

Division of Real Estate
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Minutes of THE FLORIDA REAL ESTATE COMMISSION October 20 and 21, 2015 General Meeting

Chair Darla Furst, 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 October, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Claude "Chip" Boring, Lee Chotas and Thomas Luzier. Commissioner Enzor and Commissioner Hornsleth had excused absences. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Aaron Futch, Gubernatorial Fellow; Josh Kendrick, Chief Attorney; Jennie Schwartz, Assistant General Counsel; Appearing via teleconference: Al Cheneler; Daniel David, Brande Miller, Crystal Stephens, James Whealdon and Maureen White, Assistant General Counsels; Sara Kimmig, Bureau Chief of Enforcement; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; Mike Davis, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Chair Furst welcomed members present from the Greater Tampa Association of Realtors and thanked them for attending.

Approval of the Minutes

Vice-Chair Fryer moved to approve the Minutes of the August 18 and 19, 2015, General Meeting, as written. Commissioner Boring seconded the motion. The motion passed without dissent.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

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

Application and License Count Reports

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

Legal Agenda Schedule

Legal Case Activity Report

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

Escrow Disbursement Orders

Assistant General Counsel Cheneler presented 10 Escrow Disbursement Orders and 8 Orders for the Commission's consideration. The Commission entered into discussion. Vice-Chair Fryer moved to accept 10 Escrow Disbursement Orders, including Tab E upon verification as directed by the Commission and 8 Orders. Commissioner Luzier seconded the motion; the motion passed without dissent.

Attorney Cheneler addressed questions and comments from the Commission.

Recovery Fund Cases

Tab A – Sharon Cushnie v. Christopher White, DBPR Case No. 2015-003273

Mr. David presented the above matter to the Commission. The Claimant appeared in support of the claim. The Licensee was not present. Mr. David advised that maximum statutory allowance has been reached on claims against Mr. White and recommended that the Commission deny the request. The Commission considered the facts and circumstances. Vice-Chair Fryer moved to approve the Final Order Denying Recovery Fund Claim. Commissioner Luzier seconded the motion. The motion passed without dissent.

Tab B - Randy Garciga and Tiffany Martin v. Christopher White, DBPR Case No. 2015-026918

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimants were present. Mr. David advised that maximum statutory allowance has been reached on claims against Mr. White and recommended that the Commission deny the request. The Commission considered the facts and circumstances. Commissioner Boring moved to approve the Final Order Denying Recovery Fund Claim. Vice-Chair Fryer seconded the motion. The motion passed without dissent.

Tab C – Michael and Genevieve Miller v. Top Notch Realty and Robert Ratner, DBPR Case No. 2015-003006

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimants were present. Mr. David advised that the statutes do not allow the Claimant to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and circumstances. Vice-Chair Fryer moved to approve the Final Order Denying Recovery Fund Claim. Commissioner Luzier seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab A – Alcides E. Gonzalez, SL 3167520; Case No. 2014028078 – Respondent's Request for Informal Hearing

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

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

Penalty: Revocation. **Violation(s):** Section 455.227(1)(a), Florida Statutes, by failing to remit the deposits to Respondent's employer or to the Miami Dade Tax Collector, as instructed, by misrepresenting said funds were available and by misrepresenting that Respondent was licensed to accept said deposits directly, and not to Respondent's employer.

Tab B – Jack Alexander, BK 3250602; Case No. 2014044326 – Petitioner's Request for Entry of a Final Order

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission granted the informal hearing at the September FREC meeting. Mr. Berman presented Respondent's Motion to Exclude Unauthenticated Hearsay Documents From Evidence. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Chotas; motion passed without dissent to deny the Respondent's motion. Vice-Chair Fryer moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: Suspension for 5 years; investigative costs of \$198.00. Violation(s): Section 475.25(1)(f), Florida Statutes, by pleading guilty to "Unauthorized Insurance Prohibited,"; Section 455.227(1)(t), Florida Statutes, by failing to report his plea of guilty to "Unauthorized Insurance Prohibited," within 30 days.

$Tab\ F-360\ Training. Com,\ Inc.,\ ZH\ 1002174;\ Case\ No.\ 2014052135-Respondent's\ Request\ for\ Entry\ of\ a\ Final\ Order$

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

Ms. Miller represented the department and presented the case to the Commission. Mr. Parvin presented a Motion to Withdraw Answer and File New Response. The Commission entered into discussion. Commissioner Chotas moved, seconded by Vice-Chair Fryer to approve Mr. Parvin's request. The motion passed without dissent. Upon further discussion, Commissioner Chotas moved to continue this matter until November 17, 2015, to avoid any potential conflict to allow Vice-Chair Fryer not to vote on this matter. Vice-Chair Fryer seconded the motion; motion passed without dissent.

