia appeared on behalf of the Applicant and provided mitigation in support of her request. After discussion, Commissioner Hornsleth moved to stay the Final Order pending the outcome of a similar case; Commissioner Fryer seconded the motion; the motion passed without dissent.

#### **Experience Eligibility for Taking the Florida Real Estate Broker License Exam**

Mr. Sanger presented communication received from Applicant Carlos Roizner requesting Commission accept his real estate experience attained in Spain to qualify him to sit for the real estate broker real estate exam. The Commission entered into discussion. Commissioner Fryer moved to approve the application to sit for the broker exam; Vice-Chair Luzier seconded the motion; the motion passed without dissent.

### **General Session continued**

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

**Tab E – Continuing Education** – New Course (14 hours, classroom) – Application No. 29975 – Dearborn Financial Publishing Inc.

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

**Tab D – (*Distance Ed*) Continuing Education – New Course (14 hours, distance) – Application No. 29974 – Dearborn Financial Publishing Inc.**

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

**Tab G – 14 Hour Continuing Education – New Course (14 hours, classroom) – Application No. 29602 – Gold Coast School of Real Estate.**

The applicant was present in support of the application. Commissioner Schwartz recused himself from the vote. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

**Tab H – 14 Hour Continuing Education – New Course (14 hours, distance) – Application No. 29604 – Gold Coast School of Real Estate.**

The applicant was present in support of the application. Commissioner Schwartz recused himself from the vote. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

#### **Legal Docket continued**

**Tab B – Melissa Tonya Bankovics Akpabie, SL 670709; Case No. 2016012441 – Petitioner’s Motion for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Chair Boring 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 to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Schwartz seconded; the 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 \$1,584.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes (2015), by being licensed as a sales associate and operating as a broker, in one or more of the following ways: by submitting a Designation on behalf of IMP to the Jacksonville Housing Authority for the following real properties, for which she did not have an ownership interest and by receiving funds for rent payments; Section 475.25(1)(e), Florida Statutes (2015), by collecting any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, except in the name of the employer and with the express consent of the employer.

**Tab E – Raymond Lee Butterfield, BK 3273175; Case No. 2015039399 – Motion for Extension of Final Order Compliance**

Case continued.

**Tab F – Paul Alan Murray, SL 3021508; Case No. 2015018456 – Motion for Extension of Final Order Compliance**

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

Ms. Miller represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Schwartz; motion passed without dissent to deny the Motion for Extension of Final Order Compliance.

**Action Taken:** Extension request denied.

**Tab G – Beach Property Management and Sales, SL 3167562; Case No. 2017016198 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Stephens represented the department and presented the case to the Commission. Commissioner Fryer moved; Vice-Chair Luzier seconded the motion to accept the Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation; the motion passed without dissent.

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

**Tabs H and I – Kelly A. Guzzo, BK 3210432; Case Nos. 2016051304, 2016051434 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Stephens represented the department and presented the case to the Commission. Commissioner Fryer moved; Vice-Chair Luzier seconded the motion to accept the Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation; the motion passed without dissent.

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

**Tab J – John H. Hayes, BK 3081952; Case No. 2017007210 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Stephens represented the department and presented the case to the Commission. Commissioner Fryer moved; Vice-Chair seconded the motion to accept the Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation; the motion passed without dissent.

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

**Tab K – Joyce C. Oakley, BK 3184902; Case No. 2016006150 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation; the motion passed without dissent.

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

**Tabs L thru P – Donald Mohamed Shamshudeen, SL 3245461; Case No. 2016030100, 2016031967, 2016033091, 2016033765, 2016041239 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Miller represented the department and presented the case to the Commission. Commissioner Fryer moved; Vice-Chair Luzier seconded the motion to accept the Settlement Agreement to Voluntarily Relinquish License for Permanent Revocation; the motion passed without dissent.

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

**Tab Q – Michael Leonard Flynn, SL 681956; Case No. 2016032902 – Motion for Waiver and Entry of Final Order**

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

Mr. Duval represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Fryer moved; seconded by Commissioner Schwartz; 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 \$165.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a guilty plea to the crime of Importation of a Controlled Substance, a crime of moral turpitude; Section 455.227(1)(t), Florida Statutes, by failing to timely inform the Commission in writing after pleading nolo contendere to and being adjudicated guilty of the crimes of Importation of a Controlled Substance, a crime of moral turpitude, and Possession of More than 20 Grams of Cannabis.

**Tab R – Lawrence Soto, BK 671151; Case No. 2016015480 – Motion for Waiver and Entry of Final Order**

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

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

**Penalty:** Revocation; investigative costs of \$198.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when he violated Final Order No. 2014-07876 issued under the provisions of chapters 455 or 475 by failing to pay the \$1,500.00 administrative fine and/or by failing to complete thirty hours of FREC approved continuing education courses.