Action taken: Case continued until November 17, 2015.

Agenda B, Tab A – 360 Training.Com, Inc., ZH 1002174; Case No. 2014034589 – Respondent's Motion to Clarify Order and Reconsider Judgment in Part

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

Ms. Miller represented the department and presented the case to the Commission. Mr. Parvin addressed the Commission. The Commission entered into discussion. The Commission clarified its direction to the Division.

Tab E – Richard K. Woodin, BK 315273; Case No. 2015024838 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Edmond W. Alonzo, III, Esquire, not present. Commissioner Enzor served on the probable cause panel. Commissioner Enzor was excused and not in attendance.

Mr. Whealdon represented the department and presented the case to the Commission. Vice-Chair Fryer moved; seconded by Commissioner Chotas; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved; seconded by Commissioner Boring; motion passed 4 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$500.00; investigative costs of \$127.05; attend 1 complete FREC meeting; probation for 6 months. **Violation(s):** Section 475.227(1)(t), Florida Statutes, by failing to inform the Commission in writing within 30 days after entering a plea of nolo contendere to Assault and Battery.

Tab P – Maurice Argus Jackson, SL 3054023; Case No. 2014041943 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Ms. White represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved; seconded by Commissioner Boring; motion passed 4 to 1 to impose the following sanctions:

Action taken: Revocation. Violation(s): Section 475.42 (1)(a), Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by operating as a real estate sales associate without being the holder of a valid and current active license including but not limited to agreeing to and/or procuring real property prospects for Crosby Capital USA, LLC (CCU), without having an ownership interest in them and by agreeing to and/or procuring real property prospects for CCU for the purpose of collecting or receiving compensation or valuable consideration; 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, including but not limited to agreeing to and/or procuring real property prospects for CCU without having an ownership interest in them and by agreeing to and/or procuring real property prospects for CCU without having an ownership interest in them and by agreeing to and/or procuring real property prospects for CCU for the purpose of collecting or receiving compensation or valuable consideration; Section 475.25(1)(d), Florida Statutes (2014), by failing to account for or deliver CCU's escrow funds, estimated to be \$12,610.00; Section 475.25(1)(b), Florida Statutes, including but not limited to remitting a check to Devico that was returned unpaid, due to insufficient funds and by not delivering CCU's escrow deposit to Devico.

Tab L - Thomas Senatore, SL 3303680; Case No. 2015008769 - Settlement Stipulation

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

Mr. Whealdon represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Boring to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$1,250.00; investigative costs of \$254.10; complete a 28-hour reactivation course; attend 2 complete FREC meetings. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by collecting rent for Subject Property without Owner or Outback's permission; Section 475.42(1)(b), Florida Statutes, by collecting rent for Subject Property without Outback's permission.

Action taken: Settlement Stipulation accepted.

Tab C – Jon Anthony Deluzio, BK 3072361; Case No. 2007033753 – Respondent's Motion for Reconsideration of a Final Order

Respondent was present; Respondent was represented by Richard Bisbee, Esquire, not present. Commissioner Hornsleth served on the probable cause panel. Commissioner Hornsleth was excused and not in attendance.

Mr. Kendrick represented the department and presented the case to the Commission. Respondent addressed the Commission in support of the motion. The Commission entered into discussion. Vice-Chair Fryer moved; Commissioner Boring seconded the motion to deny Respondent's Motion for Reconsideration of Final Order. The motion passed without dissent.

Action taken: Reconsideration denied.

General Session continued

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

Director Watkins presented the petition received from Kirsten Smith-Pope. Ms. Smith-Pope was present; Ms. Smith-Pope was represented by Joshua Logan, Esquire, also present. FREC Counsel Barnhart recommended that the Commission not issue a Declaratory Statement and approve Final Order Denying Petition for Declaratory Statement. The Commission entered into discussion. Vice-Chair Fryer moved; Commissioner Boring seconded the motion to deny issuing a Declaratory Statement. The motion passed with a vote of 4 to 1.

The Commission requested to explore rulemaking to possibly address this issue. Commissioner Chotas moved; Vice-Chair Fryer seconded the motion to proceed with opening rule development. The motion passed without dissent.

Petition for Declaratory Statement Received From Andy Brown - DS 2015-108

Director Watkins presented the petition received from Andy Brown. Mr. Brown appeared in support of his request. The Commission entered into discussion. FREC Counsel Barnhart recommended that the Commission not issue a Declaratory Statement. The Commission entered into discussion. Commissioner Boring moved; Vice-Chair Fryer seconded the motion to deny issuing a Declaratory Statement. The motion passed without dissent.

Review and Consideration of the Real Estate Education Courses

Tab I – Florida Real Estate Reactivation Course – New Course (28-hour Reactivation Education; Distance Education) – Application No. 24154 – Maryglenn Blanks, Moseley Real Estate Schools, Inc.

Ms. Blanks appeared in support of her course. The Commission entered into discussion. Vice-Chair Fryer moved to approve the course with conditions; Commissioner Chotas seconded the motion. The motion passed without dissent.

Legal Appearance Docket continued

Tab D – Errol Anthony Durrant, SL 3198355; Case No. 2014003037 – Respondent's Request for Informal Hearing

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

Ms. Lloyd represented the department and presented the case to the Commission. Vice-Chair Fryer moved; seconded by Commissioner Chotas; motion passed without dissent to find the Respondent guilty as charged in

the Administrative Complaint. Vice-Chair Fryer moved; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$882.75. Violation(s): Section 475.25(1)(d)1., Florida Statutes, by failing to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document or thing of value; Section 475.42(1)(b), Florida Statutes, when Respondent operated as a broker or a sales associate for any person not registered as her or his employer; Section 475.42(1)(d), Florida Statutes, 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 their employer; Section 475.25(1)(b), by committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction.

Tab G – Alfonso Miranda, SL 3101946; Case No. 2014029730 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Luzier; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved; seconded by Commissioner Luzier; motion passed without dissent to impose the following sanctions:

Action taken: Revocation. Violation(s): Section 475.42(1)(b), Florida Statutes, by collecting escrow funds in the name of Bonaventure; Section 455.227(1)(j), Florida Statutes, by collecting escrow funds in the name of an unlicensed entity; Section 475.25(1)(d)1., Florida Statutes, by failing to provide either title documents to the properties or the return of Acosta's funds upon demand.

Tab H - Damon M. Brabson, SL 3314289; Case No. 2015002171 - Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Luzier moved; seconded by Vice-Chair Fryer to deny the Stipulated Settlement. The motion passed without dissent.

Action taken: Settlement Stipulation denied.

Tab I – Mudingwa Tendai Busuman, SL 324817; Case No. 2015015587 – Settlement Stipulation

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

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Luzier to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$250.00; investigative costs of \$156.75; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, in that Respondent failed to comply with Final Order No. 2012-044248.

Action taken: Settlement Stipulation accepted.

Tab J - Chris A. Christoforou, BK 3055983; Case No. 2014025850 - Settlement Stipulation

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

Ms. Lloyd represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Chotas moved; seconded by Vice-Chair Fryer to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$2,200.00; investigative costs of \$375.00; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.22(1), Florida Statutes, by failing to maintain a physical office; Rule 61J2-10.038, Florida Administrative Code, by failing to timely update the address of record for his brokerage with the Department; by failing to maintain a residential mailing address with the Department.

Action taken: Settlement Stipulation accepted.

Tab K – Patrick Lyons, SL 3196125; Case No. 2014027894 – Settlement Stipulation

Respondent was not present; Respondent was represented by Samuel J. Fisher, Esquire, not present. Commissioner Enzor served on probable cause. Commissioner Enzor was excused and not present.

Ms. Stephens represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Boring moved; seconded by Vice-Chair Fryer to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$2,220.00; investigative costs of \$375.00; complete a 28-hour reactivation course; complete a 4-hour escrow course; complete a 3-hour ethics course; attend 1 complete FREC meeting; probation for 12 months. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by committing fraud, breach of trust, concealment and/or dishonest dealings by trick or scheme; Section 475.25(1)(k), Florida Statutes, by failing to immediately place the Commission Checks with his registered employer.

Action taken: Settlement Stipulation accepted.