**Tab S – Travis Clark Strickland, SL 3169215; Case No. 2016015226 – Respondent's Request for Waiver and Entry of Final Order**

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

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

**Penalty:** 2 year suspension; administrative fine of \$1,000.00; investigative costs of \$1,023.00; one complete FREC general meeting; one year probation. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by: a. failing to inform the commission of his plea of nolo contendere to battery touch or strike, a misdemeanor, within 30 days of making the plea; and/or b. failing to inform the commission of his nolo

contendere plea and conviction of DUI causing serious bodily injury, a felony, within 30 days of the conviction.

Review and Consideration of the Real Estate Education Courses continued

**Tab A** – *Games Houses Play* – New Course (3 hours, classroom) – Application No. 29895 – Arrow Exterminators d/b/a Arrow Exterminators, Hughes Exterminators, Stark Exterminators, Nader’s Pest Raiders

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 5-1.

**Tab B** – *Real Estate Continuing Education Edition 18* – New Course (14 hours, distance) – Application No. 30111 – Bert Rodgers Schools of Real Estate, LLC

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

**Tab C** – *The Code of Ethics in Action: Real-Life Applications* – New Course (3 hours, classroom) – Application No. 29999 – CE Shop, Inc.

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

**Tab F** – *Timberland Fundamentals of Identifying & Evaluating Timberland* – New Course (11 hours, classroom) – Application No. 29869 – 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 Fitzgerald seconded the motion. The motion passed without dissent.

**Tab I** – *Privatized Banking and Real Estate* – New Course (3 hours, live streaming video) – Application No. 29866 – Realty and Insurance U, LLC.

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

**Tab J** – *Using RPR to better serve buyers and sellers using data and analytics* – New Course (3 hours, classroom) – Application No. 29940 – Realty and Insurance U, 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 K** – *Using RPR to better serve buyers and sellers using data and analytics* – New Course (3 hours, live streaming video) – Application No. 29941 – Realty and Insurance U, LLC.

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

**Tab L – Build Listing Inventory with RPR – New Course (3 hours, classroom) – Application No. 30018 – Realty and Insurance U, 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 M – Build Listing Inventory with RPR – New Course (3 hours, live streaming video) – Application No. 30019 – Realty and Insurance U, 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 N – Using RPR to Analyze Residential Investment Properties – New Course (11 hours, classroom) – Application No. 30036 – Realty and Insurance U, LLC.**

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

## **Rule Discussion**

### **Rules Report**

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

FREC Counsel Barnhart reported on the status of the rules currently open for discussion, workshop or rulemaking.

Discussion relating to the rule review for the Annual Regulatory Plan is continued to July.

Director Watkins requested the Commission open Rule 61J2-1.011, Florida Administrative Code, for workshop to address reducing the late renewal fee. The Commission approved opening the rule for development. The workshop will be held next month.

### **Rule 61J2-3.009 – Continuing Education for Active and Inactive Broker and Sales Associate Licensees**

The Commission reviewed the proposed changes and entered into discussion. Commissioner Fryer provided amended language submitted by Linda Crawford. The Commission received comments from the audience. The Commission was in agreement with the amendments and requested the rule be brought back in July 2017 reflecting the changes for final review together with the Statement of Estimated Regulatory Costs Checklist.

### **Rule 61J2-10.026 – Team or Group Advertising**

FREC Counsel Barnhart presented a proposed draft of Rule 61J2-10.026 for discussion. The Commission entered into discussion and received comments from several members of the audience. Upon conclusion of the discussion the proposed language was amended. The Commission requested that this rule be brought back next month for further review and discussion.

## **Financial Reports**

Director Watkins presented the monthly Financial Reports and addressed questions and comments from the Commission. Director Watkins stated that she would ask Finance and Accounting to provide

## **Scholarship Report**

Deputy Director Johnson presented the quarterly Scholarship Report and addressed questions and comments from the Commission.

## **Director's Comments**

Director Watkins reported that the Department has concluded the first of four Instructor's Seminars. The remaining locations are:

- July 6, 2017 - Indian River State College, Chastain Campus, 2400 SE Salerno Road, Stuart, FL
- August 3, 2017 - University of North Florida, Adam W. Herbert University Center, 12000 Alumni Dr., Jacksonville, FL
- August 23, 2017- Seminole State College, 100 Weldon Blvd., Sanford, FL

## **Public Comments**

The Commission received and addressed comments from members of the audience.

## **Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 18 and 19, 2017, in Orlando, Florida.



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Claude "Chip" Boring, Chair  
Florida Real Estate Commission



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Lori Crawford, Executive Director  
Florida Real Estate Commission