Tab M – Melissa Marie Taylor, PA, SL 3013030; Case No. 2015009899 – Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Luzier to accept the Stipulated Settlement. The motion passed without dissent.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$239.25; complete a 3-hour ethics course; attend 2 complete FREC meetings. **Violation(s):** Section 455.227(1)(t), Florida Statutes (2012), and thereby violating Section 475.25(1)(e), Florida Statutes (2012), by failing to report to the department within 30 days after entering a plea of nolo contendere to Obstructing Officer Without Violence and Trespassing in an Occupied Structure/Conveyance; Section 455.227(1)(t), Florida Statutes (2013), and thereby violating Section 475.25(1)(e), Florida Statutes (2013), by failing to report to the department within 30 days after entering a plea of nolo contendere to one count of Leaving the Scene of a Crash Involving Damage to Vehicle or Property, a second degree misdemeanor; Section 475.25(1)(f), Florida Statutes (2013), when Respondent entered a plea of nolo contendere to one count of Leaving the Scene of a Crash Involving Damage to Vehicle or Property, a second degree misdemeanor, a crime of moral turpitude.

Action taken: Settlement Stipulation accepted.

Tab N – Thomas W. Dvorak, SL 3265913; Case No. 2015016234 – Voluntary Relinquishment of License for Permanent Revocation

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

Ms. Lloyd represented the department and presented the case to the Commission. Vice-Chair Fryer moved, seconded by Commissioner Boring to accept the Settlement Agreement to Relinquish License for Permanent Revocation. The motion passed without dissent.

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

Tab O – Sidney Coton, SL 691276; Case No. 2014002609 – Petitioner's Motion for Waiver Hearing and Enter a Final Order

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

Ms. White represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Fryer moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

Action taken: Revocation. Violation(s): Section 475.25(1)(f), Florida Statutes (2013), by being convicted of a Conspiracy to Commit Wire Fraud Affecting a Financial Institution, a crime which directly relates to the activities of a licensed sales associate, or involves moral turpitude or fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes (2013), by failing to inform the commission in writing within 30 days after pleading guilty or nolo contendere to or being convicted or found guilty of one count of Conspiracy to Commit Wire Fraud Affecting a Financial Institution, in violation of Title 18, U.S.C. 371, a felony.

Review and Consideration of the Real Estate Education Courses

Tab C – Track your Escrow and Business Goals with QuickBooks, PC Edition – New Course (4 hours Specialty; Distance) – Application No. 23402 – Adiany B. Goffredo

The applicant withdrew the application.

Tab D – Goodbye Long Sales, Hello Short Sales – New Course (3 hours Sales Associate Post-Licensure; Classroom) – Application No. 23489 – Lydia C. Quesada, Title Partners of Florida, Inc.

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

Tab E – *Transportation Planning* – New Course (4 hours Specialty; Distance Education – CE Only) – Application No. 23768 – Ariel Haan, Van Education Center, LLC

Ms. Haan was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the course; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab F – Florida CORE Law – New Course (3 hours Law; Distance Education – CE Only) – Application No. 23769 – Ariel Haan, Van Education Center, LLC

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

Tab G – Fundamentals of Commercial Real Estate – New Course (8 hours Specialty; Distance, CE Only) – Application No. 23770 – Ariel Haan, Van Education Center, LLC

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

Tab H – 72-hour Real Estate Broker Pre-Licensing – New Course (72 hours Broker Pre-Licensure; Distance Education, CE Only) – Application No. 24010 – Marc A. Love, Institute of Real Estate Education, LLC

Mr. Love was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the course; Commissioner Boring seconded the motion. The motion passed without dissent.

Tab J – *The NEW FHA Handbook 4000.0* – New Course (7 hours Specialty; Classroom) – Application No. 24289 – Jackie Vincent, McKissock, LP

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

Tab K – *Nuts and Bolts of Condo Appraisal* – New Course (3 hours Specialty; Classroom) – Application No. 24291 – Jackie Vincent, McKissock, LP

Ms. Vincent was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the course; Commissioner Luzier seconded the motion. The motion passed without dissent.

Tab L – Florida Appraisal Oddities – New Course (3 hours Specialty; Classroom) – Application No. 24292 – Jackie Vincent, McKissock, LP

Ms. Vincent was not present. The Commission entered into discussion. Vice-Chair Fryer moved to deny the course; Commissioner Luzier seconded the motion. The motion passed without dissent.

Tab M – Water, Water Everywhere – New Course (3 hours Specialty; Classroom) – Application No. 24294 – Jackie Vincent, McKissock, LP

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

Tab N – FRECI – 63 Hour Sales Associate Pre-License – New Course (63 hours Sales Associate Pre-Licensure; Distance, Internet) – Application No. 24369 – Merouane Remmouche, MLS Campus, Inc.

The applicant withdrew the application.

Rules 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.

Rules Workshop

Rule 61J2-3.010 - License Reactivation Education for Brokers and Sales Associates

FREC Counsel Barnhart presented a draft of the rule. The Commission entered into discussion. After discussion, Vice-Chair Fryer moved; seconded by Commission Boring; motion passed without dissent to approve the language as presented, move forward with rulemaking and amend the rule as follows:

Rule 61J2-3.010 – License Reactivation Education for Brokers and Sales Associates.

(1) – (6) No change.

(7) The Commission will allow an additional 6-month period after the expiration of a license for brokers and sales associates who cannot complete the reactivation requirements due to individual hardship. Individual hardship is defined in Florida Administrative Rule 61J2-3.013. Any licensee requesting a hardship shall make the request to the Commission in writing setting forth the basis of the alleged hardship. The Commission may require said request to be supported by additional documentation.

Mr. Barnhart presented the Statement of Regulatory Costs checklist to the Commission for its consideration. After discussion, Vice-Chair Fryer moved; seconded by Commissioner Boring to accept the Department's proposed determination that there is no impact on small businesses. The motion passed without dissent.

Rule 61J2-3.013 - Distance Education Courses for Hardship Cases

FREC Counsel Barnhart presented a draft of the rule for its consideration. The Commission entered into discussion. After discussion, Vice-Chair Fryer moved; seconded by Commission Boring; motion passed without dissent to approve the language as modified, move forward with rulemaking and amend the rule as follows:

61J2-3.013 Distance Education Courses for Hardship Cases.

- (1) Distance Education courses containing the same subject matter and requiring substantially the same assignment work will be prescribed by the Commission for any person who by reason of hardship cannot attend the place for classroom instruction prescribed in Rules 61J2-3.008, 61J2-3.010 and 61J2-3.020, F.A.C. or does not have access to the distance learning course or courses. The scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation. A copy of the course and all course materials shall be submitted to the Commission for evaluation at least 60 days prior to use. The approval or denial of the course will be based on the extent to which the course complies with the requirements set forth in Rule 61J2-3.008, 61J2-3.009, or 61J2-3.020, F.A.C. Examinations, if required, must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes.
- (1) A hardship case <u>pertaining to post licensing education</u> includes: (a) a licensee's long term illness or an illness involving a close relative or person for whom the licensee has care-giving responsibilities; (b) the required course is not reasonably available; and (c) the licensee has an economic <u>or</u>, technological , <u>or legal</u> hardship that substantially relates to the ability to complete education requirements.
- (2) A hardship case pertaining to reactivation education includes: (a) a licensee's long term illness or an illness involving a close relative or person for whom the licensee has care-giving responsibilities; (b) the required course is not reasonably available; and (c) the licensee has an economic or technological hardship that substantially relates to the ability to complete education requirements.
 - (3) An economic hardship is defined as the inability to meet reasonable basic living expenses.
- (4) Any person requesting such hardship as cited above desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall may require said request to be supported by statements of doctors and other persons having knowledge of the facts additional documentation.

Mr. Barnhart presented the Statement of Regulatory Costs checklist to the Commission for its consideration. After discussion, Vice-Chair Fryer moved; seconded by Commissioner Boring to accept the Department's proposed determination that there is no impact on small businesses. The motion passed without dissent.

Rule 61J2-5.018 - Vacancies

FREC Counsel Barnhart presented a draft of the rule. The Commission entered into discussion. After discussion, Vice-Chair Fryer moved; seconded by Commission Luzier; motion passed without dissent to approve the language as modified, move forward with rulemaking and amend the rule as follows:

61J2-5.018 Vacancies of Office.

- (1) A corporation brokerage shall have at all times registered the name(s) of its officer(s) and director(s). In the event that a eorporation brokerage has but one active broker, and such broker dies, resigns, or is otherwise removed from unexpectedly unable to remain in the position as the active broker, then, in such event, such vacancy shall be filled within 14 calendar days during which no new brokerage business may be performed by the eorporation brokerage or a licensee registered with the eorporation brokerage until a new active or temporary broker is appointed and registered with the corporation brokerage. It shall be the duty of the corporation brokerage to immediately notify the Commission of such vacancy and of the steps taken to fill this vacancy.
- (2) Failure to appoint another active or temporary broker within 14 calendar days will result in the automatic cancellation of the eorporate brokerage registration, and the licenses of all its officer(s), director(s) broker associate(s) and salesperson(s) sales associate(s) will become involuntarily inactive.
- (3) If a corporation brokerage has more than one active broker and one such broker dies, resigns, or is otherwise removed from unexpectedly unable to remain in the position as an active broker, neither the corporate brokerage registration nor licenses of any of its officer(s), director(s), broker associate(s) or salesperson(s) sales associate(s) is affected by this vacancy.
- (4) If a brokerage has only one active broker and that broker dies, resigns, or is unexpectedly unable to remain in the position as active broker, the vacancy may be filled with a temporary broker. A temporary broker may be registered with a brokerage for a period not to exceed 60 days without the need to comply with the Secretary of State registration requirements of Rule 61J2-5.015, FAC. Such registration shall be on a form as prescribed by the department with supporting documentation as prescribed by the form. No later than 60 days after the registration of the temporary broker, such brokerage shall file proof that a new broker is properly registered with the Secretary of State on a form as prescibed by the department.
- (5) For purposes of qualifying for a temporary broker license, a broker's failure to complete post-licensure education is not an unexpected vacancy.
- (4-6) If an active broker officer or director resigns or is removed from unexpectedly unable to remain in the broker's corporate office, the broker may have a license reissued individually or with a partnership or another corporation. If an active broker officer or director is already licensed as active when the broker takes the corporate office, the broker shall surrender the current license within 7 calendar days, and apply for issuance or reissuance of a license in the corporate capacity. However, surrender of the broker's current license is not required if the broker is holder of multiple licenses.
- Mr. Barnhart presented the Statement of Regulatory Costs checklist to the Commission for its consideration. After discussion, Commissioner Luzier moved; seconded by Vice-Chair Fryer to accept the Department's proposed determination that there is no impact on small businesses. The motion passed without dissent.

Special Agenda

Tab B – Request for Multiple Broker License from Raymond Butterfield

Mr. Butterfield was not present. The Commission entered into discussion. Vice-Chair Fryer moved; seconded by Commissioner Luzier to deny the application no. 595485 for a multiple broker license based upon Section 475.215, Florida Statutes; the motion passed without dissent.

Consent Agenda A

The Commission considered 137 applicants from the Consent Agenda A; Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve 94 applicants and require 43 applicants to be placed on the Summary of Applicant Agenda; the motion passed 4 to 1.

The following applicants were approved:

Alaby, Marsha

Hanahoe, Richard John Jr.

Noto, Jody Patrick

Alden, Virginia

Harte, Valeria

Ali, Salem Bennett, Debra

Blackwell, Jonathan Wendell Blocker, Jackie Marcus Jr. Bombella, Matthew John

Botbol, Solange

Bowman, Chloe Jennifer

Brightwell, Cody

Britton, Stephen Warren Castonguay, Jeremy William Cordova, June Kathleen

Cruz, Joseliz

Cwikla, Nicholas Anthony

Davis, Phillip Allen
Di Iulio, Jennifer Marie
Dos Santos, Rosngela
Douglas, William
Dreisch, Kristin Mary
Eustache, Gabner Alex
Fangman, Christopher
Fibkins, Carl Edward

Freire, Daniel
Galarza, Mercedes
Germain, Dennis Roy
Gibson, Stefanie
Givens, Corey Devine
Goiricelaya, Juan Ignacio
Gonzalez, Francisco

Habibnejad, Amber Kristine

Hampton, Douglas

Hartley, Derrick

Hartmann, David Mickey Haughton James, Monika

Huet, Tony G. III Hunter, Jaimee Jemail, Lorna Johnson, Jessie Kemp, Porche L. Kite, Kollin G.

Larrotta, Juan Camilo Latreille, John William Lheureux, Kevin Scott Little Hawthorne, Alveria L.

Lockett, Travis
Lopinto, Annamarie
Lorenzo, Yamel
Martello, Shannon M.
Mathusa, Jeffrey
McCarthy, Kristen Em
McGovern, Steven Arthur

McLeod, Jamie

McPherson, Steven John

McHenry, Dee Doverspike

Meeks, Joel

Mitchell, Kasmen I. Murillo, Felix Jr. Negm, Sean M.

Newman, Garnett Lloyd Nicholson, Victoria Lynn Ortega, Ruben Joe Perez, Jimmy Pollock, Danielle Ponce, Luis A. Procter, Alicia Irene Quezada, Judy

Rachal, Sterling Nackale Rodriguez Ramos, Luis A.

Ross, William W Roundtree, Warrick

Rusi, Anila Sagitov, Rinat Salas, Juan Scala, Gerardo Jr. Scott, Donna R.

Sevilla, Robert M.
Seymour, Jerry Lewis Jr.
Smith, Christopher David
Stubbs, Mary Grace
Stubstad, Molly Christina

Turner, Ruby

Uribe, Humberto Alejandro

Vargas, Gonzalo Vargas, Kelda Jo Vinci, Vanessa Joy Walton, Traeki Wiles, Michael

Yarbough, Crystal Shauntay

Young, Tobi Ascione

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

Almstead, Phaedra
Aquino, Jacquelin
Barrett, Damion Wesley
Barrington, Marcus
Brown, James David
Cain, Robert Craig

Carrico, Stephen Anthony

Cosma, Chris

Da Rosa, Christopher H.

Diaz, Mike Dolce, Angela

Eaves, Gable Chastain Fusco, Vincent Joseph Hall, Tonya Denise Hayes, Joshua Ryan Kercheval, Regine Krakow, Lawrence Yale Lantrip, Robert M. Leithauser, Jessica Ann Lembrick, Chalmers Adaryll Losauro, Stephanie Dimitry

Lowe, Sheriff
Madden, Ryan
Mann, Benjamin
McCoy, Tanja
Meyers, David A.
Murphy, Robert John
Muse Rachel

Muse, Rachel Nunez, Alexander Ortega, Osvaldo Pannenbacker, John Peralta Yapor, Jose Ant

Price, Jasmine Rojas, Robert Aaron Rolo, Joseph

Schaeffer, Katherine Elaine

Senatore, Thomas Skott, Susana Smith, Stephanie A. Snyder, Tara L.

Turner, Philip Wayne III Van Antwerp, Sidney Williams, Daniel Joseph Jr.

Consent Agenda B

The Commission considered 40 applicants from the Consent Agenda B; Vice-Chair Fryer moved; seconded by Commissioner Boring to approve 32 applicants and require 8 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Augustin, James Ked Crews, Juan Espy, William Walker IV Hall, Kimberly Smith Hamdallah, Rami Johnson, Duranda Nicole Jones, Jesse Matthew Kovachev, Paul Stephen Langford, Jeremy Michael Lozoya, Jorge Edward Martinez, Marisa McCloskey, Robert Anthony McDougall, Andrew Sylvester Moreland, Rosetta Suzanne Nguyen, Phuong Bich Noel, Ronald Patrick Parham, Rodney Romel Parker, Shanna Elisea Pate, Frank Kevin Perreault, Christopher Michael

Perreault, Christoph Pinto, Benjamin J. Russell, Heather Salvador, Ramon Santiago Schelb, Andrea Kay Smith, Blake Smith, Marcella Irene Soriano, Eduardo Starkey, Richard Owen Vacca, Josefa Elizabeth Vanommeren, Sandra Yankwitt, Eric

Yoshihara Hicks, Nicole

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

Alfred, Michael Ray Baez, David Leonardo Beall, Stephen Brooks Bolton, Robert L Craig, Shayne Lane, Eric Timothy Tuetken, Candace Young, Kimberly Elizabeth

Consent Agenda C

The Commission considered 2 applicants from the Consent Agenda B; Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve1 applicant and require 1 applicant to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Groff, Ryan Matthew N.

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

Panos, Jason Robert

Public Comments

The Commissioner received a comment from Linda Crawford, Dearborn, relating to schools and course renewals. Ms. Crawford suggested that after two renewals the providers resubmit their course materials to the Department for review to assure that the consumers are receiving the most current information. Vice-Chair Fryer agreed that the Commission should reopen this discussion and suggested that the providers submit every other renewal. Director Watkins stated that the Division would bring this back in December for further discussion. Additionally, Ms. Watkins reported that she requested a representative from the Bureau of Education and Testing appear in December.

Recess

There being no objection, the Chair recessed the meeting at approximately 5:00 p.m. until 8:30 a.m. tomorrow.

October 21, 2015

Chair Darla Furst reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of October, 2015.

The following Commission members were in attendance: Chair Darla Furst, Vice-Chair Dick Fryer, Chip Boring, Lee Chotas and Thomas Luzier. Commissioner Enzor and Commissioner Hornsleth had excused absences. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Aaron Futch, Gubernatorial Fellow; Josh Kendrick, Chief Attorney; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Warren Sanger, Licensing Supervisor; Mike Davis, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Approval of the Minutes

Vice-Chair Fryer moved to approve the Minutes of the September 15 and 16, 2015, General Meeting, as written. Commissioner Boring seconded the motion. The motion passed without dissent.

Summary of Applicants

Licensing Supervisor Warren Sanger presented 36 Summary of Applicants requesting to sit for the real estate examination.

Tab K – Ryan Mark Harthan, present; was represented by Daniel Villazon, Esquire, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for broker; the motion passed without dissent.

Tab A – Kassidy McCowan, present – Commissioner Chotas moved; seconded by Vice-Chair Fryer to approve the application for broker; the motion passed 4 to 1.

Tab F – Edward L. Eatman, III, present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab G – Stephen Randall Finch, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

Tab B – Nicola James Perillo, present; was represented by Nancy Campiglia, Esquire – Applicant withdrew the application.

Tab H – Abel Gallego, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for broker; the motion passed 3 to 2.

Tab I – Jordan Michael Giles, present – Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab J – Ricardo Larel Harris, present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.

Tab M – Tiara Jackson, present – Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.

Tab N – David Randall Jernigan, present – Vice-Chair Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

- Tab O Jeffrey Kalil, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for broker; the motion passed 4 to 1.
- Tab Q Mark Alexander King, present Vice-Chair Fryer moved; seconded by Commissioner Chotas to approve the application for sales associate; the motion passed without dissent.
- Tab T Joseph C. Maneri, present Commissioner Luzier moved; seconded by Vice-Chair Fryer to approve the application for broker; the motion passed without dissent.
- Tab C Manuel Charles, present Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed 4 to 1.
- Tab D Lauri S. Christensen, present Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab S Salim Lopez, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.
- Tab V Yamiley Martinez, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AA Jaime Pozo, present Applicant withdrew the application.
- Tab AB Tessa Reve, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AD Christine Rigby, present Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed 4 to 1.
- Tab AF Craig Michael Sollitto, present Commissioner Luzier moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab W David Maurer, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AI Jude Joseph Tschirn, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate with conditions; the motion passed 3 to 2.
- Tab AJ Jared Youngerman, present Vice-Chair Fryer moved; seconded by Commissioner Luzier to approve the application for sales associate; the motion passed without dissent.
- Tab X Emmanuela Perez-Mota, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
- Tab AC Daniel Reyes, present Vice-Chair Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4 to 1.
- Tab AG Greyson Sweval, present Commissioner Boring moved; seconded by Vice-Chair Fryer to approve the application for sales associate; the motion passed without dissent.
- Tab E Najary Emilia DeCastro, not present Commissioner Luzier moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.
- Tab L Kaemel C. Hines Smith, not present Vice-Chair Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab P – Mellas Kenton, not present – Vice-Chair Fryer moved; seconded by Commissioner Boring to deny the application for sales associate; the motion passed without dissent.

Tab R – Anatoly Kraiter, not present – Commissioner Luzier moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed without dissent.

Tab U – Alma Gabriella Manrique, not present – Vice-Chair Fryer moved; seconded by Commissioner Luzier to deny the application for sales associate; the motion passed without dissent.

Tab Y – Sergio Pitta, not present – Vice-Chair Fryer moved; seconded by Commissioner Chotas to deny the application for sales associate; the motion passed without dissent.

Tab Z – Louis Ponce, PA, not present – Applicant requested a continuance and waived the 90-day requirement.

Tab AE – Angel Luis Soler, not present; was represented by Steven Johnson, Esquire, not present – Applicant requested a continuance until March 2016.

Tab AH – Brandon Taylor, not present – Commissioner Luzier moved; seconded by Vice-Chair Fryer to deny the application for sales associate; the motion passed without dissent.

Special Agenda

2016 FREC Calendar

Director Watkins presented the 2016 FREC Calendar for the Commission's consideration and approval. Vice-Chair Fryer moved to approve the 2016 Meeting Calendar as presented. Commissioner Boring seconded the motion. The motion carried unanimously without dissent.

Nominations for Chair and Vice-Chair

Chair Furst opened the floor for nominations.

Commissioner Boring nominated Commissioner Fryer for Chair. Hearing no objections, Chair Furst closed nominations. Upon unanimous vote Commissioner Fryer was elected for Chair.

Commissioner Chotas nominated Commissioner Boring for Vice-Chair. Hearing no objections, Chair Furst closed nominations. Upon unanimous vote Commissioner Boring was elected for Vice-Chair.

Director's Comments

Director Watkins thanked Chair Furst for her tireless service to the Division, the Commission and the industry.

Chair's Remarks

Chair Furst thanked everyone for their comments and stated that it has been a real pleasure serving as Chair this past year. Chair Furst also wanted to give credit to the Division staff for their professionalism and support. Vice-Chair Fryer also expressed his gratitude for the Division staff.

Public Comments

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

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 17 and 18, 2015, in Orlando, Florida.

Darla Furst, Chair

Florida Real Estate Commission

Juana Watkins, Director

Florida Real Estate Commission